

Table of Contents

1

2 V. Brown & Williamson 237

3 A. Kool..... 243

4 1. Masculinity 244

5 2. Excitement and Fun 251

6 3. Being Part of a Young, Cool In-Group..... 254

7 4. Use of Music to Appeal to Adolescents..... 257

8 5. The B Kool Campaign 260

9 6. The House of Menthol Campaign..... 271

10 7. The Kool Mixx Campaign 276

11 B. Carlton..... 281

1 **V. Brown & Williamson**

2 **Q: What types of Brown & Williamson materials did you analyze?**

3 A: I examined Brown & Williamson marketing planning and research documents including
4 documents specific to Kool; Brown & Williamson advertisements; other marketing
5 materials; and depositions of Brown & Williamson marketing executives. I also
6 reviewed videotaped presentations regarding the B Kool campaign and Kool sponsorship
7 of Indy Car racing.

8 **Q: What conclusions did you draw from your review of these materials?**

9 A: I drew three conclusions. First, Brown & Williamson understands the need to influence
10 adolescents to begin smoking its cigarette brands to build and maintain its market.
11 Second, Brown & Williamson understands the themes and images likely to motivate
12 teenagers to smoke its cigarette brands. Third, Brown & Williamson has effectively
13 incorporated such themes and images into its marketing of Kool and thereby
14 communicates to adolescents through its marketing that smoking this brand will satisfy
15 certain adolescent needs such as masculinity, excitement, fun, and coolness.

16 **Q: Please explain your first conclusion.**

17 A: Brown & Williamson knows that increases or decreases in the market share of Kool
18 depend on the proportion of adolescents who begin smoking this brand.

19 **Q: Dr. Biglan, have you created a demonstrative of materials that support your
20 conclusions?**

21 A: Yes. I created Demonstrative 14, which I will refer to in my testimony.

22 **Q: Can you provide an example of a document that supports your conclusion?**

1 A: Yes. A February 21, 1973 internal Brown & Williamson memorandum from R.L.
2 Johnson, an employee of Brown & Williamson Advertising, to R.A. Pittman, a Brown &
3 Williamson Vice President, discussed the importance to Kool of the 16- to 25-year-old
4 age group:

5 At the present rate, a smoker in the 16-25 year age group will soon be
6 three times as important to KOOL as a prospect in any other broad age
7 category. . . . KOOL's stake in the 16-25 year old population segment is
8 such that the value of this audience should be accurately weighted and
9 reflected in current media programs . . . all magazines will be reviewed to
10 see how efficiently they reach this group.

11
12 170052238-2240 at 2238-2239, 2240 (U.S. Exhibit 35,018).

13 **Q: What does this document show?**

14 A: This document demonstrates that Brown & Williamson recognizes the importance of
15 getting its share of the teenage market.

16 **Q: Can you describe another Brown & Williamson document?**

17 A: Yes. A Brown & Williamson document that gave a "1976 Forecast" entitled "Viceroy
18 Agency Orientation Outline" analyzed which brands were most successful in "obtaining
19 starting smokers" and analyzed consumption among 16- to 25-year-olds. Brown &
20 Williamson also identified one of its target audiences as "Males 16-35 primarily."
21 680116947-6968 at 6949, 6950, 6959 (U.S. Exhibit 21,877).

22 **Q: Can you provide examples of other Brown & Williamson documents that support
23 your conclusion?**

24 A: A December 1, 1980 report entitled "Kool: 1933-1980 A Retrospective View of Kool"
25 prepared for Brown & Williamson by Cunningham & Walsh discussed the fact that
26 growth in Kool sales was dependent upon getting young people to smoke the brand. In
27 explaining the growth of Kool sales between 1960 and 1965, the report stated: "Between

1 3 and 4 million post-war babies enter the smoking population annually starting in 1963, a
2 new source of business.” 676019303-9393 at 9329 (U.S. Exhibit 53,921).

3 It is important to note that “post-war babies” were, during this period, generally
4 below the age of 18. For example, in 1963, a child born in 1946 was 17; one born in
5 1948 was 15. According to the report, Brown & Williamson’s television advertising
6 during this period reached “two key growing opportunity segments: Young people,
7 particularly males, needing traditional rites of passage” and “Blacks, looking for a
8 menthol taste” 676019303-9393 at 9331 (U.S. Exhibit 53,921).

9 The report also stated:

10 If we accept that youth smoke primarily for image, and it was the
11 attraction of this segment as well as black smokers, particularly males, that
12 provided the main sources for the Brand's growth, then we can deduce that
13 Kool's advertising provided these smokers with a relevant image, i.e., the
14 menthol smoke for the kind of man they could emulate.

15
16 676019303-9393 at 9341 (U.S. Exhibit 53,921).

17 In addition, the report is explicit about the importance of starters: “Kool's share of
18 starters climbs to 12.0% in '75 vs. 7.0% in '70; 60% of starters are under 25 years in
19 '75.” 676019303-9393 at 9357 (U.S. Exhibit 53,921).

20 **Q: How does this document support your conclusion?**

21 A: It shows that Brown & Williamson understands that the market share for Kool depends
22 on the number of adolescent starters it can influence to smoke Kool and that Brown &
23 Williamson can influence those starters to smoke Kool if the brand’s advertising conveys
24 that Kool smokers have an attractive image.

25 **Q: Can you provide an example of other documents and briefly describe how they**
26 **support your conclusion?**

1 A: An October 26, 1983 “Report Produced by the Information Center” for Brown &
2 Williamson entitled “Starting Age of All Smokers on the Switching Study” shows the
3 distribution of ages at which respondents started smoking. More than 37% of
4 respondents reported starting before the age of 18 and 60% before the age of 21.
5 670579884-9946 at 9884 (U.S. Exhibit 25,429). This document shows that Brown &
6 Williamson understood that a sizeable proportion of smokers would begin smoking
7 another company's brand in their teenage years if they did not begin smoking a Brown &
8 Williamson brand. Therefore, Brown & Williamson understood that it was important to
9 attract adolescents to smoke its brands.

10 Brown & Williamson’s “1985 Strategic Marketing Plan” discusses how
11 information it has gathered about the desires of Marlboro smokers “may be a clue to
12 needs of starters.” 673002083-2170 at 2138 (U.S. Exhibit 69,097). Brown &
13 Williamson was interested in what needs motivate young people to begin smoking; in
14 order to compete with Marlboro, Brown & Williamson needed to understand how to
15 motivate starting smokers to choose Kool.

16 A 1985 document from Brown & Williamson’s parent company, British
17 American Tobacco (BAT), stated under the heading “BAT: General Marketing Policies”:
18 “Overall BAT strategy will be market specific and multi-brand but within each market
19 major effort behind one brand aimed at starters/young adults.” 109870521-0561 at 0536
20 (U.S. Exhibit 21,925).

21 A February 17, 1987 memorandum from D.V. Cantrell to I.D. Macdonald, Brown
22 & Williamson Marketing Vice President entitled “Kool Isn’t Getting the Starters/236”
23 stated: “This memo addresses the fact that Kool is no longer attracting new smokers

1 (further referred to as ‘starters’).” The memorandum analyzes the role of menthol brands
2 in helping young people get used to smoking:

3 Menthol brands have been said to be good starter products because new
4 smokers appear to know that menthol covers up some of the tobacco taste
5 and they already know what menthol tastes like, vis-à-vis candy.

6
7 621079918-9921 at 9918, 9920 (U.S. Exhibit 30,792). This document demonstrates that
8 Brown & Williamson recognizes the importance of getting new smokers (i.e. starters) to
9 smoke its brands.

10 A number of documents show that Brown & Williamson understands the
11 importance of the adolescent market for its business. For example, a British American
12 Tobacco document from the 1980s that discussed Project “Saturn” noted that the
13 “adoption phase” for smoking was “14-16 years old—High School (Formative Years).”
14 400229127-9148 at 9139 (U.S. Exhibit 47,489).

15 In other documents, Brown & Williamson reviewed data on brand market share or
16 consumption among those as young as 16. 680116947-6968 at 6950 (U.S. Exhibit
17 21,877); 670624932-5364 at 5013-5015, 5061 (U.S. Exhibit 53,869).

18 **Q: Let’s turn to your second conclusion. Can you further explain this conclusion?**

19 A: Brown & Williamson is aware of the psychological needs that motivate adolescents to
20 smoke cigarettes.

21 **Q. Can you provide examples of documents and briefly explain how they support your
22 conclusion?**

23 A: Yes. A Brown & Williamson document from 1976 entitled “Viceroy Agency Orientation
24 Outline” discussed “real or perceived benefits of smoking,” which include “symbol of
25 maturity or independence,” “social ice breaker,” and “presentation of self in a favorable

1 manner associated with the cigarette brand image.” The document analyzed Marlboro’s
2 executional elements (cowboys, horses, scenery, and lifestyle) and the connotations of
3 these elements, including rugged individualism, masculinity, strength, and good health.
4 Through its advertising, Marlboro achieves “benefits through imagery,” namely,
5 “Marlboro is a rich, satisfying cigarette smoked by men who are strong, independent
6 people whose lifestyles are equally rich and satisfying.” 680116947-6968 at 6952, 6964
7 (U.S. Exhibit 21,877).

8 This document shows that Brown & Williamson understands that, in order to
9 motivate adolescents to smoke, its advertising must associate its brands with images
10 important to those adolescents, such as masculinity, strength, independence, and
11 maturity.

