

Rothmans dispute is settled

A dispute in the Federal Court between Mr Ian Cohen, an anti-smoking activist, and Rothmans, the cigarette company, was settled yesterday.

Mr Cohen, 35, of Bondi Beach, had asked Mr Justice Einfeld to stop the company using a prize-winning photograph of him in one of its promotions.

The photo shows Mr Cohen riding a surfboard while holding on to the bow of the US warship Oldendorf as it headed up Sydney Harbor on 29 September last year, during the Australian Navy's 75th anniversary celebrations.

The photo, taken by 'Sydney Morning Herald' photographer Robert Pearce, was the winning entry in the 1987 National Press Photo Awards, sponsored by Rothmans of Pall Mall (Aust) Ltd.

Mr Cohen, a teacher, said in an affidavit that since 1980 he had been an active member of BUGA UP (Billboard Utilising Graffitists Against Unhealthy Promotions), which erases or alters billboards promoting cigarettes, alcohol or sexism.

Mr Cohen sought orders restraining Rothmans from displaying the photo and several others featuring his anti-nuclear protest in an exhibition at Centrepoint, sponsored by Rothmans, and in catalogues for the exhibition.

Mr Murray Tobias, QC for Rothmans, asked Mr Justice Einfeld yesterday to strike out the applications as showing no reasonable cause of action.

After Mr Clive Evatt, for Mr Cohen had read affidavits in support of the applications, the parties conferred in private and later replied that the dispute had been settled on terms not to be disclosed.

Mr Cohen said outside the court he was pleased with the outcome of the case.

He said there would be "a number of adjustments" to the photo exhibition and to the catalogue.