



TOBACCO: A CASE FOR ACTION

PURSuing A CLASS ACTION AGAINST THE TOBACCO INDUSTRY

An Electronic Research and Problem Solving Activity for Years 7/8



Before you start, click here for the
Key Activity Worksheet

START

YOUR BRIEF

You are a group of young lawyers at a large Australian law firm. A senior partner has called you into his office where you have been briefed about a major case you will be running against an Australian Tobacco Company, 'Big Smoke'.

You have a group of clients who are parents of young people who regularly smoke cigarettes. Not only is your task going to be difficult because of the strong defence of the tobacco company, but also, the young people are unwilling litigants. They still smoke!



YOUR TASK

Your task is complex. You must:

Refute the arguments that are put forward by the defence, the tobacco company, 'Big Smoke'.

To help cover all arguments, complete the Key Activity Worksheet or fill in the areas on screen. You will demonstrate the strength of your case in a presentation to a judge and jury, who will make their judgment according to a set of criteria.

[BACK](#)[NEXT](#)

HOME



QUIT

BUILDING A PROSECUTION CASE

Your brief involves:

- Examining your attitudes towards tobacco
- Examining the case testimonies of your clients
- Considering the arguments put forward by the tobacco industry
- Refuting the arguments of the tobacco industry by:
 - Demonstrating harmful effects on lifestyle
 - Explaining harmful effects on health
 - Demonstrating that people do not willingly become regular smokers
 - Explaining why cigarette smoking is so difficult to quit
 - Presenting your case to a judge and jury.

BACK

NEXT



HOME



QUIT

THE STEPS

STEP 1

Pre-case Testing

Attitudes Test: What are my beliefs about tobacco?

[Click here to go to Step 1](#)

STEP 4

Argument 1

What affect does smoking have on quality of life?

[Click here to go to Step 4](#)

STEP 7

Argument 4

Why not quit smoking?

[Click here to go to Step 7](#)

STEP 2

The Brief

Clients' testimonials: Who are we representing?

[Click here to go to Step 2](#)

STEP 5

Argument 2

What are the health consequences of smoking?

[Click here to go to Step 5](#)

STEP 8

Final Presentation to the Jury:

Putting your case

[Click here to go to Step 8](#)

STEP 3

The Case

Big Smoke's arguments

[Click here to go to Step 3](#)

STEP 6

Argument 3

Why do people smoke?

[Click here to go to Step 6](#)

JUDGE AND MEMBERS OF THE JURY

The Verdict

Making your judgement

[Click here if you are the Judge or member of the jury.](#)

BACK

NEXT

STEP 1 ATTITUDES ASSESSMENT



First the senior partner wants to determine whether you are a suitable group of lawyers to prosecute the case. You are required to undertake a test. Complete the attitude assessment below, then discuss with the rest of your class.

Click on the button next to the answer or fill out your Key Activity Worksheet that most reflects your opinion.

Answers 1 and 5 indicate you totally agree with the thought at either end of the scale.

Answers 2 and 4 indicate you agree with the closest answer, but not totally.

Answer 3 indicates you neither agree nor disagree.

WHAT DO YOU THINK WHEN YOU SEE SOMEONE SMOKING?

Stupid 1 2 3 4 5 **Cool**

HOW DO YOU FEEL WHEN YOU THINK ABOUT SMOKING?

Disgusted 1 2 3 4 5 **Excited**

DO YOU ASSOCIATE SMOKING WITH...

Poor health 1 2 3 4 5 **Good Times**



Discussion Questions

- What do your answers tell you about your attitudes to smoking?
- How might your attitudes affect your judgment when pursuing this case?
- What might convince you to change your attitudes to smoking?



Once you have completed your assessment, explain to the rest of your class the reasons for your answers. Then assess how your attitudes may affect your judgment when researching the case.

Remember, the case will be won or lost on the basis of the evidence. Not on what you believe to be true, but on what may be proven to be true.