12 **Q: Are there other Brown & Williamson documents that support your conclusion?**

13 A: Yes. An August 28, 1979 document entitled “Key Areas–Product Innovation over Next
14 10 Years for Long Term Development” from Brown & Williamson parent company,
15 British American Tobacco. This document referenced “Image/peers” as “Factors starting
16 the habit.” 109872505-2508 at 2505 (U.S. Exhibit 21,530). This document shows that
17 Brown & Williamson was aware that adolescents start smoking, at least in part, so that
18 they can project a desired image to their peers.

19 A British American Tobacco document from the 1980s that discussed Project
20 “Saturn” indicated that the need for social acceptance is among the influences on
21 smoking initiation. This includes being able to “avoid threats” and “join crowd (avoid
22 rejection).” The document also listed as reasons for smoking: “role models,” “fear of
23 rejection,” “revolt,” and “right [sic] of passage.” 400229127-9148 at 9138, 9139 (U.S.

1 Exhibit 47,489). This document demonstrates that Brown & Williamson's affiliate has
2 analyzed the factors that influence adolescents to begin smoking and understands some of
3 the key psychological needs that adolescents have. I understand that BAT shared some
4 research with Brown & Williamson.

5 My Demonstrative 14 includes several additional documents that state that the
6 need to rebel against authority motivates taking up smoking. D.E. Creighton, BATCo
7 Research and Development Scientist, presented a "Structured Creativity Group
8 Presentation" at the "Structured Creativity Conference" held on June 25-28, 1984. The
9 presentation discussed the need "to appeal to the young, who want to protest so that the
10 product image, and the product will satisfy this part of the market." 102690336-0350 at
11 0338 (U.S. Exhibit 21,681). These documents show that Brown & Williamson
12 understood the role of rebelliousness in motivating adolescents to smoke.

13 **A. Kool**

14 **Q: Let's turn to your third conclusion. Can you further explain this conclusion?**

15 A: Brown & Williamson has effectively incorporated themes and images into its marketing
16 of Kool that communicate to adolescents that smoking this brand will satisfy important
17 adolescent needs. Brown & Williamson marketing associates the Kool brand and
18 smokers of Kool with at least three types of images or attributes important to adolescents:
19 (1) masculinity, (2) excitement and fun, and (3) membership in a young, cool, in-group.
20 In addition to its other marketing practices, Brown & Williamson has made extensive use
21 of music to associate these images with the Kool brand and Kool smokers.

1 1. Masculinity

2 **Q: Dr. Biglan, please describe the image of masculinity that Brown & Williamson**
3 **associates with Kool.**

4 A: There are a variety of attributes that Brown & Williamson uses to define the masculine
5 brand image of the Kool smoker. They include being tough, self-confident, able to take
6 care of oneself, strong, highly skilled in athletics, hard-working, independent, and
7 adventurous.

8 **Q: Does Brown & Williamson’s use of images of masculinity in its marketing of Kool**
9 **make the brand appealing to adolescents?**

10 A: Yes it does. By associating the Kool brand with images of handsome, self-confident, and
11 socially successful men, the company communicates to adolescent males who are
12 searching for ways to achieve a satisfying masculine self-image that they can achieve that
13 image by smoking the Kool brand. In addition to the masculine images that Brown &
14 Williamson conveys in advertising, its association of the Kool brand with sports, through
15 advertisements in *Sports Illustrated*, and through sponsorship of Indy Car racing, conveys
16 to adolescents that smoking Kool is an essential component of being a successful,
17 masculine athlete. In addition, by associating the Kool brand with music that is popular
18 among adolescents, Brown & Williamson associates the brand with images of popular
19 musicians who are influential male role models among adolescents.

20 **Q: Have you created a demonstrative to illustrate your conclusion?**

21 A: Yes, Demonstrative 15 shows Brown & Williamson’s association of Kool with
22 masculinity as well as excitement and fun, and membership in a young, cool, in-group.

1 **Q: Can you provide an example of a document showing Brown & Williamson’s**
2 **association of Kool with masculinity?**

3 A: Yes. In the Kool Strategic Brand Plan for 1981, Brown & Williamson stated, “KOOL’s
4 equity of name, product uniqueness and young male symbolism must be brought into the
5 1980’s and exploited.” 670624652-4705 at 4656 (U.S. Exhibit 20,973).

6 **Q: What does this document demonstrate?**

7 A: This document demonstrates that Brown & Williamson was striving to ensure that its
8 marketing associated Kool with a version of masculinity that would be appealing to
9 younger people and that, by doing so, it could more effectively market the brand.

10 **Q: Can you describe other documents?**

11 A: Yes. A Brown & Williamson “Work Plan” from 1985 entitled “New Kool 25’s Test
12 Market” stated: “The 25’s package may also enhance the masculine appeal of KOOL to
13 its targeted young adult smokers.” 661092913-2933 at 2915 (U.S. Exhibit 53,694).

14 The Kool Media Plan for 1985 also shows that Brown & Williamson tried to
15 market Kool through images of masculinity. The plan stated: “The creative property is
16 judged to be a strong masculine proposition for the brand and as such a valuable targeting
17 device for young male smokers.” 670660378-0420 at 0380 (U.S. Exhibit 53,870).

18 **Q: What does this document show?**

19 A: Together with the earlier documents, it shows that Brown & Williamson has consistently
20 used masculinity to try to make Kool appealing. As I testified earlier, by making Kool
21 the “ultimate expression” of masculinity, the company motivates anyone who is seeking
22 masculinity to smoke Kool.

23 **Q: Can you provide another example?**

1 A: Yes. An August 1985 research report prepared for Brown & Williamson by Kapuler
2 Marketing Research evaluated four alternative black models for the Kool “Biker”
3 campaign. The researchers conducted eighty interviews with black male menthol
4 smokers between 21 and 35 years of age. These smokers viewed a series of “visuals”
5 involving black male models and motorcycles. The study identified one model that was
6 especially effective:

7 The most striking finding of the present study is the considerable
8 emotional involvement generated by the model called, ‘The Player’
9 Respondents are often openly envious of the Player’s imagined success
10 with women and the easily-won affluence they think he enjoys. He is
11 perceived as a young man whom younger respondents find it especially
12 easy to relate to. He is sharp, street-smart, good looking, and very cool.
13 All these are strongly admired traits.
14

15 The study also provided evidence of the value of associating Kool with motorcycles:

16 Respondents continue to see the same themes in the motorcycle-related
17 visuals: freedom and escape, solitude and self-sufficiency, danger,
18 manliness, power and control.
19

20 679010345-0391 at 0354, 0359 (U.S. Exhibit 71,218).

21 **Q: What does this document demonstrate that is relevant to your conclusion?**

22 A: Brown & Williamson carefully crafted and evaluated advertisements in order to identify
23 those that most powerfully portray the Kool smoker as an attractive and powerful man.

24 **Q: Can you provide other examples?**

25 A: Yes. A September 8, 1986 memorandum to J.L. Hendricks, Brand Promotions Project
26 Manager, summarized qualitative research done in 1986 on “New Kool Advertising
27 Executions.” It reported:

28 Both male models project extremely masculine images. They are seen as
29 strong men in both the physical and emotional sense. This machismo is
30 conveyed by the presence of the motorcycle and the women who seem to
31 be holding on to, and even grasping, the men in some of the visuals.

1
2 676010419-0431 at 0421 (U.S. Exhibit 69,112).

3 A May 1987 study entitled “Kool Impact Awareness & Usage Study Pre-Wave,”
4 prepared for Brown & Williamson by Kapuler Marketing Research, concluded that
5 “KOOL Full-Taste smokers were best described as being ‘masculine’ and ‘rugged’.”
6 465647509-7599 at 7522 (U.S. Exhibit 67,875).

7 **Q: What do these documents show?**

8 A: Brown & Williamson’s marketing of Kool employs masculine images, which make the
9 brand appealing to adolescents who want to establish their own sense of confident
10 masculinity. Additionally, Brown & Williamson was able to confirm that its marketing
11 was conveying that Kool Full Taste smokers appeared to be masculine and rugged.

12 **Q: Could you provide some examples of Kool advertisements that convey masculinity?**

13 A: Yes. Brown & Williamson communicates masculinity in its Kool advertisements by
14 showing attractive young men smoking Kool, looking confident, and engaging in
15 activities that are of interest to many men. The two-page advertisement below, from a
16 late 1986 *Sports Illustrated* associates the Kool brand with a handsome, rugged man with
17 a good-looking woman and a powerful motorcycle. As the September 8, 1986
18 memorandum described above indicates, such an advertisement is effective in conveying
19 an “extremely masculine” image. 676010419-0431 at 0421 (U.S. Exhibit 69,112).



