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Tobacco: Minnesota-Industry Review of Food and Drug Administration Proposal [2]

Stack:	Row:	Section:	Shelf:	Position:
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AMERICA WORKS BEST WHEN WE SAY . . .



BAKERY CONFECTIONERY & TOBACCO WORKERS - LOCAL 81

October 16, 1995

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr
Rockville MD 20857

RE: 95N-0253

(Regulations Restricting the Sale and Distribution of Cigarettes and Tobacco Products)

On behalf of B C & T Local 81, I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are directly dependent on the tobacco industry.

Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

The problem of teen smoking warrants serious attention, - but regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs indirectly associated with it.

Sincerely,

M. Carroll Volpe
Financial Secretary/Treasurer

757 E. Silver Lake Rd. S. • Traverse City, MI 49884 • (616) 943-3530 FAX: (616) 943-8050

91715322



**BAKERY, CONFECTIONERY, & TOBACCO WORKERS' UNION,
TWIN CITIES LOCAL 22, AFL-CIO**

CHARTERED JANUARY 1, 1973

BAKERY AND CONFECTIONERY WORKERS' INTERNATIONAL UNION

Affiliated with

AMERICAN FEDERATION OF LABOR AFL-CIO
MINNESOTA STATE FEDERATION OF LABOR
MINNEAPOLIS CENTRAL LABOR UNION
ST. PAUL TRADES & LABOR ASSEMBLY
HIGHEST COUNCIL OF THE BAKERY & CONFECTIONERY WORKERS



TELEPHONE: 379-2921

MINNEAPOLIS, MINNESOTA 55414

312 CENTRAL AVE., SUITE 990

**Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857**

I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

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We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,

Ellie Peterson, President

BUY UNION LABEL MERCHANDISE

91713323

International Brotherhood of Electrical Workers

Local Union 948
1251 W. Hill Road
Flint, Michigan 48907



Phone: (810) 767-3308
Fax: (810) 767-5907

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

Re: 95N-0253 (Regulations Restricting Sales and Distribution of Cigarettes and Tobacco Products)

I am writing on behalf of IBEW Local 948 to express our opposition to the Food and Drug Administration's proposed regulation on tobacco products. We agree that it is important to control the sale of tobacco to minors, however, the proposed regulations go so far that we believe they are intended to eventually place severe controls on the use of tobacco by adults.

Such controls would destroy the tobacco industry in the United States — an industry which is heavily unionized and pays high wages and extensive benefits to thousands of our union brothers and sisters— many of whom are women and minorities. In addition to the direct negative economic impact, these restrictions would also negatively impact even more jobs in our country in those industries that provide supplies and services to the tobacco industry.

The proposed FDA regulations could cost the jobs of hundreds of thousands of people including those who drive trucks and transport tobacco products to market; those who supply paper, cardboard, packaging and printing; those who work in the mechanical and electrical trades building and servicing the machinery used in manufacturing tobacco products; those who work in hospitality industry; and retail store clerks in grocery and convenience store. People in many other industries will also feel the adverse impact of the regulations — and many of these workers are union members, too.

Last, we are concerned that the proposed FDA regulation will threaten professional motorsports and other sporting events and will deprive people of the pleasure of viewing and participating in these popular recreational activities. And, of course, this will also cause the loss of the jobs associated with these events.

We know the problem of teen smoking deserves serious attention, but eliminating thousands of American jobs through needless regulation is not the way to do it. The federal government should be working to create jobs, not destroy them. The proposed regulations before the FDA go well beyond dealing with the problem of teenage smoking — these regulations are really intended to destroy an American industry and all the jobs directly and indirectly associated with it. The FDA should instead concentrate its limited resources on performing the critical services for which it was created.

Sincerely,

A handwritten signature in cursive script, reading "Charles D. Marshall Jr.", is written over a horizontal line.

Charles D Marshall Jr., Business Manager
IBEW Local 948

91715324

WOOD, WIRE AND METAL LATHERS'

LOCAL UNION 190L

AFFILIATED WITH UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA



708 SOUTH 10TH STREET
MINNEAPOLIS, MN 55404
TELEPHONE (612) 322-4348



Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857

I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,


Business Manager

91715325



International Union of Elevator Constructors

AFFILIATED WITH THE AFL-CIO

LOCAL UNION No. 9

312 Central Avenue, Room 592, Minneapolis, MN 55414 • (612) 379-2709

PRINTED IN U.S.A.

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857

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Sincerely,

Boris Carey

Business Manager

91715326

Minneapolis

DONALD EARLY
President

RICHARD O. JOHNSON
Financial Secretary-Treasurer



Central Labor Union Council

312 Central Avenue, Room 542, Minneapolis, MN 55414
(612) 379-4286 Fax 379-1307

Dockers Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857

I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

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But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

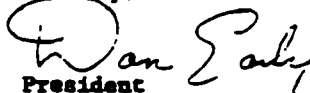
Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,


President

DONALD EARLY

LOUISE SUNDIN

EXECUTIVE BOARD

MYRNA DORAN

WILLIS C. HARRIS

JERRY WESTERHOLM

91715327

Bakery, Confectionery and Tobacco



Workers International Union

LOCAL 253

5725 Dragon Way Suite 115 Cincinnati, Ohio 45227 (513) 272-0147
(513) 272-3282

October 12, 1995

Dockets Management Branch(HFA-305)
Food and drug administration, Room 1-23
12420 Parklawn Drive
Rockville, Maryland 20857

Re: 95N-0253

(Regulations restricting the Sale and Distribution of Cigarettes and Tobacco Products)

On behalf of B.C.&T. Union, Local 253, I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

Workers involved in transporting products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

91715328

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly associated with it.

Sincerely,

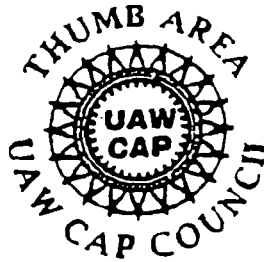
A handwritten signature in dark ink, appearing to read "Gary M. Bainum". The signature is fluid and cursive, with the first name "Gary" being more prominent.

Gary Bainum

President-Business Agent
B.C.&T. Union ,Local 253

91715329

DONALD J. MOSHER
Chairman



2968 Farmers Creek Road
Metamora, MI 48453-9708

Home (810) 797-5899 • (810) 232-4193 • Fax (810) 232-8337

October 9, 1995

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

Re: 95N-0253
(Regulations Restricting Sale and Distribution of Cigarettes and Tobacco Products)

On behalf of the Thumb Area UAW CAP Council, I am writing to express opposition to the Food and Drug Administration's proposed regulations on tobacco products. While we agree that controlling sales of tobacco products to minors is important, we believe FDA regulation is the wrong approach. In fact, the regulations which have been proposed would lead to even more severe controls on the use of tobacco products by adults. This would severely and negatively impact on the tobacco industry — an industry which is highly unionized and pays high wages and benefits. The jobs of thousands of our union brothers and sisters, including many women and minorities, working in the industry are jeopardized by FDA regulation.

In addition, the economic impact from these restrictions would include the loss of thousands of jobs directly related to the tobacco industry, as well as tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry. This includes workers involved in: transporting tobacco products; providing supplies such as paper, cardboard, inks and machinery; the hospitality industry, retail sales such as grocery and convenience stores; and countless other industries will feel the adverse impact of these regulations. Many of the workers in these industries are union members, too.

Further, we are also concerned that enforcing these regulations will hurt the FDA by forcing it to push its already limited resources, thereby denying the American public the critical services for which the FDA was created.

91715330

America's Future Depends On American Jobs • Buy American • Buy Union

UAW-THUMB

- Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
Page 2.

Last, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events — including UAW members who design and build the specialty automotive products used .

We know that the problem of teen smoking deserves serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it. We in the auto industry are especially familiar with how negatively seemingly well-meaning regulations can be to an industry.

