

Industry studies on smoker compensation³⁸⁸ have also led companies to be concerned that decreases in tar and nicotine yields will lead to dissatisfaction with smoking unless cigarettes are designed to allow smokers to compensate for the reduction in nicotine.³⁸⁹ Consequently, tobacco manufacturers have actually attempted to assist smokers to compensate for lower nicotine yields, *i.e.*, to obtain more nicotine from a cigarette than its machine-tested yield. They have done so by attempting to design cigarettes with "elasticity." "Elasticity" refers to the ability of a cigarette, whatever its nicotine yield as measured by a smoking machine, to deliver enough smoke to permit a smoker to obtain the nicotine he needs, *e.g.*, through more or longer puffs or by covering ventilation holes.³⁹⁰

BATCO researchers described corporate policy on compensation and elasticity at a 1984 conference:

U.S. Patent No. 4,215,706. Larson TM, Moring TB, Ireland MS. *Nicotine Transfer Process*. Loew's Theatres, Inc. C1:40-48, C3:61-66.

U.S. Patent No. 4,236,532. Schweizer AD, et al. *Smoking Rod Wrapper*. Gallaher Limited. December 2, 1980. C1:35-40.

U.S. Patent No. 4,830,028. Lawson JW, Bullings BR, Perfetti A. *Salts Provided From Nicotine and Organic Acid as Cigarette Additives*. R.J. Reynolds Tobacco Company. May 16, 1989. C1:40-47.

³⁸⁸ See FINDINGS § II.C.3., *supra*.

³⁸⁹ See Adams, note 326, *supra*, at p. 108:

We believe in overall conclusion, that our data shows Firstly, that individual smokers adapt their smoking habit to the type of cigarette being smoked in order to try to obtain what they need from their cigarette

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Thirdly, that if because of the design of the cigarette they cannot adapt sufficiently, dissatisfaction will result.

³⁹⁰ BATCO R&D Conference. 1983. Brazil. Page BW-W2-03952: A paper on the effects of filters on cigarette smoke stated that elasticity was one of the factors that allowed a greater impression of "strength" (which is related to nicotine delivery) "within a given tar segment."