1

2

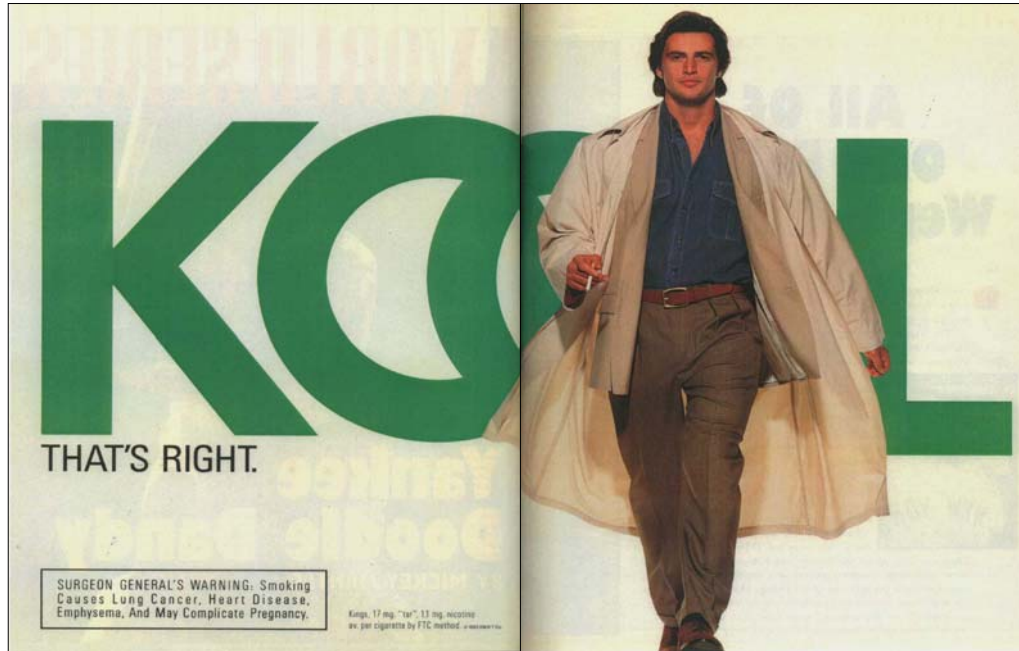
3

This advertisement from 1985 shows a good-looking man on his motorcycle in a country setting.



Sports Illustrated, 1985 (ADV0230310-0312, U.S. Exhibit 8,013)

1 Here is a handsome, well-dressed young man confidently walking toward the camera,
2 cigarette in hand.



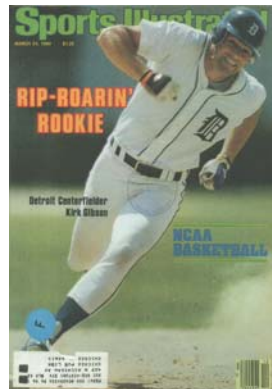
Sports Illustrated, 1989 (ADV0260075-0077, U.S. Exhibit 9,199)

3 **Q: Can you describe some of the magazines in which Brown & Williamson places its**
4 **Kool brand advertisements?**

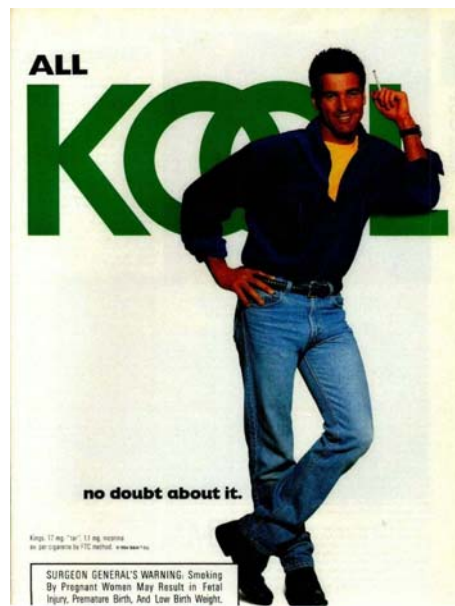
5 A: The magazines in which Brown & Williamson places these advertisements cover a
6 variety of topics of interest to adolescent males, including sports, automobiles, and music.
7 When Brown & Williamson puts images of masculine Kool smokers in the context of
8 these masculine role activities, it communicates that smoking Kool is part of being a man.

9 **Q: Can you provide an example of magazines in which Brown & Williamson placed**
10 **advertisements for Kool?**

1 The two advertisements below were in *Sports Illustrated* in 1980 and 1994,
2 respectively. They pair masculine, handsome, self-confident young men with the Kool
3 brand and effectively associate the Kool smoker with professional sports.



Sports Illustrated, 1980 (ADV 0190599-0601, U.S. Exhibit 6,400)



Sports Illustrated, 1994 (ADV0260293-0295, U.S. Exhibit 9,269)

1 **2. Excitement and Fun**

2 **Q: What other images does Brown & Williamson associate with Kool?**

3 A: Brown & Williamson associates Kool with excitement and fun.

4 **Q: Does Brown & Williamson’s association of Kool with excitement and fun make the**
5 **brand appealing to adolescents?**

6 A: Yes. As I testified earlier, adolescents are particularly interested in exciting and fun
7 activities. Indeed, the increased desire for excitement and risk-taking in adolescence
8 appears to be biologically driven. By promoting Kool as compatible with excitement and
9 fun, Brown & Williamson makes it particularly appealing to adolescents who crave
10 excitement.

11 **Q: How has Brown & Williamson communicated excitement and fun through its**
12 **marketing of Kool?**

13 A: Brown & Williamson has associated Kool and its smokers with excitement and fun
14 through images of motorcycles, images of Kool smokers engaged in fun and exciting
15 activities, and through its association of the Kool brand with music popular among youth.

16 **Q: Can you provide an example of a document showing Brown & Williamson’s**
17 **association of Kool with excitement and fun?**

18 A: A Brown & Williamson “Smoker Personality Study” for Kool included research showing
19 that people high in “risk taking/hedonism” are an important target audience for Kool
20 marketing. To address risk-taking, the document recommends that “Visual cues which
21 add flash, flair, and excitement would address the personality trait of risk
22 taking/hedonism.” 679155993-6194 at 6009, 6023 (U.S. Exhibit 71,120).

1 **Q: What does this document demonstrate that is relevant to your conclusion that**
2 **Brown & Williamson associates Kool with excitement and fun?**

3 A: It shows that Brown & Williamson is trying to make the Kool brand more appealing to
4 those high in risk-taking by associating it with exciting stimuli. Brown & Williamson's
5 use of motorcycles in its advertising, shown earlier, is one example of this practice.

6 **Q: Do any Brown & Williamson documents show Brown & Williamson's use of**
7 **motorcycles to associate Kool with excitement and fun?**

8 A: Yes. Brown & Williamson's 1984 "Kool Biker Ad Campaign Test Market Work Plan"
9 stated: "The 'Biking' experience, as depicted in the ads, provides a brief escape from the
10 ordinary life to enjoy the freedom and
11 excitement of the open road." 635900092-0117
12 at 0094 (U.S. Exhibit 54,346).

13 **Q: Do any advertisements show Brown &**
14 **Williamson's use of motorcycles to market**
15 **Kool?**

16 A: Yes. This 1985 advertisement was placed the
17 year after the date of the just-cited document. It
18 shows an attractive young man both sitting on
19 and riding a motorcycle and states that Kool will
20 supply "A sensation beyond the ordinary."

21 **Q: How else has Brown & Williamson associated**
22 **excitement and fun with the Kool brand?**

23 A: Brown & Williamson has associated the Kool



Rolling Stone, 1985 (ADV0050973-0975, U.S. Exhibit 1,094)

1 brand with youthful recreational activities and images of young people having fun. For
2 example, a December 5, 1980 memorandum from M. Matteson, Kool Brand Manager, to
3 R.L. Llewellyn entitled “Kool In-Store Presence” described plans to promote Kool during
4 the 1981 spring break in Florida:

5 Kool will be spending almost \$500M over four weeks in these two
6 markets against the young adult vacationers. This will be a tie-in program
7 with *Playboy* (and their bunnies) to conduct mass sampling in bars. Kool
8 has the opportunity to conduct in-store promotions that will tie in with the
9 entire beach mentality of these young adults.

10
11 660073510-3510 (U.S. Exhibit 53,572).

12 **Q: Do any advertisements from the 1980s associate the Kool brand with images of fun**
13 **and recreational settings?**

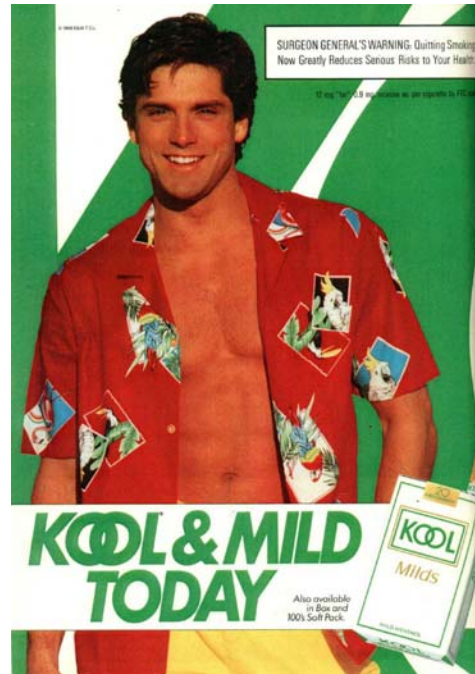
14 A: Yes. On this and the next page are three advertisements from the late 1980s showing
15 happy and attractive young men and women in
16 recreational settings.



Sports Illustrated, 1987
(ADV0240327-0329, U.S.
Exhibit 8,429)



Sports Illustrated, 1988
(ADV0240621-0623, U.S.
Exhibit 8,518)



Sports Illustrated, 1989
(ADV0241101-1103, U.S.
Exhibit 8,664)

1 3. *Being Part of a Young, Cool In-Group*

2
3 **Q: You testified that Brown & Williamson associates Kool with membership in a**
4 **young, cool in-group. Can you explain further?**

5 **A:** Peer acceptance among adolescents depends on seeming to be someone who is “into” the
6 latest trends and fashions—in clothes, in music, and in lifestyle activities. If Brown &
7 Williamson can make the Kool brand a part of this “scene,” it will motivate many
8 adolescents to smoke the brand as a way of gaining acceptance among their peers.

9 **Q:** **How does Brown & Williamson convey that Kool smokers are members of a young,**
10 **cool in-group?**

1 A: Most of the advertisements I just
2 showed indicate that the Kool smoker
3 is a young and attractive person.
4 Another example is this advertisement
5 from a 1975 issue of *Cosmopolitan*. It
6 shows a handsome fellow admiring a
7 young woman who is smoking Kool.