Sincerely,



Donald J. Mosher
Chairman - Thumb Area UAW CAP Council

91715331



236 EAST TOWN STREET - C-150
COLUMBUS, OH 43215

PHONE (614) 481-4700
FAX (614) 481-0552

Ohio State Council
of the
United Brotherhood of
Carpenters
and Joiners of America

(INSTITUTED AUGUST 12, 1881)

PRESIDENT
GARY PIATT
South Point, Ohio

VICE PRESIDENT
JAMES DOYLE
Menton-on-the-Lake, Ohio

SECRETARY-TREASURER
STEVEN M. KABARNICH
Tallmadge, Ohio

LEGISLATIVE ADVOCATE
LARRY BOWERS
Upper Arlington, Ohio

October 6, 1995

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

RE: 95N-0243

(Regulations Restricting the Sale and Distribution of Cigarettes and Tobacco Products)

On behalf of the Ohio State Council of Carpenters, I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

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INDUSTRIAL COUNCIL
2000 W. 10th St.

91715332

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Food and Drug Administration
Page Two
October 6, 1995

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motor sports and other sporting events. This not only would deny men and women around the country these popular recreational activities but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,



Larry Sowers
Legislative Advocate

91715333



International Union of Operating Engineers

LOCAL UNION 18 • 18A • 18B • 18C • 18RA • SERVING OHIO
ELEVEN EIGHTY-EIGHT DUBLIN ROAD • COLUMBUS, OHIO 43218-7008
(614) 486-5281 FAX: (614) 486-7258

Office of
District No. 3

October 6, 1995

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

Copy

RE: 95N-0253
(Regulations Restricting the Sale and Distribution of Cigarettes and Tobacco Products)

On behalf of the International Union of Operating Engineers, Local 18, 14,000 strong representing eighty-five (85) counties in Ohio and four (4) in Northern Kentucky, we are writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

91715334



International Union of Operating Engineers

LOCAL UNION 18 • 18A • 18B • 18C • 18RA • SERVING OHIO
ELEVEN EIGHTY-EIGHT DUBLIN ROAD • COLUMBUS, OHIO 43216-7008
(614) 486-5281 FAX: (614) 486-7258

Office of
District No. 3

October 6, 1995

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

Copy

RE: 95N-0253
(Regulations Restricting the Sale and Distribution of Cigarettes and Tobacco Products)

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But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

91715335

October 6, 1995

Dockets Management Branch (HFA-305)

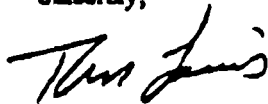
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We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motor sports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,



Tom Louis
Special Representative

TEL/dch

100-1065

91715336



OHIO VALLEY COUNCIL OF SHEET METAL WORKERS



GARY R. FAXTON
President
4848 Northeast Place
Dayton, Ohio 45414
(613) 277-8303

October 5, 1995

ALAN J. CHERMAK
Secretary-Treasurer
3848 Carnegie Avenue
Cleveland, Ohio 44115
(216) 391-1645

DAVID J. WILLIAMS
Executive Secretary
2382 South Avenue
Toledo, Ohio 43608
(419) 382-4808

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parkdawn Drive
Rockville, MD 20857

RE: 95N-0253

(Regulations Restricting the Sale and Distribution of Cigarettes and Tobacco Products)

On behalf of the Ohio Valley Council of Sheet Metal Workers, I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

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Finally, the proposed regulations would seriously threaten the viability of professional motor sports and other sporting events. This not only would deny men and women around the country these popular recreational activities but also lead to the loss of jobs associated with putting on these events.

91715337

Dockets Management Branch
Food and Drug Administration
Page Two
October 5, 1995

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Sincerely,


David J. Williams
Executive Secretary

91715338

Teamsters Miscellaneous and Industrial Workers Union, Local No. 284

OFFICERS:

HAROLD SPEAKMAN
President

BRIAN RICE
Secretary-Treasurer

GARY HASKINS
Vice President

MARK VANDAK
Recording Secretary

555 East Rich Street • Columbus, Ohio 43215-5398

Phone: (614) 228-0727 • FAX: (614) 228-0901

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BUSINESS AGENTS:

ROGER PACK
DALE GROSSMAN

TRUSTEES:

WILSON BOBO
GILBERT ABBINGTON
STEVE GREGORY



September 28, 1995

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

RE: 95N-0253

(Regulations Restricting the Sale and Distribution of Cigarettes and Tobacco Products)

On behalf of Teamsters Union Local No. 284, I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

91715339

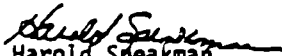
Page 2
September 28, 1995

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,

TEAMSTERS LOCAL NO. 284


Harold Speakman
President

91715340

Bakery, Confectionery and Tobacco
Workers International Union
Local 203T

271 E. BELT BOULEVARD • P. O. BOX 24844 • RICHMOND, VIRGINIA 23224 • PHONE (804) 230-0003



October 11, 1995

Dockets Management Branch (HFA-305)
Food and Drug Administration
Room 1-23
12420 Parklawn Drive
Rockville, Md. 20857

RE: 95N-0253
(Regulations Restricting the Sale and Distribution of
Cigarettes and Smokeless Tobacco Products)

On behalf of the Bakery, Confectionery and Tobacco Workers Local 203T, I am writing to express our strong opposition to the proposed regulation of tobacco products by the FDA.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. They go right at the economic viability of the industry and in turn the jobs of our members.

What is most outrageous is that rarely in all of the debate over tobacco regulation is there ever a mention of the jobs of thousands of hard-working men and women whose livelihoods depend on the tobacco industry. The excellent wages and benefits we earn enable us to provide for our families, send our children to college, care for our parents, grandparents and grandchildren.

Because of these wages and benefits we bolster the standard of living and quality of life in our community. Tobacco workers will not be the only ones hurt by this attack on the tobacco industry. The people who work in the businesses we patronize--the restaurants, grocery stores, appliance shops, hairdressers and car dealers to name a few--will pay a high price as well for these misguided and punitive regulations.

Our union agrees that teen smoking is an important issue that should be addressed. But regulating away thousands of jobs is not the answer.

91715341

page #2

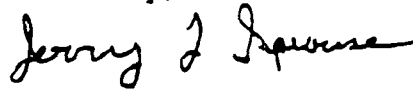
States are already required by federal law to pass legislation restricting access of tobacco products to minors. Our union and the industry support these efforts.

Tobacco is a legal product produced by American workers and should continue to be treated as such. A percentage of American adults will choose to use tobacco products.

The real issue is whether they will be made by American workers who earn high wages and extensive benefits or by overseas workers earning substandard wages and no benefits.

The FDA should reject these proposals and utilize its already limited resources to provide the services to the American people for which the agency was created.

Sincerely,



Jerry L. Sprouse
President, Local 203T

91715342

MINNEAPOLIS BUILDING & CONSTRUCTION TRADES COUNCIL

Affiliated with

BUILDING & CONSTRUCTION TRADES DEPARTMENT • AFL-CIO

United Labor Centre
312 Central Avenue, Room 556
Minneapolis, Minnesota 55414

Phone: (612) 379-4234
Fax: (612) 379-4479

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857

Asbestos Workers No. 34
Asbestos Workers No. 205
Boilermakers No. 647
Bricklayers No. 2

Cabinet Makers and Millmen
No. 1865

Carpenters No. 551
Carpenters and Floorlayers
No. 1044

Carpet and Linoleum Layers
No. 506

Cement Masons No. 633
City Employees No. 363

Crane Builders and
Tire Drivers No. 1847
Drivers No. 221

Electrical Workers No. 292
Elevator Constructors No. 9

Glaziers & Glassworkers
No. 1124

Iron Workers No. 512

Iron Workers Shopmen
No. 513

Laborers No. 101
Construction and General

Laborers No. 101

Millwrights No. 540

Operating Engineers No. 49

Painters No. 306

Pipe Fitters No. 530

Plasterers No. 2065

Plaster Tenders No. 111

Plumbers No. 15

Roofters No. 406

Sheet Metal Workers
No. 10

Sign Painters No. 250

Sprinkler Fitters No. 417

Terrazzo Workers No. 5

Terrazzo Workers Helpers
No. 1077

Tile Layers No. 18

I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

Workers involved in: transporting tobacco, and producing supplies such as cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,

Bob Larson Pres.