BACK

NEXT



HOME



QUIT

STEP 2 THE TESTIMONIALS OF YOUR CLIENTS



You are representing a group of young people who are smoking cigarettes. Their parents are seeking compensation from the tobacco company, '**Big Smoke**', for reducing the quality of life of their children and creating the likelihood of future health problems.

The parents of the 6 young people listed below want compensation from the tobacco company, 'Big Smoke'. They are suing on the grounds that the tobacco company has knowingly provided a product that:

- Has a harmful effect on the quality of life of young people
- Is likely to cause serious health effects

Your job has been made more difficult because some of the young people disagree with their parents. Some claim that smoking has benefits for them.



Your Task

Firstly read the Client's Testimonials then, complete the 'Summary of Client's Testimonial Sheet'. This will help you to work out what you need to say to counter the arguments of 'Big Smoke'.

BACK

NEXT



HOME



QUIT

CLIENT TESTIMONIALS



Renee

I have smoked since I was 12 years old. I need to quit, but as any smoker knows, it's so much easier said than done. Especially when you have a lot of stress, and it's not as bad as everyone says. It keeps your weight down. And being fat is bad for your health. And what's the point of living for a long time if you can't have any fun?



Donny

I just smoke at parties. And occasionally with friends. It is soothing and helps me relax. I'm not addicted. I've been smoking casually for months and I really look forward to it. I don't want to spend my life addicted to cigarettes, so I am going to control my smoking. I think everyone should be able to make their own choices without being condemned. I wouldn't condemn anyone for smoking. Most of my friends smoke and they're great people.



Emma

I like to smoke. I like how it helps me relax. I like the feeling. I like how it distracts me when I have panic attacks. I like how it helps me to think and concentrate.



Joey

When I was a kid I cried because my dad smoked. I begged him to stop. And you know what? He went cold turkey and stopped. He says, 'I gave up smoking because of you. You probably saved my life!'

I used to feel pretty good about that. Then, when I was sixteen I was curious. I tried a few cigarettes, always thinking I would stop before long. But now I am hooked. I feel so guilty. It's weird, I really enjoy smoking and I hate it at the same time. My dad is pretty disappointed. He gave me money to quit. I made it for 3 days and started again. My dad saw me down the street smoking. He pretended he didn't, but I know he did. He told my mum. I feel so pathetic.



Ralph

I hate being told how smoking makes you smell and it will give you lung cancer. It makes me feel like a leper. Some people who have never smoked get lung cancer. Other smokers live for ever. I smoke because I'm bad and mean and selfish and stupid. I like blowing smoke in your face. Hah hah! Suffer suckers.



Kate

My friend's mum tells me that smoking was so normal. Everyone smoked. Now smokers are looked so down upon. They have to smoke outside in the cold.

The hardest part is training the mind to the fact that you really need to quit and that you can be smoke-free. I think this is a big problem for people trying to quit. It's like giving up a part of yourself that has been there for so long.

I know I should quit. I know they stink, they are bad for my health, they cost me a lot of money, and most people hate being around them!

The problem is I don't want to quit. I don't know exactly why I don't want to quit. Perhaps it's just the addiction demon in my head saying "Don't give up, you know I have been here for you through thick and thin!" I just know I am not fully committed to quitting yet. At least not at this moment in time.

I do plan to quit one day. Just the thought of quitting is like thinking of telling your best friend to go away and never contact you again.

BACK

NEXT

SUMMARY OF CLIENTS' TESTIMONIALS



Now fill in your comments in the fields **on screen** OR on your **Key Activity Worksheet**.

According to your clients' testimonials, list the benefits and problems caused by smoking. *Hint: you can use the back button to remind you.*

Note: If you filled out answers on screen and you want to keep the answers you have filled out, you can click on the "save" button. Save it somewhere that you will remember!

Client

Main Benefits of Smoking

Main Problems from Smoking



Renee



Donny



Emma



Ralph



Joey



Kate

SAVE

BACK

NEXT



HOME



QUIT

STEP 3 BIG SMOKE'S ARGUMENTS



The tobacco company, 'Big Smoke' is using the testimonials of your clients as evidence to support its 4 arguments. To win the case you must refute each of these arguments. The arguments of 'Big Smoke' are based on the testimonials of your clients. The main arguments and the supporting evidence are summarised here.