8 **Q: Did Brown & Williamson internal**
9 **documents discuss whether Kool**
10 **advertisements effectively**
11 **communicated that the Kool smoker**
12 **is a member of a young, cool in-**
13 **group?**

Cosmopolitan, 1975 (ADV0281021-1023, U.S. Exhibit 10,443)

14 A: Yes. An August 1983 study, “Movie Intercept Study Kool Cigarette Commercial
15 Analysis,” prepared for Brown & Williamson by Burke Marketing Research, evaluated
16 advertising in movie theaters. The study concluded, “The ‘Playing It Kool’ commercial
17 does not successfully convey a youthful image of or generate self-association with the
18 Kool cigarette brand.” 676101765-1824 at 1776 (U.S. Exhibit 69,124).

19 **Q: What does this document demonstrate?**

20 A: This document demonstrates that Brown & Williamson had difficulty in the 1980s in
21 conveying the image of the Kool smoker as a young, “in” person.

22 **Q: Did other documents contain similar findings?**

1 A: In a March 6, 1985 Brown & Williamson memorandum from A.G. Forsythe, a Brown &
2 Williamson Brand Assistant, to R.D. Sharp, a Brown & Williamson Group Product
3 Director, entitled “Kool 1985/1986 Issues,” Forsythe discussed the problem that Kool
4 “has lost its ‘in-brand’ status and needs to take different measures to re-establish itself
5 within the culture.” Forsythe noted, “Marlboro and Newport are growing because they
6 are ‘in-brands’ for young adult target audiences. They have peer group acceptance and
7 high perceived popularity.” Brown & Williamson identified the perceived age of Kool
8 smokers as one of the reasons for this problem:

9 Newport has maintained creative consistency since the early 70’s. The
10 Newport campaign has been tightly targeted to young adults. During this
11 time, Kool either had no user image campaigns or was depicting older
12 models.
13

14 554000052-0060 at 0052-0053 (U.S. Exhibit 20,937).

15 **Q: What does this document demonstrate?**

16 A: It shows that Brown & Williamson was striving to have the Kool brand perceived as the
17 “in” brand in peer groups so that members of those groups would purchase Kool. It
18 shows, however, that, at this point, Brown & Williamson was not successful at doing so.
19 Rather, Lorillard’s Newport campaign and the Philip Morris Marlboro campaign were
20 more successful in conveying the image that smoking those brands would garner peer
21 acceptance.

22 **Q: What is the significance of the discussion of age to Kool’s success among**
23 **adolescents?**

24 A: Social success among adolescents depends upon their appearing to others to be “up with”
25 or “into” the latest trends and fashions. The perception that mostly older people wear a
26 fashion or engage in an activity or lifestyle behavior makes it unpopular among young

1 people; thus, a young person who adopts it risks ridicule of his peers. If adolescents
2 perceive that only “old people” smoke Kool, they will not expect to gain popularity and
3 social acceptance by smoking that brand. Therefore, it was vital to its market success
4 that Brown & Williamson change the age perception of Kool. For example, a September
5 1984 “Kool Advertising Tracking Study” of Brown & Williamson’s then-current
6 campaign cited as a potential problem, “Decline in ‘appeal primarily to young’ across all
7 groups.” 673002075-2082 at 2076 (U.S. Exhibit 69,096).

8 **4. Use of Music to Appeal to Adolescents**

9 **Q: Does Brown & Williamson use music in marketing Kool?**

10 A: Brown & Williamson uses music as a device to associate the Kool brand with the three
11 types of images that Brown & Williamson uses to market the Kool brand—namely,
12 masculinity, excitement and fun, and membership in a cool in-group.

13 **Q: How does use of music in the marketing of Kool make the brand appealing to**
14 **adolescents?**

15 A: By associating the brand with popular music, Brown & Williamson enhances the appeal
16 of the brand in several ways. First, to the extent that the music appears to be “in” or
17 “cool,” it associates Kool with these images and thereby enhances the image of Kool and
18 Kool smokers as “in” or “cool.” Second, to the extent that the musicians associated with
19 Kool appear as hip or “cool,” it further strengthens these images for Kool and Kool
20 smokers. Third, to the extent that the music is attractive to adolescents, their pursuit of
21 the music puts them into contact with further images of the Kool brand and its smokers.

22 **Q: How does Brown & Williamson use music to associate the Kool brand with these**
23 **themes?**

1 A: In the company's most recent advertising campaigns, Brown & Williamson's music-
2 related marketing effectively conveys to adolescents that admired young African-
3 American musicians smoke Kool and that, by smoking Kool, the adolescent can achieve
4 a sense of being like these admired musicians.

5 **Q: Are there internal Brown & Williamson documents that discuss its use of music for**
6 **this purpose?**

7 A: Yes. Demonstrative 15 lists several documents concerning Brown & Williamson's use of
8 music to market Kool, both in older and more recent campaigns.

9 **Q: Can you provide an example?**

10 A: Yes. An October 10, 1979 memorandum entitled "Final Report Kool Jazz Festival
11 Promotion Study and In-event Study" from S.A. Kightlinger to F.E. McKeown, Brown &
12 Williamson Group Product Manager reported that blacks who attended the Kool Jazz
13 Festival were younger than average. Brown & Williamson concluded that the festival
14 was "a viable promotional tool." 665070450-0461 at 4064, 0450 (U.S. Exhibit 69,065).

15 **Q: Do other Brown & Williamson documents show Brown & Williamson's association**
16 **of Kool with music?**

17 A: Yes. A 1981 study entitled "Final Report Kool Campaign Qualitative Evaluation"
18 prepared for Brown & Williamson by Kapuler & Associate Marketing Research shows
19 that Brown & Williamson understands the value of music for making Kool appealing to a
20 younger target audience:

21 It appears that the younger the respondent, the more importance he
22 attaches to the fact that the music is contemporary. Some people also use
23 music to feel part of a special group. This is primarily done by younger
24 people who tend to be more influenced by their peers than older people
25 Based on this research, it appears that the use of music in advertising
26 was very effective. It is doubtful whether any subject other than music

1 could have elicited such rich imagery from people who were not in any
2 way extraordinary.

3
4 665000008-0091 at 0039, 0040, 0042 (U.S. Exhibit 69,036).

5 Brown & Williamson’s “1985 Strategic Marketing Plan” stated:

6 Group Identification—Music helps people feel part of a group and can
7 symbolize their status and important lifestyle values. This is particularly
8 important among young adults who have few possessions to communicate
9 their status. A recurring theme . . . is the perception of the musicians
10 depicted as ‘cool’. This is defined in the research as laid-back, self-
11 assured, individualistic, and in control.

12
13 673002083-2170 at 2167 (U.S. Exhibit 69,097) (emphasis in original).

14 **Q: What do these documents demonstrate?**

15 A: They show the value to Brown & Williamson of associating music with the Kool brand.
16 By such association, Brown & Williamson communicates that smoking Kool can make
17 someone a member of a cool in-group. Brown & Williamson understands that music is
18 especially important to young people and that musical tastes are important for appearing
19 as “cool” and self-assured, for achieving status with one’s peers, and for being part of a
20 group. Associating the Kool brand with music that has the potential to imbue the brand
21 with these same images will make the brand more appealing to adolescents.

22 **Q: Can you provide another example?**

23 A: Yes, other documents show that associating music with Kool fosters the image of Kool
24 smokers as living an exciting life. For example, Brown & Williamson’s “1985 Strategic
25 Marketing Plan” stated, under the heading “Kool Music Property,”

26 The Essences of the KOOL Property—A Strong desire to be in the places
27 envisioned, hear the action, and see the scene in which it is taking place.
28 A feeling or mood of pleasure, relaxation, or excitement depending on the
29 one’s [sic] need at the time.

30
31 673002083-2170 at 2168 (U.S. Exhibit 69,097).

1 **Q: Can you provide examples of Kool advertisements that used musical themes?**

2 **A:** Yes. These two advertisements from 1984 pair Kool with “hot music.”



Sports Illustrated, 1984 (ADV0220758-0760, U.S. Exhibit 7,767)



Sports Illustrated 1984 (ADV0220620-0622, U.S. Exhibit 7,721)

3 **5. The B Kool Campaign**

4 **Q: Which recent Kool marketing campaigns did you review?**

5 **A:** I reviewed the B Kool, House of Menthol, and Kool Mixx campaigns.

6 **Q: How did the B Kool campaign originate?**

7 **A:** It was a product of Project Look, which was a Brown & Williamson project to revitalize
8 the image of Kool that arose out of Brown & Williamson's need to increase the number
9 of young people who smoked Kool. The purpose of Project Look was to find ways to
10 improve the image of Kool smokers on attributes involving youthfulness and membership
11 in an in-group. Nick Wilkerson, Director of Market Strategy & Development in 1997,
12 described Brown & Williamson's motivation in a videotaped presentation: “[O]ur share

1 of 21 to 25 year olds is less than one percent versus about the three and half share we
2 have in the total market We just don't get new smokers." (U.S. Exhibit 87,811). In
3 addition to noting Kool's low market share among 21 to 25 year-olds, Mr. Wilkerson said
4 that Kool got low ratings on images of "being a leading brand," "being a brand that has
5 kept up with the times," and "a brand that is for young adults." (U.S. Exhibit 87,811).

6 **Q: What resulted from Project Look?**

7 A: One thing that resulted was the B Kool Campaign. This campaign began in 1997 for the
8 express purpose of altering the perception that Kool was not for the young in-group. As
9 Nick Wilkerson said in his videotaped presentation, the company was trying to make
10 Kool "[A] brand for young adult smokers again." (U.S. Exhibit 87,811).