President

91715343



312 CENTRAL
ROOM 346
MINNEAPOLIS, MN 55414
(612) 379-4823

ROBERT E. LARSON
BUSINESS MANAGER
FINANCIAL SECRETARY

ALLAN J. GIBNEY
FIELD BUSINESS
REPRESENTATIVE

RALPH R. SCESER
ORGANIZER

ROBERT J. JENSEN
TREASURER

JOHN W. LEUTHARD
PRESIDENT

JAMES L. MICHAELSON
RECORDING SECRETARY

NANCY M. LANE
VICE PRESIDENT

Brotherhood of Painters and Allied Trades

Local Union No. 386

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857

I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

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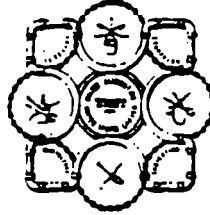
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Sincerely,

Robert E. Larson
Business Manager
Business Manager

91715344

PIPE FITTERS



UNION NO. 539

312 Central Avenue
Room No. 334, Labor Centre
MINNEAPOLIS, MN 55414

AFL-CIO

Phone 379-4711

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857

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Sincerely,

Charlie Fortune
Business Manager

91715345



M innesota AFL-CIO

525 Park Street, Suite 110 • St. Paul, MN 55103
(612) 227-7647 • FAX (312) 227-3801



July 26, 1995

EXECUTIVE OFFICERS

Bernard L. Brommer
President

Bill Peterson
Secretary-Treasurer

DISTRICT VICE PRESIDENTS

Dick Ariang
Betty Bednarczyk
Robert DeRov
Don Early
Annie Entzel
Rick Hagen
Aary Hayes
Steve Hunter
Bruce Iverson
Richard Johnson
Jean Jones
Roger Juare
Nona Nelson
Robert Oswald
Sandra Peterson
Ted Pritchard
Darrell Ray
Joan Richardson
Fred Schmitt
Jerry Seftling
Frank Strudel
Gordon T. Struss
George Sundstrom
Ray Waldron

The President
The White House
Washington, D.C. 20500

Dear President Clinton:

You have received a number of letters from unions affiliated with the AFL-CIO expressing their opposition to the Food and Drug Administration regulating tobacco products.

The Tobacco Industry is heavily organized and as part of the Bakery and Confectionery Workers, they participate and play an important role in the labor movement, as it moves to improve the lot of working people.

When Hubert Humphrey was elected Vice President of the United States, his first words to President Lyndon Johnson were that he would be a loyal partner, and he was. He told the President that he would do anything requested by him, but asked that he not be told to do anything that would harm his friends in the Labor Movement.

Mr. President, I join all those who are requesting that your decision on this matter not harm the Labor Movement, nor your many friends within it.

Thanking you for past considerations, I remain.

Sincerely,

David K. Roe
President Emeritus

DKR:jg
opeiul2
afl-cio

91715346

Serving working men and women since 1860

THE WHITE HOUSE
WASHINGTON

September 25, 1995

Mr. David K. Roe
President Emeritus
Minnesota AFL-CIO
Suite 110
525 Park Street
Saint Paul, Minnesota 55103

Dear David:

Thank you for your message regarding our effort to limit children's access to tobacco products. I have heard from many concerned people on this issue, and I appreciate your input as we work to protect the health of young Americans.

Adults are capable of making their own decisions about smoking. Overwhelming evidence shows, however, that children are particularly susceptible to tobacco marketing. Some 3,000 boys and girls take to smoking every day, and millions will ultimately lose their lives to it. If we are to ensure a healthy future for our children, we must act now to stop them from smoking.

I have therefore authorized the Food and Drug Administration to propose rules to limit minors' access to tobacco as well as the promotion and advertising that enhance the appeal of tobacco products among young people. Under the proposed regulations:

- o tobacco purchasers will be required to prove their age with identification;
- o cigarette vending machines, which effectively circumvent any ban on sales to children, will be prohibited;
- o outdoor advertising for tobacco products will not be allowed within 1,000 feet of schools or playgrounds, and outdoor advertising outside the 1,000-foot limit will be restricted to a text-only, black and white format;
- o publications with significant youth readership will be permitted to advertise tobacco products solely in a text-only, black and white format; and
- o the tobacco industry will fund an annual campaign to teach children about the dangers of tobacco use.

These proposals do not constitute a ban on smoking or a threat to the First Amendment. Rather, they are commonsense steps that will help us forge a better future for our children. I appreciate knowing your views on this issue, and I hope you will work with us as we seek to create a healthier America.

Sincerely,



91715347

MINNESOTA STATE



Building and Construction Trades Council

Affiliated With . . . BUILDING TRADES DEPARTMENT, AFL-CIO . . .

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857

I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,


President

91715348



Operative Plasterers' Local 2065

UNITED LABOR CENTRE
MINNEAPOLIS, MINNESOTA 55414

312 CENTRAL AVENUE

379-1515

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857

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Sincerely,

Richard Felber
Business Representative

91715349

Sheet Workers No. 10
1681 East Cope Avenue
St. Paul, MN 55109

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857

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Sincerely,


John C. Beaulieu
Business Manager

91715350

PLASTER TENDERS UNION LOCAL NO. 111

ORGANIZED NOVEMBER 28, 1979

Labor Centre
312 Central Avenue
Room 386



Minneapolis,
Minnesota 55414

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857

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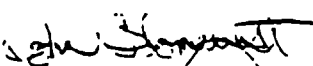
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Sincerely,


John Blomquest
Business Representative

91715351



Robert V. Morand
International Vice President
Director, UFCW Region 7 - Northwestern
130 Arbor Building
1621 - 114th Avenue, S.E.
Bellevue WA 98004
(206) 462-8314 FAX (206) 455-4941

October 25, 1995

Dockets Management Branch (HFA-305)
Food & Drug Administration
Room 1-23
12420 Parklawn Drive
Rockville, Maryland 20857

Re: 95N-0253 (Regulations Restricting the Sale & Distribution of Cigarettes & Smokeless Tobacco Products)

I am writing in opposition to the proposed regulation that would grant broad authority to the FDA to regulate tobacco products.

Although the proposed rules are designed to prevent teen smoking, they will also have a devastating effect on the unionized work force within the tobacco industry. Mr. Frank Hurt, President of the Bakery, Confectionery & Tobacco Workers International Union, estimates that at least 10,000 union jobs could be lost as a result of the proposed rules. In addition, related jobs which are indirectly dependent upon legal tobacco sales will be lost. The FDA estimates that the proposed rules would cost retailers and manufacturers \$26-\$39 million in one-time costs and annual operating costs of approximately \$227 million. Such costs to retailers could result in a loss of jobs for UFCW members who work in retail outlets which currently sell tobacco products.

The issue of teen smoking and restricting access to minors is currently being addressed at the state level. Washington State has a law in place, and the Washington State Liquor Control Board is responsible for enforcing that law. Our members who work in retail are currently subject to strong penalties for illegal sale of tobacco products to minors. UFCW has supported reasonable and fair laws which are designed to curb illegal sale of tobacco products to minors. However, we are opposed to rules which would possibly eliminate tobacco sales in retail outlets.

Douglas M. Dority
International
President



Joseph C. Talarico
International
Secretary-Treasurer

United Food & Commercial Workers
International Union, AFL-CIO & CLC
1778 K Street, NW
Washington DC 20004-1598
(202) 223-3111 FAX (202) 466-1562

91715352

Food & Drug Administration

- 2 -

October 25, 1995

The proposed regulations go well beyond the problem of teenage smoking and will result in the loss of thousands of family wage jobs. We urge you to reject 95N-0253.

Sincerely,



Robert V. Morand
International Vice President
and Director, UFCW Region 7 - NW

RVM:wkt

91715353

10/17/93

...Cigarette Management Branch (HFA-305)
 ...Food and Drug Administration, Room 1-13
 ...12420 Parklawn Drive
 ...Rockville, MD 20857

...Dear Sir,

...My name is Duann Meade, I am
 ...a Tobacco Worker at Brown and Williamson
 ...Tobacco Corp. in Macon, Ga. I am a member
 ...of BCT local 362-T.