MAIN ARGUMENTS

ONE

Smoking Improves Your Quality of Life as evidenced by the testimonials of Emma, Renee and Kate.

TWO

Smoking is not necessarily harmful as evidenced by the testimonial of Ralph.

THREE

Smoking is not addictive as evidenced by the testimonial of Donny.

FOUR

If you don't want to smoke you can quit as evidenced by the testimonial of Joey.

SUPPORTING EVIDENCE

Emma

Relaxing

Helps me to concentrate.

Renee

Reduces weight

Implies smoking is fun.

Donny

You can control smoking without becoming addicted. It is something enjoyable to share with friends.

Ralph

Non-smokers are the problem because they pick on smokers. Some non-smokers get lung cancer, while some smokers live until they are 90 years old.

Kate

Smoking is like a friend. I can rely on it when times are tough.

Joey

You can quit smoking if you want.

GO TO
the verdict

BACK

NEXT

STEP 4 HOW DOES SMOKING AFFECT QUALITY OF LIFE?



The tobacco company argues that cigarette smoking may improve quality of life. They have used the opinions of your clients to support their case. Your challenge is to demonstrate that the negative effects are greater than the positive effects.



[Click here](#) to go to the Breathing Activity.

[Click here](#) to see the illustrations showing how smoking affects quality of life.

Task



Describe how smoking affects the quality of life of smokers and non-smokers. List your points in the table below or on your Key Activity Worksheet and then plan how you will present your information to the judge and jury. The illustrations may give you some clues. ([click here to see them](#))

How smoking cigarettes may effect your quality of life

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

How will you present this information to the judge and jury? You want to make a powerful impression. Some suggestions:

- Call a witness who will testify that smoking has had a negative effect on their quality of life.
- Conduct an experiment with the judge and jury ([click here](#)).
- Present a series of photographs or illustrations depicting the negative effects of smoking.

SAVE

GO TO
summary of
arguments

BACK

NEXT



SUGGESTED EXPERIMENT

Breathing Activity



1. Ask the judge and jury to jog in place for 1 minute.
 - How do they feel?
2. Distribute gauze (material with holes in it).
 - Instruct the judge and jury to breathe through the gauze (or handkerchief), as they continue to jog, for 1 minute.
 - Ask them how they feel and to document their responses.



BACK



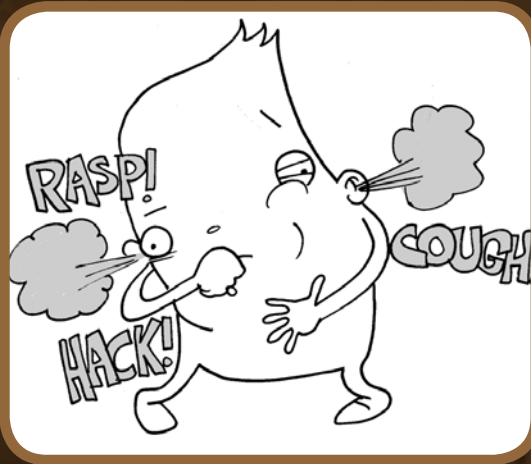
NEXT

QUALITY OF LIFE CARTOONS

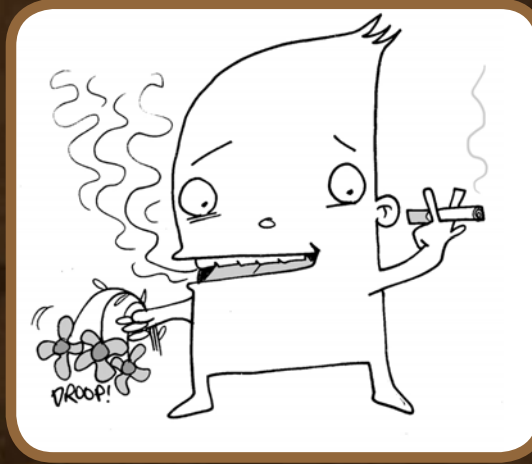


Look closely at the following cartoons. What points are they making about the effects smoking has on quality of life?

