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FDA UNFILTERED



Tobacco industry experts weigh in on the new law

Industry insiders and academics offer personal, professional insights on the law.

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Blake Brown

He is an agricultural economist at North Carolina State University and provides economic analysis and educational programming for tobacco and peanut producers. Brown has worked with the tobacco industry and health advocates to understand factors that affect the demand for tobacco products.

"It's very hard to quantify the impact of regulations on the demand for tobacco. But I would think there would be two effects as a result of this legislation. One is, over time, we will see a substantial decline in cigarette consumption. I think the other potential impact is that these regulations call for modified-risk tobacco products. That will change the technology of the way cigarettes are made. These technology changes would likely lead to less tobacco per cigarette.

"So if you have a decline in the number of cigarettes smoked, and you have a decline in the amount of tobacco used per cigarette, I think that will have a substantial impact on demand for U.S. tobacco. . . . The U.S. tobacco industry has been downsizing for many years, and continued downsizing would be no surprise.

"But the big question is how stringent these regulations will be. There is a lot of leeway on what can be required. We won't really know the impact until the regulatory agencies start to work on this."

-- Shari Roan **Stanton Glantz**

He is a professor of medicine and director of the Center for Tobacco Control Research and Education at UC San Francisco. A longtime tobacco control researcher and activist, he is the recipient of the American Cancer Society's 2009 Luther L. Terry Award for Exemplary Leadership in Tobacco Control.

Because the legislation allows the Food and Drug Administration to appoint a scientific advisory committee that will include representatives from the tobacco industry, Glantz says he feels the FDA will be unable to accomplish far-reaching measures to control tobacco and reduce smoking rates. Moreover, he says, the bill minimizes the adverse economic effect on the tobacco industry, when the goal, in his opinion, should be to drive such companies out of business.

"I was speaking at [a national tobacco-prevention conference] in Phoenix two weeks ago when someone passed me a note that said the Senate passed the bill. When I announced it, about half the audience applauded somewhat. Most people in the field are not enthused about the bill. They have real problems with the bill.

"I think the bill is a huge missed opportunity for public health. The FDA's scientific advisory committee will have three tobacco industry representatives on it. They are non-voting, but I don't think that will matter. The fact that they are there at all is a problem. I think people have grossly underestimated how much trouble that will cause.

"Two things in the bill are quite good. The states can act independently from the federal government [on tobacco control] as can cities and local governments. . . . The place of real movement on tobacco control is at the state and local level.

"The other is that the bill allows for graphic warning labels. Graphic warning labels were developed in Canada a decade ago. They have a picture of smoking consequences, like a rotting lung or rotting teeth or heart disease. The warning labels on cigarette packages in the United States now are the weakest in the world. But there is a lot of evidence that graphic warning labels really do work."

-- Shari Roan **Scott Ramminger**

He's president of the American Wholesale Marketers Assn., in Fairfax, Va., an organization that represents distributors who purchase tobacco products from manufacturers and supply convenience stores. The organization joined with the National Assn. of Tobacco Outlets to oppose the legislation.

"We were not in favor of the legislation. We don't really think it's appropriate for FDA to be regulating tobacco. We don't think having more regulations is going to accomplish anything except cost the taxpayers a lot more money. It's difficult to say exactly what impact it's going to have. It really depends on how FDA decides to implement the legislation. That is where the rubber hits the road.

"But here is what I'm afraid could happen. In Canada and other places where draconian regulations have gone in effect, it has basically driven up the cost of the product. Any regulation imposed on any point in the supply chain is going to drive up the cost of the product. You've seen states raise the tax on cigarettes and the federal government has too. What it does is create a great opportunity for organized crime and people interested in subverting the system to bring in bootleg products on the black market. Cigarettes are very easy to make. . . . In California, you've already had a problem with counterfeit cigarettes from China.

"I understand what the intention of [the legislation] is, and no one is going to quarrel with the idea that smoking is not really good for you. But there are a lot of things that are not good for you that adults choose to do. If an adult chooses to smoke, they are going to find a way to smoke. It would be better for everyone, including the proponents of the legislation, if cigarettes were purchased through a legitimate business.

"Look at what happened during Prohibition. This, in my mind, is quite similar."

-- Shari Roan **Patrick Reynolds**

A grandson of cigarette company founder R.J. Reynolds, he watched his family members die from cigarette-induced emphysema and lung cancer and now publicly speaks out against the tobacco industry. His advocacy work includes motivational talks to youth, meetings with lawmakers and press appearances.

"The passage of this bill marks the diminished clout of the tobacco lobby on the Hill.

"My favorite part of the bill is the requirement for cigarette packs to carry graphic warning labels on 50% of both the front and back of packs. I believe this will be a strong deterrent to prevent children from starting. It will also give smokers a strong graphic visual incentive to quit before they take their next cigarette.

"Now all tobacco products are behind the counter -- they used to be next to the candy. If I had my way, all these products would be under the counter, out of sight and out of mind. Only presently-addicted smokers would think to ask for them by name.

"I'm not going to complain about the bill because 99% of it is absolutely fantastic," Reynolds says. But he worries that FDA regulation could take the electronic cigarette off the market. A device that delivers a vaporized propylene glycol and nicotine solution without tobacco or smoke, "the cigarette substitute was very handy to me personally in quitting smoking. It's something to suck on and pretend you're smoking.

"The question of whether glycol and water are more harmful than tobacco smoke with all its poisons is an unknown, but in my mind it could be a valuable aid in quitting."

-- Shara Yurkiewicz **Jeffrey Wigand**

He served as vice president for research and development for Brown & Williamson Tobacco Corp. from 1988 until his termination in 1993, then became the tobacco industry's highest-ranking former executive to address public health and safety. Portrayed by Russell Crowe in the 1999 movie "The Insider," he has assisted governmental agencies investigating the industry and works to reduce youth tobacco use.

"Regulation by the FDA is a great step forward. It's better than no step. It is not by all means perfect -- it does have some loopholes. One in particular that I've been vocal about is the exemption of menthol at the urging of Philip Morris. . . . This is a big error, because menthol is a gateway for kids and particularly for young women. It's also a cigarette that has been targeted to African American communities for decades.

"Philip Morris had no business being at the negotiation table helping to structure a bill that was going to regulate them. . . . I'm quite chagrined that they allowed Philip Morris to draft legislation at all.

"The bill will encourage more activity. . . . The crux is to de-normalize tobacco first and foremost for children. Smoke-free environments work. Raising the price on a pack of cigarettes works. De-socializing works. The restriction of advertising works. Cognitive enabling of children works. Hopefully this bill will shape some of that.

"I'd like to see states pick up smoke-free environments. I don't mean half-hearted attempts. We know [smoke] kills. We have to get rid of it.

"I'd also like to see fire-safe cigarettes. . . . If New York and New Hampshire and Vermont can do it, why can't all the states do it? They save lives, particularly those of innocent firemen and children."

-- Shara Yurkiewicz

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