...I want you to know how I strongly
 ...disagree with the FDA trying to regulate
 ...Tobacco. The proposed regulation and
 ...restrictions will destroy my job and
 ...life. I am a single mother of two
 ...children and I hope to raise them with
 ...a good paying job - and not on
 ...welfare. I pay more taxes in a
 ...year than most people in Macon
 ...Ga make in a year. Why do you
 ...want to take away from my family and
 ...my life? It is not often that single
 ...mothers get the chance to have good
 ...paying jobs to support their children
 ...without help from the government - So
 ...please tell ~~me~~ why you feel you
 ...need to destroy that? I appreciate

91715354

...Tobacco Management Branch (HFA-305)
...Food and Drug Administration, Room 1-23
...12420 Parklawn Drive
...Rockville, Md 20857

...Dear Sirs:

...My name is Selma Muehling, a tobacco
...worker in Macon, Ga at Brown and Williamson
...Tobacco Corporation. I am a member of Local
...362-T of the Bakery Confectionery and Tobacco
...Workers International Union. I am opposed
...to the FDA regulation of tobacco.

...Regulations or restrictions would devastate
...our industry. I have two children and
...am proud of the fact that I can afford
...to educate and provide a future for them,
...through my wages earned in the tobacco
...industry. I am also proud of the fact
...that I can support charities and the
...needy citizens in our community.

...Supporting St. Jude's Children's Research
...Hospital holds a special place in my
...heart, because of the catastrophic illness
...of my nephew. This hospital depends
...entirely on contributions. Because of
...the wages I earn, I can donate to
...this wonderful organization.

91715355

Hotel Employees, Restaurant Employees Union LOCAL No. 57

Affiliated with the H. & R. E. & B.I.U. — AFL-CIO and ALLEGHENY COUNTY LABOR COUNCIL and PENNSYLVANIA AFL-CIO

GENERAL OFFICERS

LOUIS SANFILIPPO, President
ARTHUR TATANGELO, Ex. Vice President
NANCY ROSS, Secretary-Treasurer
EDWARD NASSAN, General Organizer

433 Fort Pitt Boulevard
First Floor
PITTSBURGH, PA 15219

Bus. (412) 288-9500
Fax (412) 281-4370



BUSINESS REPRESENTATIVES

GEORGE ROSS
DARREL BROWN

HEALTH/PENSION PHONE
(412) 281-0357

October 26, 1995

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

RE: 95N-0253

(Regulations Restricting the Sale and Distribution of
Cigarettes and Tobacco Products)

On behalf of H.E.R.E. Local #57, I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits the jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

91715356

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,


Nancy Ross
Secretary-Treasurer

91715357



**TRANSPORTATION • COMMUNICATIONS
INTERNATIONAL UNION**

GARY M. FALEY
Michigan State Legislative Director

AR-CO, CLC

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

November 2, 1995

Re: 95N-0253 (Regulations Restricting Sale and Distribution of Cigarettes and Tobacco Products)

I am writing on behalf of our members in Michigan to express our concerns regarding the regulations on tobacco products which are being proposed by the FDA. First, let me state that I am writing on behalf of Michigan's TCU members, most of whom are employed in the railway transportation industry. We understand and share your concern to control the sale of tobacco to minors, however we believe that the proposed regulations are designed as the first step toward much more prohibitive control of the use of tobacco by adults. That would be an action which we very much oppose.

Such controls on tobacco products would not only destroy this industry in the U.S. and cause the loss of thousands of union jobs, but would also cost the jobs of thousands of workers in the industries that provide supplies and services to the tobacco industry. This industry affects the manufacturers and suppliers of paper, cellophane, cardboard and other packaging materials as well. Each of these products has something in common — they are often shipped by rail and are some of the products that help keep TCU members employed.

Something else proposed by the FDA that concerns our members is the proposed prohibition of cigarette and tobacco firms sponsoring motorsports and other professional sporting events, activities that many of our members and their families enjoy. Having the FDA, in effect, control what recreational activities people can enjoy is truly stretching the role that our government had when establishing this agency.

Michigan, like most states also regulates certain aspects of the advertising, sales and distribution of these legal products. Adding another layer of regulation on top of this while at the same time destroying thousands of American jobs simply makes no sense.

Please know that our members realize that smoking by underage individuals is a problem that deserves serious attention. However, the proposed regulations before the FDA go well beyond dealing with the problem of teenage smoking. These regulations could destroy an American industry and all the jobs directly and indirectly associated with it. We feel the FDA should instead concentrate its limited resources on performing the critical services for which it was created.

Respectfully,

Gary M. Faley
Michigan State Legislative Director

91715358



SHEET METAL WORKERS INTERNATIONAL ASSOCIATION

LOCAL UNION No. 7

801 S. Holmes Street • Telephone 517-374-7337 • Lansing, Michigan 48912

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

October 28, 1995

Re: 95N-0253 (Regulations Restricting Sale and Distribution of Cigarettes and Tobacco Products)

On behalf of the members of Sheet Metal Workers Local No. 7, I am writing to express our opposition to the FDA's proposed regulations on tobacco products. While we believe that it is important to control the sale of tobacco to minors, we nonetheless believe that these proposed regulations are, in fact, intended as the first step toward placing severe controls on the use of tobacco by adults -- an action which we very adamantly oppose.

Severe controls on these legal tobacco products would destroy this industry in the U.S. and cause the loss of many thousands of jobs that pay high wages and benefits to our union brothers and sisters. We are further concerned that many of the affected workers are women and minorities who would have difficulty finding jobs in their communities paying comparable wages.

These restrictions would also cost the jobs of thousands of workers in our nation in those industries that provide supplies and services to the tobacco industry such as truck drivers, store clerks and many others. In addition, people in many other industries will also feel the adverse impact of these regulations as they feel the impact of fewer dollars being spent in our economy. It is an indisputable fact that people with no income spend no money on the goods of services that others produce. Obviously, many of the workers who will be adversely affected by a stalling economy are union members, too.

Another aspect of the proposed FDA regulations that concerns our members, is the prohibition of cigarette and tobacco firms to sponsor motorsports and other professional sporting events. Our members work hard, pay high taxes and deserve to choose for themselves what recreational activities they prefer while enjoying some well deserved recreation time with their families. Regulating who may, or may not, sponsor these activities run counter to traditional American values which stress our freedom of choice. This is not to minimize our concern for the loss of the jobs associated with these events as well.

91715359



Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
October 28, 1995
Page 2.

In closing, our members know that smoking by underage individuals is a problem that warrants serious attention. However, we are also aware that, like Michigan, every state in the nation has laws, regulations, taxes and programs in place that are designed to discourage and control the sale of tobacco products to minors.

Many states, including Michigan, also regulate the advertising and other aspects of the sales and distribution of these legal products. Consequently, the idea of eliminating thousands of American jobs through even more regulation strikes us as especially absurd.

Our government should be taking action to create jobs, not lose them. The proposed regulations before the FDA go well beyond dealing with the problem of teenage smoking -- these regulations are really intended to destroy an American industry and all the jobs directly and indirectly associated with it. The FDA should instead concentrate its limited resources on performing the critical services for which it was created.

Respectfully,

A handwritten signature in black ink, appearing to read "Ronald C. Bunker", with a long horizontal flourish extending to the right.