11 **Q: What was Brown & Williamson's objective for the B Kool campaign?**

12 A: Sharon Smith, Director of Creative Services, in discussing the creative work involved in
13 the B Kool campaign, stated that the objective of the B Kool campaign was to
14 communicate the image of the user, not of the product. The campaign attempts to
15 "Depict scenes the target can identify with and is relevant to their lifestyle." The object
16 was to elicit reactions such as "That's supposed to be me with the KOOL pack in my
17 hand." (U.S. Exhibit 87,811).

18 **Q: Can you explain Sharon Smith's statement that the objective of the B Kool**
19 **advertising was to "communicate the image of the user, not the image of the**
20 **product?"**

21 A: As many of the documents from each tobacco company demonstrate, the image of the
22 smoker of a brand is pivotal in motivating people to smoke that brand. Each brand has a
23 set of distinctive image attributes that determines to whom it appeals and to what extent it

1 is appealing. As documents I testified about earlier show, Brown & Williamson had
2 discovered that the image of the Kool smoker was one of being older and not “in.”
3 Sharon Smith was indicating that Brown & Williamson had developed the B Kool
4 campaign to change its target’s perception of the Kool smoker because it was that
5 perception of Kool smokers—more than the cigarette itself—that would determine
6 whether younger people would be motivated to buy the brand.

7 **Q: Could you provide examples of advertisements that were part of the B Kool**
8 **campaign?**

9 A: Yes. I have three examples of advertisements
10 that were part of the B Kool campaign.

11 The first advertisement appeared in *Vibe*,
12 a magazine focused on urban music and culture.
13 It shows a young man with a tattoo on his wrist
14 holding a Kool pack while a very attractive
15 young woman looks longingly at him.

16 The second one appeared in *Hot Rod*. It
17 suggests that, if you smoke Kool, you can
18 interest even a very attractive woman who
19 already is with a handsome guy in a sports car.

20 The third advertisement was in
21 *Entertainment Weekly* in 1999. It also shows attractive women who—despite appearing
22 to be with other men—are obviously intrigued with the man holding the pack of Kool
23 cigarettes.



Vibe, 1998 (ADV0370111-0113, U.S. Exhibit 10,880)



Hot Rod, 1999 (ADV0840261-0263, U.S. Exhibit 14,557)



Entertainment Weekly, 1999 (ADV0680159-0161, U.S. Exhibit 13,277)

1

2

These advertisements and the B Kool campaign in general effectively associate smoking Kool with each of the three attributes that I testified about earlier: masculinity, excitement and fun, and being a member of a young in-group.

3

4

Q: What do these B Kool advertisements communicate to adolescents about the B Kool smoker?

6

A: All three advertisements convey that young men who smoke Kool are very attractive to beautiful women. The first and third advertisements communicate that the Kool smoker is a popular member of an in-group of stylish young people found in fun places.

7

8

9

10

The advertisements communicate that the types of women who are “in” and attractive like guys who smoke Kool. With this message, these advertisements tell young women who are striving for popularity that being involved with men who smoke Kool will help them become part of the “in” scene. It also tells young men that smoking Kool

11

12

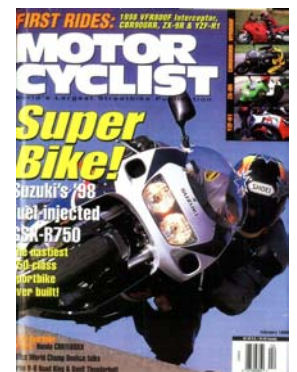
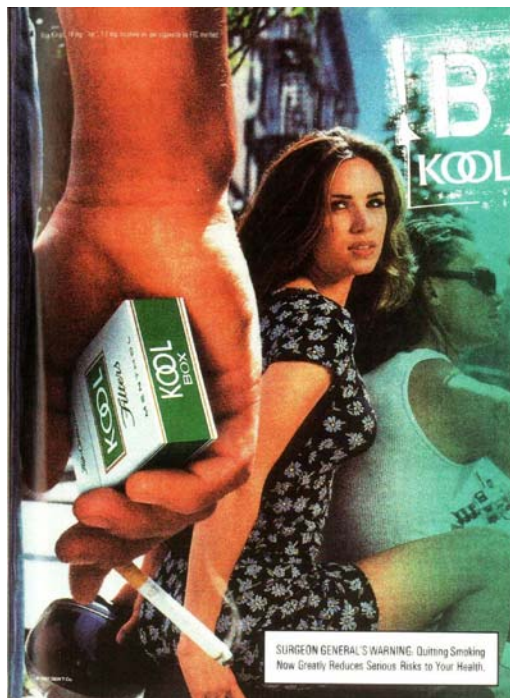
13

1 will lead to them being admired by attractive young women. Similarity is one of the
2 fundamental factors influencing people's liking for each other. For this reason, a young
3 woman who concluded that desirable young men smoked Kool would do well to smoke
4 Kool herself, since doing so would make her more appealing to young men who smoked
5 the brand. Young men also reap a benefit from women seeing such advertising. To the
6 extent that these advertisements convince young women that young men who smoke
7 Kool are attractive, the guy who smokes Kool benefits from that advertising-conditioned
8 perception.

9 **Q: Are there other ways that Brown & Williamson's B Kool campaign associated**
10 **smoking Kool with masculinity, excitement, and fun, and being a member of a**
11 **young in-group?**

12 A: Yes. By placing the B Kool
13 advertisements in certain
14 magazines, Brown &
15 Williamson further enhanced
16 the image of the Kool smoker.

17 For example, the
18 advertisement to the right,
19 showing an attractive woman
20 from a male point of view,
21 appeared in *Motorcyclist*. This
22 advertisement, shot from a



Motorcyclist, 1998 (ADV0780010-0012, U.S. Exhibit 14,170)

1 male point of view, in conjunction with the context of the magazine *Motorcyclist*,
2 communicates that a Kool smoker is into masculine and exciting pursuits.

3 **Q: In what other magazines did B Kool advertisements appear?**

4 A: B Kool advertisements appeared in magazines that feature popular people. When B Kool
5 advertisements showing attractive young people appear in such magazines, Brown &
6 Williamson further dimensionalizes the image of the Kool smoker as a member of a
7 young, cool in-group. For example, when Brown & Williamson places B Kool
8 advertisements in women's magazines featuring popular female celebrities, it associates
9 smoking Kool with images of sexy, self-confident, and attractive women.

10 The advertisement depicted on the following page appeared in a 2000 edition of
11 *Allure*. Common topics in *Allure* are beauty and fashion. Adolescent girls who are
12 anxious to be popular and attractive will read this magazine for cues about what will
13 make them attractive. The Kool advertisement picturing an attractive young woman is
14 one of those cues.

15 **Q: What, if anything, does the B Kool tagline in the advertisements communicate to**
16 **adolescents?**

17 A: The B Kool tagline communicates that by smoking Kool, you can *be cool*—an attribute
18 that many adolescents are eager to have.

19 **Q: Have you reviewed documents and other materials discussing whether the B Kool**
20 **campaign was effective?**

21 A: Yes, the documents and other materials indicated that the B Kool campaign was effective
22 in improving the image of the Kool smoker as young and socially successful.

23 **Q: Can you provide an example?**



Allure, 2000 (ADV0810204-0206; U.S. Exhibit 14,335)

1 A: Yes. In his video presentation, Nick Wilkerson summarized research showing that the B
2 Kool campaign conveyed that people who smoke Kool have a number of attributes:
3 “masculine, strong, independence, confidence, relevance, ‘cool’ attitude.” He showed
4 that Kool’s image was changing for the better on “Smokers in their 20’s,” “for someone
5 like me,” and “is closing the gap with Newport in terms of image.” (U.S. Exhibit 87,811).

6 **Q: How is this relevant to your conclusion?**

7 A: The B Kool campaign was successful in associating images of masculinity and
8 membership in a younger, cool in-group with the Kool brand. This image makeover
9 would make the brand more appealing to adolescents, since, as I have testified,
10 adolescents are highly motivated to achieve these outcomes.

11 **Q: Did other documents inform your conclusions?**

1 A: Yes. In a video presentation, Sharon Smith reported that Brown & Williamson had
2 succeeded in meeting its objectives: “User image communicated by the B Kool campaign
3 is of an independent, self-confident, young adult male (21-30).” (U.S. Exhibit 87,811).

4 Adolescent males are highly desirous to appear as independent, self-confident
5 young adults. With the B Kool campaign, Brown & Williamson communicated that, by
6 smoking Kool, young men could achieve such status. Another Kool document supports
7 my conclusion. 210431300-1317 at 1303, 1308-1309 (U.S. Exhibit 67,715) (Category 1).

8 **Q: What does this document demonstrate?**

9 A: It shows the success of the B Kool campaign in communicating an image of the Kool
10 smoker that is highly appealing to adolescent males. It also shows that Brown &
11 Williamson was sensitive not to associate the brand with anything older, dated, or
12 upscale.

13 **Q: Can you describe another document discussing the effectiveness of the B Kool**
14 **campaign?**

15 A: Yes. A November 1997 report entitled “Perceptions of Kool in the Milwaukee Test
16 Market Round II,” prepared for Brown & Williamson by Goldfarb Consultants, reported
17 on perceptions of Kool in Milwaukee, where Brown & Williamson was evaluating its
18 new B Kool campaign. Among the reactions to the B Kool advertisements were: “He’s
19 cool” and “He’s going to get the girl.” The Kool smoker will “get the chicks” and has
20 “more style.” 462110343-0376 at 0358 (U.S. Exhibit 22,490).

