

Anti-smoker claims win in row with cigs giant

ANTI-SMOKING campaigner Ian Cohen yesterday claimed victory over tobacco giant Rothmans after withdrawing court action against the company.

The action was over the company using a photograph of him clinging to the bow of a visiting US warship.

Mr Cohen alleged that Rothmans had breached his copyright and the Trade Practices Act by using the photograph in an exhibition of prize-winning pictures.

The photograph originally appeared on the front page of The Sydney Morning Herald last September and later won a Rothmans-sponsored national press photograph award.

Surfboard

Mr Cohen told the Federal Court yesterday that some people had asked him if he had sold out to Rothmans after the photograph appeared in the exhibition, which is being displayed in shopping centres throughout Sydney.

Mr Cohen, 35, a school-teacher, said his protest of paddling out to visiting warships on his surfboard was "an original act" and that Rothmans did not

have his permission to use the photograph.

In a affidavit read in court, Mr Cohen said he was a member of BUGAUP (Billboard Utilising Graffiti-ists Against Unhealthy Promotion) and had campaigned against smoking since 1970.

He was also opposed to nuclear arms and to visits by foreign warships.

After a short hearing and adjournment Mr Murray Tobias QC, for Rothmans, told Justice Einfeld that the parties had settled the matter on terms not to be disclosed.

Later, Mr Cohen said he believed his name had been cleared and it was firmly established that he had no links with Rothmans.

"My main concern was that schoolkids would go along to the exhibition, see the photograph of me hanging on to the warship and link it with smoking," he said.

"That is something I would never want."

Justice Einfeld made no order as to costs.