Ronald C. Bunker
Business Agent

91715360



Laborers' International Union of North America
LOCAL UNION NO. 353

PHONE 515-265-6131

2121 DELAWARE

DES MOINES, IOWA 50317

October 27, 1995

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room I-23
12420 Parklawn Dr.
Rockville, MD 20857

RE: 95N-0253 (Regulations Restricting the Sale and Distribution
of Cigarettes and Tobacco Products)

On behalf of the Laborers' International Union-Local #353, I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

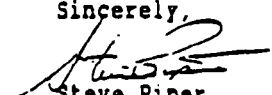
Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,


Steve Piper
Business Manager

91715361



**LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA
LOCAL 1140**

1821 California Street • Omaha, NE 68102
402-342-7878 • FAX 402-342-8747

Dockets Management Branch (HFA) Oct. 26, 1995
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, Md. 20857

RE: 95N-0253

On behalf of Laborers Local #1140, Omaha, Nebraska, I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

Workers involved in transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

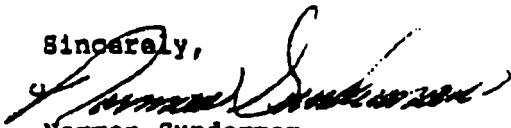
We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services from which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the

91715362

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,



Norman Sunderman
Business Manager/Fin. Sec.-Treasurer
Laborers Local #1140

91715363

-Frank Ransford
President

AFFILIATED LOCAL UNIONS

LOCAL No. 43
3077 "F" St. SW
Des Moines, IA 50317

LOCAL No. 333
2121 Delaware
Des Moines, IA 50317

LOCAL No. 177
2121 Delaware
Des Moines, IA 50317

LOCAL No. 427
3038 S. Lakeport, Suite 200
Sioux City, IA 51106

Iowa Laborers' District Council

5806 MEREDITH DRIVE, SUITE B
DES MOINES, IOWA 50322
Phone: (515) 270-6961



Laborers' International Union of North America (AFL-CIO)
CHICAGO REGION



William G. Gerhard
Business Manager/Secretary-Treasurer

AFFILIATED LOCAL UNIONS

LOCAL No. 625
204-205 Tama Building
Burlington, IA 52601

LOCAL No. 888
164 Main St.
Dubuque, IA 52001

LOCAL No. 588
118 N. Greene St.
Omaha, IA 52501

LOCAL No. 1146
1821 California St. Suite 207
Omaha, Nebraska 68102

LOCAL No. 1138
703 S. Clinton St.
Iowa City, IA 52240

October 25, 1995

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room I-23
12420 Parklawn Dr.
Rockville, MD 20857

RE: 95N-0253
(Regulations Restricting the Sale and Distribution of
Cigarettes and Tobacco Products)

On behalf of the Iowa Laborers' District Council, I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependent on the tobacco industry.

Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

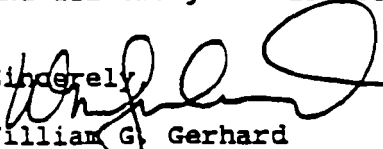
We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

91715364

Food and Drug Administration
October 25, 1995
Page 2

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,



William G. Gerhard
Business Manager
Secretary/Treasurer
IOWA LABORERS' DISTRICT COUNCIL

WGG/jm

91715365

INTERNATIONAL UNION OF OPERATING ENGINEERS

Local 234, Des Moines, Iowa

MAIN OFFICE

4000 FREDERICK M. HUBBELL AVENUE
DES MOINES, IOWA 50317
PHONE (515) 265-1857

RICK LANE - PRESIDENT
SCOTT SAYLOR - VICE PRESIDENT
JERRY ADDY - RECORDING SECRETARY
BUNT VUST - TREASURER



LEN HERSH
BUSINESS MANAGER - FINANCIAL SECRETARY

SCOTT SAYLOR - EXECUTIVE BOARD - DISTRICT I
DICK PETERSMITH - EXECUTIVE BOARD - DISTRICT II
RON FRENCH - EXECUTIVE BOARD - DISTRICT III

November 1, 1995

Dockets Management Branch (HPA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Drive
Rockville, Maryland 20857

RE: 95N-0253

(Regulations Restricting the Sale and Distribution of
Cigarettes and Tobacco Products)

On behalf of the International Union of Operating Engineers, Local 234, I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products. Controlling sales of tobacco products to minors is an important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry dependant on the tobacco industry.

Workers involved in transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will see the adverse impact of these regulations. Many of these workers are union members.

91715366

DOCKETS MANAGEMENT BRANCH (HFA-305)
PAGE TWO
NOVEMBER 1, 1995

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again, the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,



L.V. Hersh
Business Manager,
Financial Secretary
LVH/td
cc: File

91713367

AFSCME Local #35
4320 NW 2nd Avenue
Des Moines, IA 50313

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room I-23
12420 Parklawn Drive
Rockville, MD 20857

RE: 95N-0253
(Regulations Restricting the Sale and Distribution of Cigarettes and Tobacco Products)

On behalf of AFSCME Local 35, I am writing to express our opposition to the regulations on tobacco products proposed by the Food and Drug Administration. We strongly believe in the control of sales of tobacco to minors. However, we believe the proposed FDA regulation is the wrong approach to addressing the issue.

Taken in their entirety, the proposed regulations will certainly lead to much stricter controls on adult use of tobacco products. Such restrictions would have a devastating impact on the tobacco industry. The tobacco industry is highly unionized and offers workers high wages and comprehensive benefits. Thousands of jobs held by our union brothers and sisters are jeopardized by FDA regulation. This would disproportionately affect women and minorities, who represent a high proportion of the workers in the industry.

The economic fallout from stricter controls will go even further, though. Not only will jobs within the industry be lost, but tens of thousands of jobs that are indirectly dependent on tobacco will also be threatened. This includes workers who transport the products, provide supplies such as machinery, paper, cardboard and inks, provide retail services at grocery and convenience stores and countless other industries. Many of the employees of these dependent industries are also union members.

We are also concerned that enforcing limits on tobacco sales will force the FDA to stretch its already limited resources, and it could negatively impact the many other critical services for which the FDA was created—services the American people depend on.

Finally, the proposed regulations would threaten the viability of professional motor sport and other sporting events. Not only would this deny women and men around the country a popular recreational activity, but it would lead to the loss of the many jobs associated with putting on the events.

To reiterate, the problem of teen smoking is urgent and requires serious attention. But regulating away thousands of American jobs is not the way to do so. Government should encourage employment, not threaten and destroy it. The regulations now proposed before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,

Robert Straker
Robert Straker

91715368

AFSCME Local #1868
4320 NW 2nd Avenue
Des Moines, IA 50313

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room I-23
12420 Parklawn Drive
Rockville, MD 20857

RE: 95N-0253
(Regulations Restricting the Sale and Distribution of Cigarettes and Tobacco Products)

On behalf of AFSCME Local 1868, I am writing to express our opposition to the regulations on tobacco products proposed by the Food and Drug Administration. We strongly believe in the control of sales of tobacco to minors. However, we believe the proposed FDA regulation is the wrong approach to addressing the issue.

Taken in their entirety, the proposed regulations will certainly lead to much stricter controls on adult use of tobacco products. Such restrictions would have a devastating impact on the tobacco industry. The tobacco industry is highly unionized and offers workers high wages and comprehensive benefits. Thousands of jobs held by our union brothers and sisters are jeopardized by FDA regulation. This would disproportionately affect women and minorities, who represent a high proportion of the workers in the industry.

The economic fallout from stricter controls will go even further, though. Not only will jobs within the industry be lost, but tens of thousands of jobs that are indirectly dependent on tobacco will also be threatened. This includes workers who transport the products, provide supplies such as machinery, paper, cardboard and inks, provide retail services at grocery and convenience stores and countless other industries. Many of the employees of these dependent industries are also union members.

We are also concerned that enforcing limits on tobacco sales will force the FDA to stretch its already limited resources, and it could negatively impact the many other critical services for which the FDA was created--services the American people depend on.

Finally, the proposed regulations would threaten the viability of professional motor sport and other sporting events. Not only would this deny women and men around the country a popular recreational activity, but it would lead to the loss of the many jobs associated with putting on the events.

To reiterate, the problem of teen smoking is urgent and requires serious attention. But regulating away thousands of American jobs is not the way to do so. Government should encourage employment, not threaten and destroy it. The regulations now proposed before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,

John Rowen - President

91715369

AFSCME Local #1185
4320 NW 2nd Avenue
Des Moines, IA 50313

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room I-23
12420 Parklawn Drive
Rockville, MD 20857

RE: 95N-0253
(Regulations Restricting the Sale and Distribution of Cigarettes and Tobacco Products)

On behalf of AFSCME Local 1185, I am writing to express our opposition to the regulations on tobacco products proposed by the Food and Drug Administration. We strongly believe in the control of sales of tobacco to minors. However, we believe the proposed FDA regulation is the wrong approach to addressing the issue.