21 **Q: What does this document demonstrate?**

1 A: Brown & Williamson was very successful in telling a story; namely, if you smoke Kool
2 you will “get the girl.” This is a story that makes the brand appealing for many
3 adolescents.

4 **Q: Are there other documents discussing the effectiveness of the B Kool campaign?**

5 A: According to a report to Brown & Williamson from Bates USA, the B Kool campaign did
6 increase awareness of Kool advertisements and improve the image of Kool. Those who
7 were aware of the campaign gave higher ratings of the brand on “kept up with the times,”
8 “younger adult,” “sophisticated person,” “keeps up with latest trends,” and “popular
9 person.” However, these improvements were not associated with an increase in market
10 share among those under 30 years of age. The report said that what appeared to be
11 lacking was “excitement, ‘edge,’ attitude.” 309031048-1071 at 1051, 1054 (U.S. Exhibit
12 22,660).

13 **Q: Are there documents from other companies that discuss the impact of the B Kool**
14 **campaign on young people?**

15 A: Yes. A memorandum on Leo Burnett letterhead describes the results of three focus
16 groups done by Philip Morris Research in New York City among YAMS 21- to 29-years-
17 old. It stated, “YAMS understood this campaign to be about sex and seduction. *‘It’s*
18 *about a girl with her boyfriend checking out the Kool guy. The bad boy attracts the*
19 *opposite sex.’”* LB0068733-8762 at 8736 (U.S. Exhibit 58,932) (emphasis in original).

20 **Q: What does this document demonstrate?**

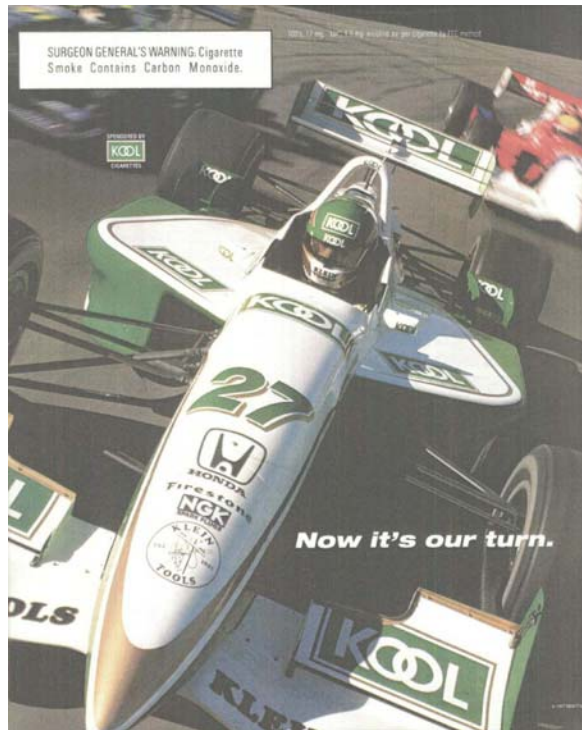
21 A: That the B Kool campaign was successful in improving the image of Kool.

22 **Q: Besides creating the B Kool campaign, did Brown & Williamson take other steps to**
23 **improve the image of Kool?**

1 A: Yes. Brown & Williamson associated Kool with Indy Car racing. Brown & Williamson
2 intended Kool sponsorship of Indy Car racing to improve the image of Kool by
3 associating the brand with the excitement of auto racing. In a videotaped presentation on
4 Kool's sponsorship of Indy Car racing, Burt Cramer, the Manager of Sponsorship for
5 Brown & Williamson, said that the Indy Car program's design was "to change the
6 existing Kool negative perceptions as being too old, not popular, and not keeping up with
7 the times." He indicated that Indy Car sponsorship was beneficial because the audience
8 was large, young, and had a high proportion of smokers. A population with a high
9 proportion of young people is one that will have many who are likely to begin smoking.
10 (U.S. Exhibit 87,817)

11 On the following page is an advertisement from a 1997 issue of *Rolling Stone*
12 featuring auto racing.

13 **Q: Why was the association with Indy Car racing valuable to Brown & Williamson?**
14
15



Rolling Stone, 1997 (ADV0090514-0516; U.S. Exhibit 2,320)

1 A: Brown & Williamson understood that associating Kool with Indy Car racing would
2 influence the image of the Kool brand and Kool smokers. An evaluation of the effect of
3 Brown & Williamson's Indy Car Sponsorship for the Kool brand around 1998 reported:

4 [C]ar racing in general and open wheel racing in particular are associated
5 with imagery attributes of masculinity, modernity, popularity and quality.
6 This is based on quantitative research conducted in Canada and qualitative
7 research undertaken in the U.S.

8
9 176104267-4277 at 4267 (U.S. Exhibit 35,020).

10 By associating the Kool brand with Indy car racing, Brown & Williamson made it
11 more appealing to adolescents who were interested in appearing more masculine,
12 modern, or popular.

1 **6. The House of Menthol Campaign**

2 **Q: Has Brown & Williamson conducted any marketing campaigns for Kool since the B**
3 **Kool campaign?**

4 A: Yes. In 2000, it switched from the B Kool campaign to the House of Menthol campaign.

5 **Q: What themes and images does Brown & Williamson associate with Kool through**
6 **these advertisements from the House of Menthol campaign?**

7 A: Here Brown & Williamson associates Kool with music popular among adolescents.

8 **Q: With what type of music is the House of Menthol associated?**

9 A: The House of Menthol advertisements associated Kool with “House” music. For
10 example, in the second House of Menthol advertisement below, the slogans include “The
11 Ultimate Mix,” “Step into the House,” and “Grandmaster Menthol.” The terms in these
12 slogans come from currently popular urban music.

13 **Q: What is “House” music?**

14 A: According to *The American Heritage® Dictionary of the English Language, Fourth*
15 *Edition*, the term “house music” refers to a “style of disco music with a heavy bass beat,
16 initially popularized in underground all-night parties held in abandoned warehouses.”

17 **Q: What is a grandmaster?**

18 A: A grandmaster is a very skilled and popular DJ who provides the music in the “house.”
19 http://www.wordiq.com/definition/Grandmaster_Flash However, the DJ does not simply
20 play prerecorded music. Rather, the DJ mixes music using two turntables
21 simultaneously, and by “scratching,” that is, the DJ moves “a vinyl record back and forth
22 [by] hand while it is playing on a turntable, creating a distinctive sound that has come to
23 be an almost universally recognized aspect of hip hop music.” <http://www.wordiq.com/>

1 [definition/scratching](#) Out of this scene, the head-to-head competitions of rappers
2 developed. http://www.wordiq.com/definition/Grandmaster_Flash

3 **Q: Can you explain the slogans “The Ultimate Mix” and “Grandmaster Menthol” used**
4 **by Brown & Williamson in the House of Menthol campaign?**

5 A: The “Ultimate Mix” could be a good blend of tobaccos but it is also good music played
6 by a grandmaster. “Grandmaster Menthol” associates Kool with the best DJs in the most
7 popular urban scene music.

8 **Q: Can you explain the slogan “Step into the House” shown in the second**
9 **advertisement below?**

10 A: “Step into the House” equates smoking Kool with stepping into the latest in urban music.

11 **Q: Did the House of Menthol campaign make use of any promotions?**

12 A: Yes. The House of Menthol campaign offered a free CD opener with the purchase of a
13 pack of Kool. A CD opener (shown below) would appeal to many adolescents.

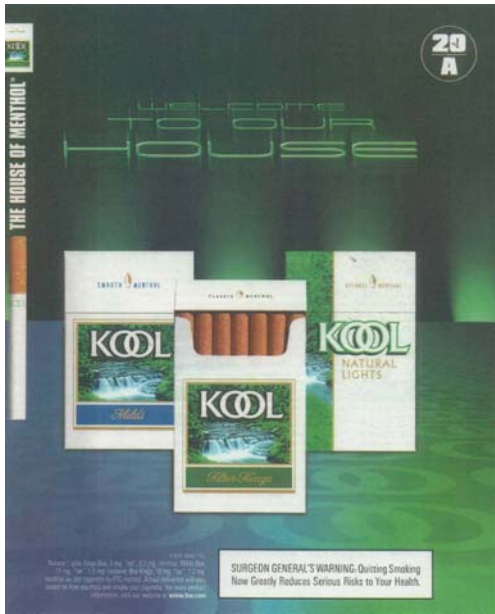


CD opener and catalogue from Kool available for purchase in gas station/convenience stores. Atlanta, GA, March 2001. © 2004 Campaign for Tobacco-Free Kids. All rights reserved. Site by [NetCampaign](#).

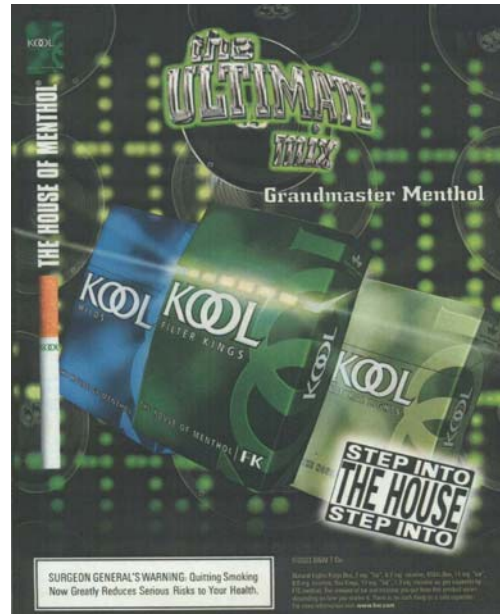
1

2 **Q: Can you provide some examples of advertisements that were part of the House of**
3 **Menthol campaign?**

4 **A:** Yes. Below are two magazine advertisements from this campaign.