List these as counter arguments. Can you think of other ways smoking cigarettes might diminish quality of life?



Coughing



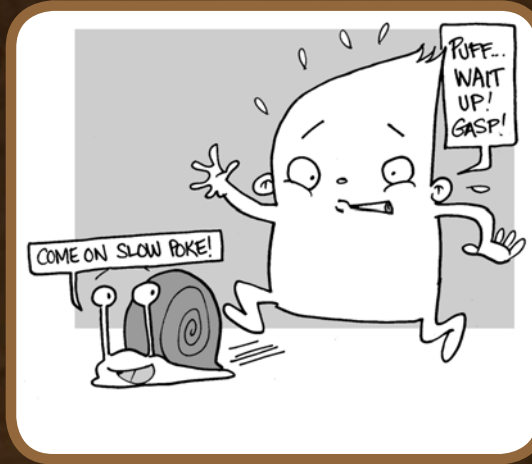
Bad Breath



Smoking outside
in the cold



Unable to taste food



Shortness of breath

BACK

NEXT

STEP 5

WHAT ARE THE HEALTH EFFECTS OF TOBACCO?



The tobacco company is arguing that there is no way of knowing whether your clients will develop health problems because of smoking cigarettes. Your challenge is to establish that they are likely to develop health problems in the future and die younger than otherwise (beyond reasonable doubt).

Task



Using the information below, outline your case for how smoking is likely to harm the health of your clients. You may like to present your information:

- As a list
- As a diagram
- Using one of your team members as a model, pointing to each affected area of the body
- On a power point presentation

[Click here to get facts about diseases and smoking](#)

[Click here to get facts about ingredients in cigarette smoke](#)

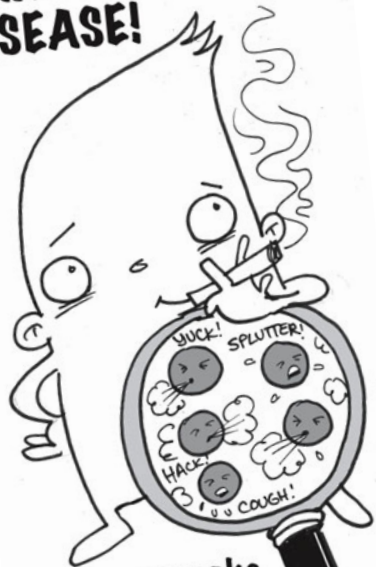
BACK

NEXT

GO TO
summary of
arguments

FACTS ABOUT EFFECTS OF SMOKING ON HEALTH

SMOKING CAUSES CARDIOVASCULAR DISEASE!



Cigarette smoke damages the cells lining your blood vessels and heart.

The following information is taken from reports by the United States Government's Surgeon General.

Smoking Causes Cancer

Cigarette smoking causes most cases of lung cancer. Smokers are about 20 times more likely to develop lung cancer than nonsmokers. Smoking causes about 90% of lung cancer deaths in men and almost 80% in women. Smoking is also linked to many other cancers.

Smoking Causes Heart Attacks

Smokers are 4 times more likely to cause heart attacks. Smoking causes other problems associated with blood circulation. These increase the risk of stroke and hardening of the arteries. Smokers are more likely to have fingers and toes amputated.

Smoking Weakens Immunity

Smoking weakens immunity making smokers more prone to infections.

Smoking Hurts Babies

Smoking lowers fertility and can cause a baby to be born too early and then to be sick. Smoking by mothers also increases the risk of SIDS (Sudden Infant Death Syndrome).

SMOKING CAUSES CANCER



Cancer was among the first diseases found to be caused by smoking

BACK

NEXT



FACTS ABOUT CHEMICALS IN CIGARETTE SMOKE

Cigarette smoke contains 4,000 chemicals. Many of these chemicals cause cancer.