Taken in their entirety, the proposed regulations will certainly lead to much stricter controls on adult use of tobacco products. Such restrictions would have a devastating impact on the tobacco industry. The tobacco industry is highly unionized and offers workers high wages and comprehensive benefits. Thousands of jobs held by our union brothers and sisters are jeopardized by FDA regulation. This would disproportionately affect women and minorities, who represent a high proportion of the workers in the industry.

The economic fallout from stricter controls will go even further, though. Not only will jobs within the industry be lost, but tens of thousands of jobs that are indirectly dependent on tobacco will also be threatened. This includes workers who transport the products, provide supplies such as machinery, paper, cardboard and inks, provide retail services at grocery and convenience stores and countless other industries. Many of the employees of these dependent industries are also union members.

We are also concerned that enforcing limits on tobacco sales will force the FDA to stretch its already limited resources, and it could negatively impact the many other critical services for which the FDA was created—services the American people depend on.

Finally, the proposed regulations would threaten the viability of professional motor sport and other sporting events. Not only would this deny women and men around the country a popular recreational activity, but it would lead to the loss of the many jobs associated with putting on the events.

To reiterate, the problem of teen smoking is urgent and requires serious attention. But regulating away thousands of American jobs is not the way to do so. Government should encourage employment, not threaten and destroy it. The regulations now proposed before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,

Sylvia D. Crook President

91715370



564-3845
564-3846

SCHOOL EMPLOYEES LOCAL NO. 1201

AFL-CIO

DECEMBER 1978

2026 CHANCELLOR STREET • PHILADELPHIA, PENNSYLVANIA 19103

Affiliated with the Philadelphia Council AR-CIO, Pa. AR-CIO

President
ANTHONY V. OTTOBRE

Vice-President
EDMUND R. DAVIS

Secretary-Treasurer
CARMEN BARTOLOMEO

Business Agent
JIM BROWN

Recording Secretary
RICHARD CONROY

Guardian
JERRY WRIGHT

November 1, 1995

Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1-23
12420 Parklawn Dr.
Rockville, MD 20857

RE: 95N-023

(Regulations Restricting the Sale and Distribution
of Cigarettes and Tobacco Products)

On behalf of the National Conference of Fireman and Oilers Local 1201, I am writing to express our opposition to the Food and Drug Administration's proposed regulations on tobacco products to minors is and important issue. However, we believe FDA regulation is the wrong approach.

The proposed regulations, taken in their entirety, will certainly lead to much more severe controls on the use of tobacco products by adults. This would have a devastating impact on the tobacco industry. This industry is highly unionized and offers workers high wages and extensive benefits. The jobs of thousands of our union brothers and sisters working in the industry are jeopardized by FDA regulation. Many of these workers are women and minorities.

But the economic fallout from such restrictions would go much further. Not only will thousands of jobs directly related to the tobacco industry be lost, so will tens of thousands of other jobs around the country which are indirectly dependant on the tobacco industry.

Workers involved in: transporting tobacco products, providing supplies such as paper, cardboard, inks and machinery, the hospitality industry, retail sales such as grocery and convenience stores and countless other industries will feel the adverse impact of these regulations. Many of these workers are union members.

91715371

Page 2
November 1, 1995

We are also concerned that enforcing these regulations will force the FDA to stretch its already limited resources and deny the American public the critical services for which it was created.

Finally, the proposed regulations would seriously threaten the viability of professional motorsports and other sporting events. This not only would deny men and women around the country these popular recreational activities, but also lead to the loss of jobs associated with putting on these events.

Again the problem of teen smoking warrants serious attention. But regulating away thousands of American jobs is not the way to do it. Government should encourage employment, not destroy it. The proposed regulations now before the FDA go well beyond curbing teenage smoking and are aimed at destroying an American industry and all the jobs directly and indirectly associated with it.

Sincerely,

Anthony V. Ottobre/fs

Anthony V. Ottobre
President
Local 1201

AVO/fs

91715372

1. Tobacco Management Branch (HFA-303)
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Dockets Management Branch (FTT-0001)
Food and Drug Administration, Room 1-23
12420 Hubblawn Drive
Rockville, MD 20857
Att: Dr. Kessler:

Oct 22, 1995

Dear Sir:

As a member of the tobacco industry, I feel obligated to register my objections to the proposed FDA regulations regarding tobacco products. I strongly believe that these measures are another example of too much government bureaucracy interfering with a successful and legal U.S. business.

No one in the tobacco industry believes in selling tobacco products to minor children, efforts to regulate the sale should not affect adults who are simply trying to purchase a legal product. Please do not attack the tobacco industry, focus your actions on retailers who refuse to obey existing state laws.

Stop pandering to the politically correct crowd. Stand up for what you know you should support - Americans. Freedom of choice and Americans of freedom of speech. Stop being hypocritical by declaring tobacco a legal product, as the worst problem in the nation to deal with the true hazards of our life drugs, violence, poverty.

Thank You
Pam. L. Druschel
3840 Wethers Rd
Whiting, WV 26065
Member of CT Local 27

91715374

October 18, 1995

Dockets Management Branch (HFA - 305)
Food and Drug Administration Room 1 - 23
12420 Parklawn Drive
Rockville, MD 20857

From: John F. Whitacre, Jr.
BC&T Local 2-T Sec/treas.
Swisher International Inc.
Wheeling, West Virginia
54500 National Road
Bridgeport, Ohio 43912

As a member of the tobacco industry, I feel obligated to register my objections to the proposed FDA regulations regarding tobacco products.

I am also a user of tobacco products and am angered at your interference in the industry and my right to enjoy a legal product. The government is happy to accept my taxes when I purchase tobacco products and the manufacturer's taxes approaching \$12 billion a year. This proposed regulation makes no sense or "cents".

The economic contribution of the U.S. tobacco industry is dramatic. A 1992 Price-Waterhouse study estimated that the tobacco industry employs directly and indirectly more than 2.2 million people nationwide. Federal state and municipal excise taxes on tobacco products totaled more than 12.2 billion in 1994, and well over \$14 billion when sales taxes on these products are included. FDA regulation is intended to reduce tobacco consumption and will lead to fewer sales of tobacco and thereby, putting tobacco-related jobs and tax revenues at risk.

No one in the tobacco industry believes in selling tobacco products to minors; however, efforts to regulate the sale should not effect adults who are simply trying to purchase a legal product.

Tobacco is the target of the day. Stop pandering to the politically correct crowd. Stand up for what you know you should support...Americans freedom of choice and Americans freedom of speech. Stop being hypocritical by declaring tobacco, a legal product, as the worst problem this nation faces. Deal with the true hazards to our lives ... drugs, violence, poverty.

Please Support...

TOBACCO WORKERS AND THEIR FAMILIES

91715375

Beverly Pelham
R.D.2. Box 104
Valley Grove W.VA, 26060
Union Local #2.
Swisher Intl..
10-21-95.

I feel that this is an unlawful act from the F.D.A..
We are **AMERICANS**, after all.

We Voted for our rights for freedom of speech and that
includes Smoking, it's our choice to live the way that we
see fit for ourselves..

I Personnaly do not use any tabacco products but people
around me do. And that is ok with me no sign or other form
of advertisement would make me a smoker nor would it stop
me from doing so if i wanted too.

People will do what they want to and for themselves, and
they have that right.. **WE ARE NOT IN RUSSIA..**

Russia is taking on new changes in their Goverment.

What will happen is the taking of very much needed **JOBS..**

It will end up hurting our economy as well as the world,
not just the **TOBACCO WORKERS**.but **PRINTERS, TRUCKERS,**
FARMERS, PLASTICS, CLERKS, and more than a million other
people of the working force who pay your salaries and this
countries **TAX's..**

WE ARE THE PEOPLE
I'M PROUDE TO *be*
ONE OF THEM..

