for denicotinizing tobacco by exposing the tobacco to microbes.<sup>612</sup> The processes in these patents are based on the recognition that when tobacco is inoculated with certain types of microorganisms for a specified period of time the nicotine is degraded. The longer the tobacco is exposed to the microorganism, the more nicotine is degraded.

Further evidence of the ability of the tobacco industry to remove nicotine is seen in the marketing of a cigarette that was advertised as "de-nicotined." In 1989, Philip Morris test-marketed a cigarette, NEXT, that contained less than 0.1 milligrams of nicotine. The company's own advertisements for NEXT announced that a process called the "FreePLUS" system "naturally extract[s] nicotine from fine tobaccos, . . . with rich tobacco flavor and less than 0.1 mg nicotine." This product was withdrawn from the market shortly after it was introduced for test-marketing.

Despite this arsenal of nicotine-removing technologies, all brands of currently marketed cigarettes contain levels of nicotine that are sufficient to maintain a pharmacological response in smokers. Although cigarette manufacturers have the ability to market denicotinized tobacco products, to date there has not been any serious attempt, except for NEXT cigarettes, to market these types of products. All cigarettes on the market today have, and deliver, levels of nicotine

<sup>&</sup>lt;sup>612</sup> See:

U.S. Patent No. 4,557,280, note 597, supra.

U.S. Patent No. 4,037,609. Newton RP, Geiss VL, Knobs F, Jewell JN, Gravely LE. *Process for Reduction of Nicotine Content of Tobacco by Microbial Treatment*. Brown and Williamson Tobacco Corporation. July 26, 1977.

U.S. Patent No. 4,038,993. Geiss VL, Knobs F, Gregory CF, Newton RP, Gravely LE. *Process for Reduction of Nicotine Content of Tobacco by Microbial Treatment*. Brown and Williamson Tobacco Corporation. August 2, 1977.

<sup>&</sup>lt;sup>613</sup> Package label for NEXT brand cigarettes.