ESPN, 2002 (ADV0830337-0339,
U.S. Exhibit 14.468)

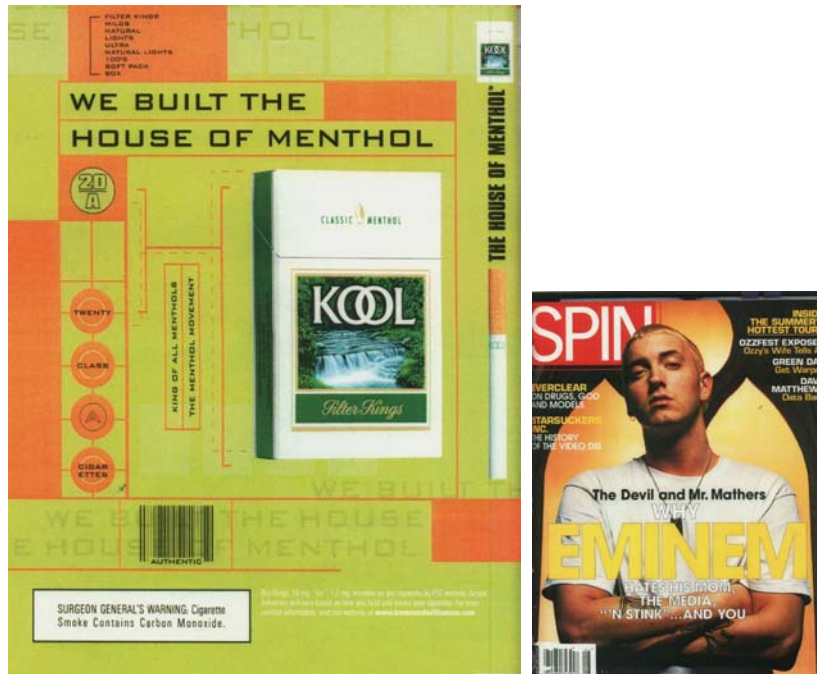


People, 2003 (ADV0480887-0889,
U.S. Exhibit 11,850)

5

6 **Q: Are there other ways that Brown & Williamson's House of Menthol campaign**
7 **associated Kool with music?**

8 **A:** Yes. Some of the magazines in which the House of Menthol campaign appeared also
9 associated Kool with music. For example, the advertisement on the following page
10 comes from a 2000 edition of *Spin*, a popular music magazine. By placing its
11 advertisement featuring musical terms and images in this popular music magazine,
12 Brown & Williamson further associates Kool with popular music.



SPIN, 2000 (ADV0500546-0548; U.S. Exhibit 12,248)

1 **Q: Do Brown & Williamson internal documents describe the House of Menthol**
2 **campaign?**

3 **A:** Yes. By fusing the Kool brand with these images of the hip urban music scene, Brown &
4 Williamson makes the brand more appealing to adolescents for whom this musical genre
5 is a key defining characteristic of their culture.

6 In a 2000 report entitled “Kool: The Road to Menthol Authority,” Brown &
7 Williamson describes the creative action plan for this campaign. The document begins
8 with a rhapsodic description of the Kool Brand Essence: “Urban Fusion is the energy of
9 the present and the power that creates the future. It is pure vitality. . . Urban Fusion is
10 full of exhilaration, freedom and release.” The goal of the House of Menthol campaign
11 was to “Reclaim Kool’s rightful place in the category as the Menthol Authority.” Under
12 the heading “Research Findings,” Brown & Williamson indicated that House of Menthol
13 has three pluses: “Most contemporary, ‘hip’, urban and ASU26; Kool portrayed as
14 keeping up with times; Communicates that Kool invented category.” In contrast, the B

1 Kool campaign “lacks energy, excitement...gives campaign old, outdated feel.”
2 250170002-0092 at 0025, 0037, 0043 (JD-012836; U. S. Exhibit 89,202).

3 **Q: Did Brown & Williamson respond to this research?**

4 A: Yes. Based on the research, the House of Menthol campaign evolved further. This same
5 report noted, “Continue pushing graphic variety, and move beyond music and club scene
6 as central theme.” Brown & Williamson tested the revisions in focus groups in New
7 York and found: “[T]he revised work appears even stronger than original in
8 communicating: That Kool is a ‘hip’, contemporary brand with urban credibility—
9 unexpected graphic variety.” The report concluded:

10 If urban fusion means hip, urban, energetic, risk-taking, a gender-neutral
11 brand with a masculine attitude/value, and absolutely of the moment, then
12 The House of Menthol is Urban Fusion.

13
14 250170002-0092 at 0044, 0045, 0047 (JD-012836; U. S. Exhibit 89,202).

15 **Q: Does this Brown & Williamson document address any other element of the Kool**
16 **brand?**

17 A: Yes. The report discusses a problem with the Kool pack:

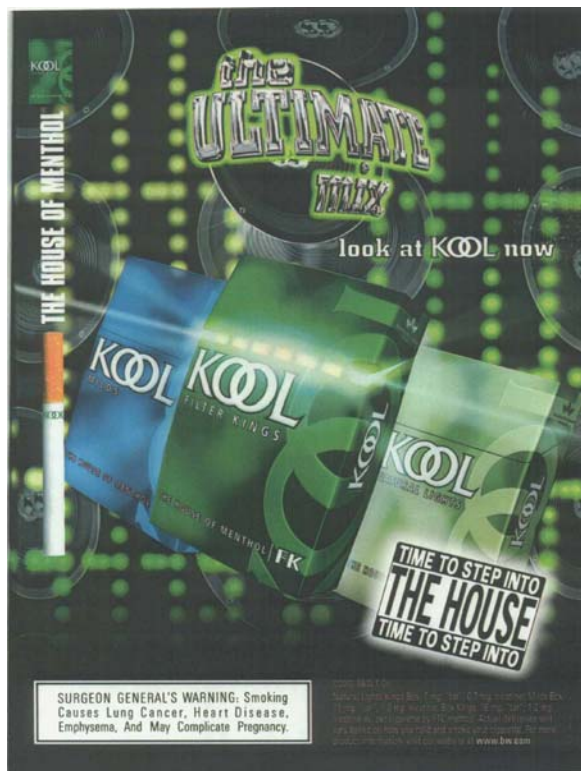
18 The Kool Waterfall pack is universally rejected in the context of the
19 updated, energetic and ‘right here/right now’ image. –The pack makes the
20 most important statement about the smoker, and the waterfall pack makes
21 the wrong statement for ASU 26 smokers.

22
23 250170002-0092 at 0082 (JD-012836; U. S. Exhibit 89,202).

24 **Q: Did Brown & Williamson alter the Kool pack?**

25 A: Yes they did. As the advertisement above from the 2003 *People* magazine and the one
26 on this page show, Brown & Williamson removed the waterfall from the pack and
27 replaced it with graphics with a more “right here/right now” image.”

28



Cosmopolitan, 2002 (ADV0490690-0692, U.S. Exhibit 12,077)

7. The Kool Mixx Campaign

Q: After the House of Menthol campaign, did Brown & Williamson have any other campaigns that associated the Kool brand with music that is popular with adolescents?

A: Yes. In fact, Brown & Williamson’s use of music to promote Kool cigarettes to adolescents continued and intensified with the introduction of its Kool Mixx campaign. The campaign features popular hip-hop artists, not only in live events around the country, but in a promotional CD-ROM and on the packs of cigarettes themselves.

Q: What is “hip-hop?”

A: According to rapnewsdirect.com, hip-hop is “an American cultural movement composed of four main parts: break dancing and graffiti art along with two more well-known

1 aspects known as hip-hop music; they are rapping (emceeing) and DJ-ing.” Rap is “the
2 act of saying rhymes to the actual beat of music.” This website says: “Hip-hop, without
3 a doubt, is the rock-and-roll music of this generation.”

4 <http://www.rapnewsdirect.com/News/2004/07/03/HH.Rap.Defined/>

5 **Q: How does the association of Kool with hip-hop appeal to youth?**

6 A: Brown & Williamson could not have chosen a musical style that more effectively
7 influences teenagers. According to Peter Zollo of Teenager Research Unlimited (TRU;
8 Zollo, 2004), hip-hop or rap is currently the most popular music among adolescents.
9 TRU measures the popularity of celebrities through its systematic, nationwide survey of
10 teens. Seventy percent of boys and 79% of girls said that rap was “in.” Zollo continues,
11 “teens eagerly mimic the styles they see on their favorite musical performers and on
12 MTV (whether they admit it or not!).” Zollo reported: “Fully half of the performers in
13 the most-recent TRU Score Top-10 [their measure of celebrity popularity] are rap and
14 hip-hop stars.” Making Kool the cigarette of the hip-hop generation has enormous
15 potential for influencing adolescents to smoke.

16 **Q: Can you provide some examples of marketing from the Kool Mixx campaign?**

17 A: Yes. The point-of-sale display show on the following page shows the way in which the
18 packs feature DJs.



1 **Q:** **In addition to the content of the Kool Mixx marketing pieces, are there other ways**
2 **Brown & Williamson associated the Kool Mixx campaign with hip-hop music?**

3 **A:** Yes. In April 2004, Brown & Williamson distributed a CD-ROM in *Rolling Stone*
4 magazine it sent to subscribers, as part of the campaign. The advertisement containing
5 the CD-ROM is on the following page. The smaller pieces of this advertisement
6 contained the CD-ROM itself.