Sincerely *Beverly Pelham*

91715376



91715377

COMMENTS TO THE DOCKET AND RELATED ACTIVITIES

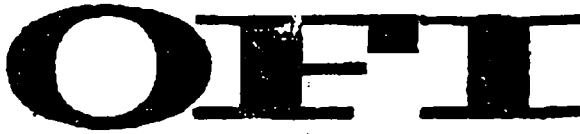
WHOLESALE/DISTRIBUTOR AND RETAIL

Completed Comments

- Hundreds of wholesale, distributor, vending and the range of retail trade organizations and their affiliates filed comments to the docket. See Section D for a listing by state.
- TI member companies sent out information to state and local retail organizations, individual retail outlets, distributors, wholesalers, and others. For example, a B&W grassroots campaign has included over 280,000 letters to retail accounts, 5,000 letters to retirees; 3,000 to issue-oriented consumers; and 1,000 letters to key suppliers.
- The Smokeless Tobacco Council has sent out over 10,000 packets of material to 19 state-based retail organizations.

Ongoing

- Numerous national organizations have been approached and provided with assistance to file comments to the FDA docket. Comments are expected from:
 - Food Marketing Institute
 - National Grocers' Association
 - Grocery Manufacturers' Association
 - International Mass Retail Association
 - Truck Stop Operators
 - American Wholesale Marketers Association
 - Retail Tobacco Dealers of America
 - Amusement and Music Operators Association
 - National Automatic Merchandising Association
 - National Association of Restaurants
 - National Licensed Beverage Association



Association of OREGON FOOD INDUSTRIES Inc.

P.O. Box 12847 • Salem, OR 97309 • (503) 363-3768, Toll Free 1-800-824-1602, Fax (503) 363-5433

October 23, 1995

Docket #95N-0253 and 95N-0253J
Docket Management Branch (HFA-305)
Food & Drug Administration, Room I-23
12420 Parklawn Drive
Rockville, Maryland 20857

Re: Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents

On behalf of the Association of Oregon Food Industries, I offer the following comments regarding the proposed regulations as printed in the Federal Register on August 11, 1995 (21 CFR Part 801, et al.).

As a significant representative for Oregon's retail grocery community, the Association of Oregon Food Industries strongly opposes the proposed regulations. The Association of Oregon Food Industries urges the Food & Drug Administration to formally discontinue its rulemaking process in regard to these proposed regulations.

FDA LACKS JURISDICTION OVER TOBACCO PRODUCTS

The Food & Drug Administration does not have appropriate jurisdiction to regulate tobacco products. Authority to regulate tobacco products has been expressly reserved by Congress. In the absence of specific Congressional action, the agency (FDA) does not possess appropriate authority to promulgate the proposed regulations. In regard to this issue, it should be noted that Congress has consistently rejected proposals granting FDA authority to regulate tobacco products. This demonstrates that FDA lacks the jurisdiction over tobacco products required to promulgate the proposed regulations.

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It is also readily apparent that tobacco products are neither food nor drug products and therefore exempt from the regulatory purview of the Food and Drug Administration, specifically in relation to provisions of the Federal Food, Drug, and Cosmetic Act. Manufacturers of tobacco have never claimed such products serve any medical or therapeutic purpose, thus the attempt of the FDA to regulate these products as medical devices is unquestionably without merit.

II. VIOLATION OF FIRST AMENDMENT PROTECTIONS

As detailed in subsection (a) of Section 897.32, the proposed rules would limit certain advertising to the use of black text on a white background. This provision represents a basic ban on tobacco advertising and clearly violates protections of free speech under the First Amendment. The U.S. Supreme Court has traditionally supported a broad interpretation of the provisions of the First Amendment. The proposed regulations, as they pertain to advertising restrictions, clearly are contradictory to the traditional position taken by the Supreme Court.

Further, the proposed advertising restrictions contradict Congressional action. We understand through explicit Congressional action, the Federal Trade Commission has been provided jurisdiction over all advertising, including tobacco advertising. The proposed regulations conflict with this Congressional action.

In conjunction with these restrictions, the proposed regulations would direct the tobacco industry to annually fund a \$150 million advertising campaign "to discourage persons under 18 years of age from using cigarettes and smokeless tobacco products." (§ 897.29). Once again, we believe these restrictions violate the First Amendment.

III. HINDRANCE TO EXISTING RESPONSIBILITIES OF FDA

The primary responsibility of the Food and Drug Administration remains the protection of the nation's food and drug supplies. In the event FDA pursues the regulation of tobacco products, other FDA responsibilities such as the approval of essential drug and medical devices, will be hindered due to limited financial resources resulting from federal budget cuts. It should be specifically noted, the FDA is currently faced with substantial backlog of applications requesting approval of drugs and medical devices. It is apparent the agency's ability to adequately regulate food and drug supplies will be diminished if limited resources are diverted for "tobacco regulation."

IV.
EXCESSIVE BURDENS ON RETAILERS

The proposed regulation clearly represent excessive burdens for those retailers who chose to market tobacco products. The elimination of any type of self-service display would force the majority of retailers to reposition all tobacco products in a completely closed location within their stores. A large number of tobacco retailers simply lack the available space to remodel their stores to comply with the proposed regulations. These retailers will have to discontinue all tobacco sales. With the loss of tobacco sales, these retailers will undoubtedly experience reductions in overall sales. As the majority of retailer grocery operations survive on already narrow margins, the proposed regulations would unreasonably impact a significant number of existing retail establishments. In the case of convenience stores, these proposed regulations will endanger their very ability to survive as tobacco sales represent a large percentage of their overall dollar sales volume.

V.
SUMMARY

The Association of Oregon Food Industries strongly encourages the Food and Drug Administration to withdraw the proposed regulations regarding tobacco products. As demonstrated by the number of court cases already filed, the proposed regulations will do little more than result in lengthy and costly litigation, further detracting from the FDA's primary responsibilities.

Oregon's retail community continues with efforts to assure tobacco products are not made available to minors. The proposed regulation will result in untold costs for retailers without a corresponding benefit and should be withdrawn.

On behalf of the Association of Oregon Food Industries,


Steve McCoid
President

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North Carolina Agribusiness Council, Inc.

Paul E. Dew
Executive Vice President

November 17, 1995

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The Dockets Management Branch (HFA-305)
Docket Nos. 95N-0253 and 95N-0253J
Food and Drug Administration
12420 Parklawn Drive
Rockville, MD 20857

Attn: Dr. Kessler

Dear Dr. Kessler:

The NC Agribusiness Council's Board of Directors with membership representing approximately 28% of the Gross State Product in North Carolina and 20% of the labor force would like to register our objections to the proposed FDA regulations concerning tobacco products.

This is another example of government interfering with a successful and legal U.S. business.

The economic contribution of the U.S. tobacco industry is dramatic. A 1992 Price Waterhouse study estimated that the tobacco industry employs directly and indirectly more than 2.2 million people nationwide. Federal, state and municipal excise taxes on tobacco products totaled more than \$12.2 billion 1994, and well over \$14 billion when sales taxes on those products are included. FDA regulation is intended to reduce tobacco consumption and will lead to fewer sales of tobacco and, thereby, putting tobacco-related jobs and tax revenues at risk.

This proposed legislation will have a negative impact on the economic life of many communities, states and in fact, our nation.

Thanks for addressing our concerns about the legislation against the tobacco industry in our state.

Sincerely yours,

Paul E. Dew
Executive Vice President

PED:bn

bcc: Mr. Gene Ainsworth
Mr. Jim Burns
Mr. Winniett Peters
Mr. Jay Poole
Mr. Fred Bond

3701 National Drive, Suite 211, Raleigh, NC 27612-4864
Telephone: 919-782-4063 / Fax: 919-782-4064

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November 3, 1995



Docket Nos. 95N-0253 and 95N-0253J
Dockets Management Branch (HFA-305)
Food and Drug Administration
12420 Parklawn Dr.
Rockville, MD 20857

To whom it may concern:

I am writing in response to the FDA's proposed regulations restricting sale, distribution and advertising of cigarettes and smokeless tobacco products. The Kansas Lodging Association adopted a policy in 1993 stating that the association believes regulation of smoking and tobacco products can best handled by states. Though I understand the issue before the FDA does not necessarily concern an individual's right to smoke in public, the Kansas Lodging Association has long been concerned with government attempting to restrict the use of tobacco products in privately owned businesses.

