

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
and)	
)	Civil Action
TOBACCO-FREE KIDS ACTION FUND, <i>et al.</i> ,)	No. 99-CV-02496 (GK)
)	
Plaintiff-Intervenors,)	Next scheduled appearance:
)	None Scheduled
v.)	
)	
PHILIP MORRIS USA INC.,)	
f/k/a PHILIP MORRIS INC., <i>et al.</i> ,)	
)	
Defendants.)	
)	

DECLARATION OF JACK HENNINGFIELD, Ph.D.

JACK HENNINGFIELD, hereby declares as follows:

1. I am a consultant for Pinney Associates, a firm that consults with pharmaceutical companies, health care providers, non-profit organizations, and federal agencies on a broad range of health-related issues, in Bethesda, Maryland. I am also Professor, Adjunct, Behavioral Biology, in the Department of Psychiatry and Behavioral Sciences at The Johns Hopkins University School of Medicine in Baltimore, Maryland where I also serve as Director of the Robert Wood Johnson Foundation supported Innovators Combating Substance Abuse Awards Program. My educational background, credentials and experience are set forth in my Written Direct Testimony filed in this Court on November 15, 2004 at pages 1-32 ("WD"). The Court referenced

some of my credentials in its August 17, 2006 Final Opinion at pages 596-97.

2. I testified during the trial of this matter, and was accepted by the Court as an expert in the field of psychopharmacology, including in the areas of health and medical issues related to the development of treatment for medical disorders, including tobacco dependence and other drug addictions, and in the design and effect of drug delivery systems for addictive drugs. Trial Tr. At 7594.

3. I have reviewed this Court's August 17, 2006 Final Judgment and Remedial Order # 1015 ("Order 1015"), and particularly the provisions regarding "Corrective Statements" found at pages 4-9, ¶¶ 5-7.

4. I believe that certain of my opinions expressed at trial are relevant to accurately crafting the corrective statements ordered pursuant to Order #1015.

5. I testified that cigarette smoking is highly addictive and that nicotine is a highly addictive drug in tobacco. WD:114; 129; 132; 143; 160-61.

6. I testified that nicotine as delivered by tobacco products has the characteristics of a form of drug dependence which includes the criteria of maladaptive use, frequently in the face of harm; frequent progression of use of the drug from initial sporadic use to regular use; tolerance to many effects; and extreme difficulty in achieving and sustaining abstinence in many users. In addition, in contrast with cocaine and amphetamine, withdrawal from nicotine generally appears more prominently, frequently, and is generally a more debilitating feature than for cocaine and amphetamine use. WD:112-13.

7. My testimony is consistent with and I agree with the conclusion that most smokers are addicted to nicotine in cigarettes. U.S. 64323 (1996 FDA Jurisdictional

Determination).

8. I testified that despite the fact that the vast majority of smokers have already made the choice to quit smoking and have attempted quitting at least once, only a few percent of smokers achieve the interim goal of one year abstinence annually, and of those who do, many go back to smoking. WD:152. In fact, every year, more than one-third of all cigarette smokers try to quit smoking and less than one in ten of them are successful in the long run. Surgeon General's Report, 2000.

9. My testimony is consistent with and I agree with the testimony of Dr. Benowitz that most smokers become addicted to smoking as teenagers. Benowitz WD: 30-39.

10. My testimony is consistent with and I agree with the conclusion that addiction can start within weeks of smoking.

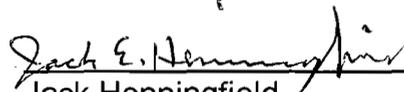
11. I testified that conventional cigarettes are designed to dispense nicotine in addicting doses on the premise that cigarette smoke is a palatable and effective vehicle for nicotine delivery, albeit a highly toxic vehicle. WD:41.

12. I testified that virtually all cigarettes – and certainly the brands and styles of cigarettes that comprise well over 90% of the market – are capable of delivering levels of nicotine to the smoker that can create and sustain addiction. WD:67.

13. My opinions and conclusions that I testified to were based on my education, training, expertise in the science of psychopharmacology, and my review and understanding of the published scientific literature on addiction and nicotine, and my research, as well as others on nicotine and tobacco dependency.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of October, 2006, in Bethesda, Maryland.



Jack Henningfield