KOOL MIXX

The Vibe Of The Street Turned Into A Pack.

DJs like the Masters of Hip Hop like KOOL are the Master of Menthol. KOOL MIXX Special Edition Packs are our mark of respect for these Hip Hop Projects.

There are four unique packs, each created exclusively for KOOL and available for a limited time only.

CELEBRATE THE SOUNDTRACK TO THE STREETS

Also experience it at: www.houseofmenthol.com or call 877-604-KOOL (5665) for more info.

VIBE THE HOUSE OF MENTHOL

SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

KOOL MIXX

KOOL recognizes DJs as the center of Hip Hop, inspired by the real feel and energy of the streets.

The 2004 DJ Battle Is On. Be There.

In its sixth year, this fierce coast-to-coast battle of the hottest rising DJs is the ultimate way for you to...

EXPERIENCE THE SOUNDTRACK TO THE STREETS

Also experience it at: www.houseofmenthol.com or call 877-604-KOOL (5665) for more info.

VIBE THE HOUSE OF MENTHOL

SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

KOOL MIXX '04 CD/CD-ROM

Your way to experience the sights & sounds of the **SOUNDTRACK TO THE STREETS**

This CD/CD-ROM contains:

- KOOL MIXX Battle Details
- Music by Up-and-Coming DJs
- Interactive Mixing Software
- Interviews with Hip Hop Artists

SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, And Low Birth Weight.

SEE & HEAR THE SOUNDTRACK TO THE STREETS

Pop this CD/CD-ROM into your computer or stereo to experience the **vibe and energy of KOOL MIXX.** (IF YOU ONLY LISTEN, YOU'RE MISSING A LOT!)

FOR THE TOTAL KOOL MIXX EXPERIENCE, CHECK OUT www.houseofmenthol.com OR CALL 877-604-KOOL (5665) FOR MORE INFO.

You must be 21 years of age or older and a smoker to log on to this website.

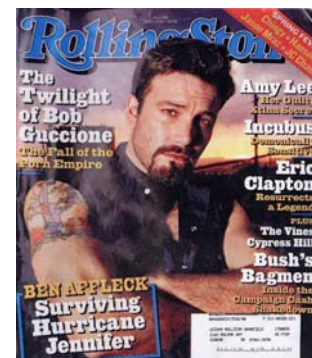
Minimum PC System Requirements:

- 450 MHz Pentium II or Higher (700 MHz Pentium III, IV, or Athlon or higher recommended)
- 64 MB free RAM (256 MB recommended)
- Windows 98/2000/ME/XP
- CD-ROM compatible drive

Minimum MAC System Requirements:

- PowerMac 400 MHz processor or higher (800 MHz or higher recommended)
- 64 MB free RAM (256 MB recommended)
- MAC OS 9.0 or Higher
- CD-ROM compatible drive
- Color/Lib 1.5 or Higher

Display resolution: at least 800 x 600 (800 x 600 with color-depth set to millions recommended)



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

The CD-ROM has lots of material about the hip-hop or rap music scene. It includes profiles and interviews with four popular DJs, four popular MCs, four break dancers, and four underground artists. For example, DJ Cutmaster Swiff “DJs for the chart busting multi-platinum group OutKast.” DJ Babu’s biography states: “Internationally acclaimed DJ of the world famous Beat Junkies and of the Hip Hop group Dilated Peoples and DJ legend in his own right, Babu created one of the world’s first break records entitled ‘Super Duck Breaks’ and is one of the most documented DJs in the world.” A dancer, or “b-girl, Vendetta, is “The youngest member of the Burn Unit but by no means the weakest. . . . Vendetta has been breaking since 1999.” (U.S. Exhibit 88,094).

Q: Does this CD-ROM contribute to making Kool more appealing to adolescents?

A: Yes. Adolescents who are interested in this music will be interested in the CD-ROM. In the process of “surfing” it, they will be in contact with lots of images of popular, cool people whom they admire. Viewing this CD-ROM will effectively associate all of the exciting themes and images of this music scene with the Kool brand.

Q: In summary, what do you conclude about Brown & Williamson’s association of the Kool brand with images of masculinity, excitement and fun, and membership in a young, cool, in-group?

A: Through its advertising and its association with popular music and Indy car racing, Brown & Williamson has effectively communicated that the Kool smoker is an attractive, self-confident young man who leads an exciting life and is a member of the most popular social group. This image of the Kool smoker is one that is very appealing to many male

1 adolescents. The Brown & Williamson documents I reviewed make it clear that the
2 company understands the importance to its profits of motivating adolescents to smoke the
3 Kool brand and that communicating this image of the Kool smoker makes it motivating
4 to adolescents to smoke the brand.

5 ***B. Carlton***

6 **Q: Have you examined the advertisements of any other Brown & Williamson brands?**

7 A: Yes. I have looked at a sample of magazine advertisements for the Carlton brand.

8 **Q: Is Carlton popular with adolescents?**

9 A. A study in *Morbidity & Mortality Weekly Report*, a publication of the Centers for Disease
10 Control and Prevention, presented evidence from 1993 on the market share of various
11 brands among 12- to 18-year-olds in the United States. Carlton was not among the seven
12 brands listed as having 0.3% or more of the market in this age group. MMWR, 1994
13 (U.S. Exhibit 63,106).

14 **Q: Does Brown & Williamson use themes or imagery in marketing Carlton that would
15 appeal to youth?**

16 A: Seldom, if ever.

17 **Q: Can you show us examples of Carlton advertisements?**

18 A: Yes. As you can see from the following advertisements, only one even includes a person.
19 These advertisements say that Carlton is a low tar cigarette; none of them associates
20 smoking Carlton with adolescent themes, such as masculinity, independence, popularity,
21 rebellion, or sex appeal. Although there is a woman shown in one advertisement, the
22 quotation indicates she is thinking about smoking a low tar cigarette to reduce her health

1 risks. This is hardly an exciting or risky proposition that would appeal to adolescents,
2 who, as I have testified, are highly attracted to themes of risk taking and excitement.

Of all filter kings tested:

Carlton is lowest.

Look at the latest U.S. Government figures for other brands that call themselves low in tar.

	tar, mg/cig	nicotine, mg/cig
Brand D (Filter)	14	1.0
Brand D (Menthol)	14	1.0
Brand K (Menthol)	14	0.9
Brand R (Filter)	14	0.9
Brand M (Filter)	12	0.9
Brand T (Menthol)	12	0.7
Brand T (Filter)	11	0.7
Brand V (Filter)	11	0.7
Brand V (Menthol)	11	0.8
Carlton Filter	4	0.3
Carlton Menthol	4	0.3

Carlton 70's (lowest of all brands)—2 mg. "tar", 0.2 mg. nicotine

Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health.

Filter and Menthol: 4 mg. "tar", 0.3 mg. nicotine av. per cigarette, FTC Report Dec. 74.




Sports Illustrated, 1975
(ADV01503700372, U.S. Exhibit 4,605)

U.S. Gov't Report
Carlton Box 100's
1 mg. tar, 0.1 mg. nic.

Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health.

Read the numbers on the packs



Box King—lowest of all brands—less than 0.01 mg. tar, 0.002 mg. nic.

Carlton is lowest.

U.S. Gov't Report—no brand lower than Carlton Box King—less than 0.5 mg. tar, 0.05 mg. nic.

Box: Less than 0.5 mg. "tar", 0.05 mg. nicotine, 100's Box: 1 mg. "tar", 0.1 mg. nicotine av. per cigarette, FTC Report Mar. 73.

Sports Illustrated, 1983
(ADV02203680370, U.S. Exhibit 7,637)

10 to 1



10 packs of Carlton Menthol have less tar than 1 pack of these brands.

1 mg. tar, 0.1 mg. nic.

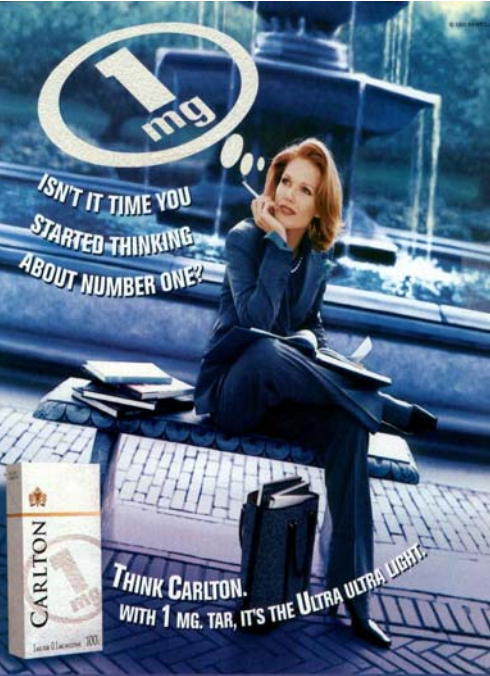
U.S. Gov't: The Menthol varieties of all menthol king size packs.

Carlton is lowest in tar and nicotine.

Brand	Tar (mg)	Nicotine (mg)
Carlton	1	0.1
Kool	16	1.1
Newport	12	0.9
Salem	17	1.3

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

Sports Illustrated, 1992
(ADV02511741176, U.S. Exhibit 9,122)



1 mg

ISN'T IT TIME YOU STARTED THINKING ABOUT NUMBER ONE?

THINK CARLTON. WITH 1 MG. TAR, IT'S THE ULTRA ULTRA LIGHT.

SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injuries, Premature Birth, and Low Birth Weight.

Life, 2002 (ADV03200110013, U.S. Exhibit 10,678)