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Senate Health Committee Holds Hearing on Bill to Grant FDA Authority Over Tobacco Products

Bill Will Protect Kids, Save Lives and End Special Protection for Big Tobacco

Statement of America's Leading Public Health Organizations

WASHINGTON, DC (September 19, 2002) - Tobacco use is the leading cause of preventable death in the United States, killing more than 400,000 Americans every year. Yet, tobacco products continue to be exempt from the basic consumer protections that apply to other products we consume.

The time has come to end this deadly special protection for the tobacco industry. We applaud Chairman Edward Kennedy (D-MA) and members of the Health, Education, Labor and Pensions Committee for holding this hearing. We endorse the common sense, bipartisan legislation introduced by Senators Kennedy and Mike DeWine (R-OH) to grant the U.S. Food and Drug Administration (FDA) effective authority over the manufacturing, marketing and sale of tobacco products. Congress should act quickly to pass this important legislation.

The need for FDA authority over tobacco products has never been greater. The tobacco industry is spending more than ever before to market its deadly products, often in ways effective at addicting kids, and it is continuing to deceive the public about the harm caused by tobacco use by aggressively marketing a new generation of products with unproven claims that they are less harmful. Unless Congress acts now to grant the FDA authority to stop the tobacco industry's harmful and deceptive practices, more kids will become addicted and more people will die prematurely because of tobacco-caused disease.

The evidence is clear that the tobacco companies have not kept the promise they made in the 1998 state tobacco settlement to stop targeting our children. In the two years after the settlement, the cigarette manufacturers increased their marketing expenditures by 42 percent, reaching a record \$9.6 billion - \$26 million a day - in 2000, according to the Federal Trade Commission's annual report on cigarette marketing released just last month. Much of the increased expenditures is for marketing that is effective at attracting kids, such as two-for-one promotions that make cigarettes more affordable to children, free bonus items such as lighters and cameras, and high-visibility displays in convenience stores where kids hang out.

The tobacco companies are also continuing their deadly deception about the harm caused by tobacco use. For decades, they have marketed so-called "low-tar" or "light" cigarettes with clearly implied claims that they are less risky than regular cigarettes. But a recent report by the National Cancer Institute found that these products are just as harmful and that the tobacco companies have known this all along.

Today, history may be repeating itself as the tobacco companies market a host of new products with unproven claims that they are not as dangerous. Their latest gimmick is to produce "reduced risk

products" such as Advance and Omni cigarettes claiming "All of the taste, less of the toxins" and "Reduced carcinogens. Premium taste." Unfortunately, there is no way to determine how safe these products are without FDA regulation.

The FDA should have the authority to stop tobacco marketing and sales to our children and to subject tobacco products to the same consumer protections, such as ingredient disclosure, product regulations and truthful packaging and advertising, applied to other products. Ironically, these common sense protections apply to food products made by tobacco giant Philip Morris, such as Kraft Macaroni and Cheese, but not to Marlboro cigarettes made by the same company. In other words, FDA has to approve any ingredient put into Macaroni and Cheese but the ammonia, formaldehyde and arsenic found in cigarettes are unregulated.

Realizing that its special protection may be coming to an end, Philip Morris, the nation's largest tobacco company, now claims that it, too, supports FDA authority over tobacco products. However, FDA bills backed by Philip Morris are filled with loopholes and give the illusion of change, while allowing the tobacco industry to continue with business as usual.

The tobacco industry will argue that the real FDA bills supported by the public health community will lead to prohibition of tobacco products. This is a red herring. No one is proposing a ban on cigarettes. We do think Congress should end special treatment for the tobacco industry and allow the FDA to subject tobacco products to the same sensible consumer protections that apply to other products.

Tobacco use takes a huge toll on our nation's children, families and pocketbooks. Tobacco use kills more Americans every year than AIDS, alcohol, car accidents, murders, suicides and fires combined. Smoking costs our nation more than \$75 billion a year in health care expenditures, according to a recent report by the Centers for Disease Control and Prevention. Every day, more than 4,000 kids try their first cigarettes; another 2,000 kids become addicted smokers, one-third of whom will die prematurely as a result.

Congress can reduce this terrible toll by granting the FDA effective, meaningful authority over tobacco products. It's time for Congress to end Big Tobacco's special protection and start protecting our kids.

The legislation is supported by:

Campaign for Tobacco-Free Kids