Select those chemicals you might or might not find in tobacco smoke.

| Chemical | Also found in... | yes | no |
|------------------|--------------------|-----|----|
| Carbon monoxide | Car exhaust | | |
| Nicotine | Pesticides | | |
| Ammonia | Floor cleaners | | |
| Arsenic | White ant poison | | |
| Butane | Lighter fluid | | |
| Hydrogen cyanide | Gas chambers | | |
| Toluene | Industrial solvent | | |
| DDT | Insecticide | | |
| Acetone | Paint stripper | | |
| Cadmium | Car batteries | | |
| Methanol | Rocket fuel | | |
| Naphthalene | Moth balls | | |

Fill in the blanks in the sentences with the following words:

tar, nicotine, carbon monoxide, hydrogen cyanide, butane, methanol, pesticides.

- _____ is the chemical found in tobacco that causes dependence.
- _____ and _____ help to keep cigarettes alight.
- _____ damages the tiny hairs that help to clean the lungs.
- _____ is a black and sticky substance that is the main cause of throat and lung cancer.
- _____ are used when growing tobacco, with residues often found on dried tobacco leaves.
- _____ reduces the amount of oxygen that reaches the vital body organs.

SAVE

BACK

NEXT

back
GO TO
Step 5



HOME



QUIT

STEP 6 DO PEOPLE CHOOSE TO BECOME SMOKERS?



The tobacco company is arguing that regardless of the consequences, everybody has a choice to smoke or not to smoke. Your challenge is to establish that smoking does not occur out of choice. Young people may choose to experiment with tobacco, but they do not choose to become regular smokers. You will do this by designing a survey about why people choose to experiment with smoking. You will then complete the tobacco smoking quiz—click “next”. This will give you information that is essential to your argument.

Task



Your aim is to find out the main reasons for why people first experiment with smoking.

The following are reasons of why people may or may not experiment with smoking. Use these ideas to design a survey about ‘why’ people experiment with smoking. You can use the Key Activity Worksheet to help collate your ideas.

NB: You need to ask enough people so your survey is convincing for the judge and jury.

| | | |
|----------------------------------|----------------------|------------------|
| Affects performance | Bad skin | Stains teeth |
| Against school rules | Cough | Stinks |
| Bad breath | Health effects | Uncool |
| Gives you a bad reputation | Inconvenient | Cool |
| Addictive | Kills people | Curious |
| Fitness | Looks stupid | Relaxing |
| Worry about getting into trouble | Makes you dizzy | Feels good |
| Expensive | Scary television ads | Something to do |
| Friends smoke | Not interested | As a reward |
| Friends do not smoke | Parents disapprove | Party trick |
| | | Gives you a high |



GO TO
summary of
arguments

BACK

NEXT



HOME



QUIT



TOBACCO QUIZ



Complete the quiz and the multiple choice question. Understanding the correct answers to this quiz is of extreme importance to your case! See Key Activity Worksheet for answers, then write down your argument explaining why experimenting with smoking cigarettes may be a choice, but becoming a regular smoker is not a choice.

Take the quiz



| | Smoking Fact | True | False |
|---|--|------|-------|
| 1 | A cigarette is a vehicle for rapidly delivering nicotine to the brain | | |
| 2 | Smokers are dependent on nicotine; they are not dependent on cigarettes | | |
| 3 | Most people become regular smokers because they decide to | | |
| 4 | Each time you smoke a cigarette, chemical changes are taking place in your brain | | |
| 5 | Each time you smoke a cigarette you become less sensitive to nicotine | | |
| 6 | You are dependent on nicotine within the first 100 cigarettes | | |
| 7 | The younger you are, the more rapidly you become dependent on nicotine | | |

SAVE



Choose the most accurate statement and explain your reasoning:

- a) Young people choose to become regular smokers
- b) Young people experiment with smoking tobacco because they are addicted
- c) Young people who experiment with smoking tobacco are at risk of becoming addicted to nicotine.

BACK

NEXT



HOME



QUIT

STEP 7

WHY IS IT HARD TO QUIT SMOKING?



The tobacco company argues that if you are worried about the effects of smoking cigarettes, you should just quit. You are arguing that your clients have a serious addiction to nicotine, so quitting is very difficult.



Task

The following are some reasons that smokers give for why it is difficult to quit.

Can you think of any other reasons?

Which reasons do you think are the most important? Use the Key Activity Worksheet to write down and explain your answers.

Reasons why quitting is difficult

- Habits are hard to break
- Nicotine is highly addictive
- Relaxing
- Keeps weight down
- Tastes good
- Friends' smoke
- Helps concentration
- Enjoy it
- Looks cool
- It's part of my identity

GO TO
summary of
arguments

BACK

NEXT



HOME



QUIT

STEP 8

SUMMARY OF MAIN ARGUMENTS



Now you have presented all of your evidence and fought a strong case, you must present your final summing up to the judge and jury. This can be filled in **on screen** or on your **Key Activity Worksheet**.

**NB: To be completed as you collect evidence in tasks 4–7.*

Use your “UP” and “DOWN” arrow key to go to each page OR use the links on the side.



Argument of 'Big Smoke'

Big Smoke's main points

Your counter arguments main points

Smoking improves your
quality of life

Smoking is not necessarily
harmful

Smoking is not addictive

If you don't want to
smoke, you can quit

SAVE

GO TO STEP 4

GO TO STEP 5

GO TO STEP 6

GO TO STEP 7

BACK

NEXT



HOME



QUIT

JUDGE & MEMBERS OF THE JURY

THE VERDICT



You have been selected as a judge or part of the jury for this case. Your job is to prepare for the case by reading the arguments put forward by the tobacco company. Their arguments are based on their interpretation of the evidence.

Once you understand the arguments put forward by the tobacco company, you will be adequately prepared for listening to the case put forward by the prosecution. As part of your role, you may ask questions of the prosecutors.

Your task is to make a judgment about whether you are convinced by the arguments of the defence (the tobacco company) or the prosecution (representing the parents of the young people who smoke). You will be helped by completing the judge's verdict sheet on the next page ([click here](#)) or on the Key Activity Worksheet.

If you find in favour of the defence, you must give reasons.

Then you will award costs against the prosecution.

If you find in favour of the prosecution, you must give reasons.

Then will you will award damages against the tobacco company.

[Click here to read arguments of the tobacco company.](#)

[For further information, click here to read the testimonials of the clients.](#)

BACK

NEXT



HOME



QUIT

JUDGE'S VERDICT SHEET



Being the judge, you are required to take notes, recording the arguments put forward by the tobacco company, Big Smoke', and the prosecutors. The main arguments of the Tobacco Company, 'Big Smoke' are recorded for you. Your task is to decide whether the prosecutor is convincing in countering these arguments by presenting convincing evidence on each point. You can fill in your answers on screen or use the Key Activity Worksheet.

| Argument of 'Big Smoke' | Big Smoke's main points | Prosecutor's counter arguments |
|--|--|--------------------------------|
| Smoking improves your quality of life | Smoking calms your nerves, makes you feel good and is like a friend. | |
| Smoking is not necessarily harmful | People who do not smoke get lung cancer, and people who smoke all of their lives can live until they are 90 years old. | |
| Smoking is not addictive | You can control your smoking if you want to. | |
| If you don't want to smoke, you can quit | You can quit if you want to. | |

On the first matter, 'Smoking improves your quality of life' I find in favour of the defence/ prosecution. Reason...

On the second matter, 'Smoking is not necessarily harmful' I find in favour of the defence/ prosecution. Reason...

On the third matter, 'Smoking is not addictive' I find in favour of the defence/ prosecution. Reason...

On the fourth matter, 'If you don't want to smoke, you can quit' I find in favour of the defence/ prosecution. Reason...

SAVE

BACK

NEXT

CONGRATULATIONS!

We hope you have made the right decision!