The Kansas Lodging Association believes individual hotel and motel operators can best determine the needs and wishes of their diverse and unique clientele. As you might imagine, the location within a city, room rental rate, size, facilities, policies, and amenities all draw guests to a particular hotel or motel. Further, many hotels and motels negotiate contracts for guest rooms with businesses such as heavy contractors, trucking companies, railroads and local companies to put up their employees while staying in their local vicinity. Hotel owner/operators must be allowed the right to establish their own policies regarding smoking on their property to negotiate the best mutually beneficial contract with area businesses and meet the needs of their clientele.

The members of the Kansas Lodging Associations Board of Directors have thoroughly discussed the issue of smoking in public places and the right of business owners to choose smoking policies on their property. Many have indicated a need in their respective hotels to expand the number of non-smoking guest rooms available to the public, while others said "they can't even rent non-smoking guest rooms."

Though many of the members of the Kansas Lodging Association are non smokers, they understand the need to allow smoking in their business or they will alienate a large portion of their market and likely lose customers and revenue. Earlier this year I mailed a survey to the members of the Kansas Lodging Association asking them to answer two simple questions: How many guest rooms does your hotel have, and; how many non-smoking guest rooms are available to your guests? 97 of 150 members returned the survey. The survey respondents show that 41% of their guest rooms are classified as non-smoking. The percentage of non-smoking guest rooms varied from less than 0% to near 100%. Most chains, such as Choice Hotels, Holiday Inn Worldwide, and Best Western require their franchises to have a minimum of non-smoking guest rooms

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Food and Drug Administration
November 2, 1995

Page 2

available to the public. Many indicated they were planning to increase the number of non-smoking guest rooms available to their guests as they renovate rooms.

The lodging industry is responding to the needs of non-smokers based on the free enterprise system and the pressures of market demand! There are no government laws, rules, or regulations requiring hotels and motels to offer non-smoking guest rooms, yet, they are doing just that! In the same way hotels and motels will respond to the needs of both smokers and non-smokers in their public areas.

Let Kansas businesses determine the smoking policies which affect their clientele based on the free market system - that's the American way!

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin Robertson", written over a horizontal line.

Kevin Robertson, CAE
Executive Director

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MAGA

Mexican American
Grocers Association

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ROBERT MARRANCA
RJ MARRANCA & ASSOCIATES

October 11, 1995

Commissioner David A. Kessler
Docket #95N-0253
Dockets Management Branch (HFA-305)
Food and Drug Administration, Room 1471
5600 Fishers Lane
Rockville, MD 20857

Dear Commissioner Kessler,

I am writing to you on behalf of the 16,000 members of the Mexican American Grocers Association throughout the United States. As business people, as taxpayers, as parents and as Americans, we strongly oppose the use of tobacco products by minors. We also respectfully oppose the Food and Drug Administration's plan to regulate cigarettes.

Many allied organizations join us in opposing youth smoking and the FDA's plan, including the National Association of Convenience Stores, the United States Chamber of Commerce, the National Association of Manufacturers, the United States African-American Chamber of Commerce, the National Association of Hispanic Publishers, the United States Hispanic Chamber of Commerce and many others.

Today there are 720,000 Latino-owned businesses in this country, generating \$63 billion in sales, paying \$21 billion in taxes and employing two million workers and there are over 300,000 grocery stores in the United States that will add over 600,000 jobs by the year 2000. Your agency's plan to regulate cigarettes will have a severe economic impact on thousands of these businesses and will therefore hurt the owners, employees and customers who rely on them. The resulting economic shock wave will be felt in turn by local, state and federal governments as tax revenues fall in response to falling revenues and incomes.

Many of the 720,000 Latino-owned businesses in the United States are small, but even the smallest is important to the people who own it and work for it, and to the people who are served by it. Smaller retailers will be particularly hard-hit by your plan to limit in-store cigarette advertising and signage to "tombstone-style," without color or artwork. As you know, cigarette manufacturers now pay retailers to display advertising and signage. In the wake of your plan, those substantial payments would disappear. For some small retailers operating on narrow margins, the loss of these payments will mean financial collapse. Many of the employees of these establishments have few resources

Commissioner David A. Kessler
Food and Drug Administration
October 11, 1995
Page 2

to fall back on when they lose their jobs; some will certainly turn to government agencies for assistance, increasing the strain on local, state and federal budgets. The retailers' customers, meanwhile, will have fewer choices as shoppers.

Your plan to prohibit self-service displays would create more hardship for many of our members. We recognize that you would like to help retailers prevent minors from stealing cigarettes, but we would like you to recognize that our members already have a great and immediate incentive to prevent shoplifting; it costs us money. I would like to add, with the utmost respect, that our members believe they are in the best position to manage their store displays; your agency's ability to manage their displays from Washington is necessarily limited. As taxpayers, we have serious concerns about how your plan will be implemented and how much it will cost the government. There are tens of thousands of tobacco retailers in the United States. We wonder how the Food and Drug Administration will police all of these establishments. We understand that your agency now has a backlog of more than 1,100 pending medical device applications, for example, and that you are inspecting domestic products and manufacturing plants every six years, rather than every two as required by statute.

A vast increase in your budget seems unlikely at a time when you are failing to meet your current responsibilities and nearly every other federal agency is being forced to tighten its belt. As parents, we agree that more must be done to reduce the numbers of minors who take up smoking. And, as parents, we know that we must accept much of the responsibility for helping our children make good choices. If we believed your plan would significantly curtail smoking among our youngsters and those of our neighbors, we might be inclined to support it. Increased economic hardship and even the financial ruin of some of our members might be a reasonable price to pay if we could put a stop to underage smoking. Unfortunately, we do not believe your plan will move us closer to that worthy goal. From my own knowledge of teenagers, I can say that they are highly skeptical of the images and claims presented in advertising. From our reading of recent studies, we gather that the influence of friends and relatives is by far the most important factor in young people's decision to smoke -- or not to smoke. The members of MAGA do not believe that advertising causes anyone to begin smoking.

Even some of the fiercest opponents of tobacco have not claimed that advertising causes smoking. Former surgeon General C. Everett Koop, for example, has said, "There is no scientifically rigorous study available to the public that provides a definitive answer to the basic question of whether advertising and promotion increase the level of tobacco consumption." We can all agree on one point: minors can't smoke cigarettes if they can't get cigarettes. The value of "protecting" minors from in-store tobacco advertising is dubious at best. The risk of denying Americans the right to use and view truthful words and images, on the other hand, is great indeed. Some of our members began their lives in countries where the use of "free speech" is sometimes punished by imprisonment or even death. Many of our members and their customers or their forebears came to the United States and chose to stay here because of this nation's unparalleled freedoms. First among them is the freedom of speech, and we cherish it.

Mexican/Latino Grocery Purchasing Power Over \$270 + Billion Annually Nationwide

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Commissioner David A. Kessler
Food and Drug Administration
October 11, 1993
Page 3

We are alarmed by the restrictions you plan to place on that freedom. Could less restrictive steps be taken to achieve the worthy goal of reducing underage smoking? The answer is clearly yes. The members of MAGA support the enforcement of the laws forbidding cigarette sales to minors. These laws are in place in every state in the nation. We submit that more laws, in themselves, will do little or nothing to reduce underage smoking. If we as a nation are serious about the laws already on the books, then the time has come to enforce them. We, the members of MAGA, respectfully request that you withdraw your unprecedented, expensive, dubious plan to reduce underage smoking. We step forward as business people, taxpayers, parents, and Americans, to join with you in pursuing more reasonable paths to a goal we all share.

Sincerely,



Steven A. Som
President & CEO

SAS:jvs

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Mexican/Latino Grocery Purchasing Power Over \$270 + Billion Annually Nationwide

October 10, 1995

Docket Nos. 95N-0253 and 95N-0253J
Dockets Management Branch (HFA-305)
Food and Drug Administration
12420 Parklawn Dr.
Rockville, MD 20857

To whom it may concern:

Our small, family owned, business has been in operation in Arizona for over 9 years. I am writing to comment on the FDA's proposed regulations restricting sale, distribution, promotion and advertising of cigarettes and smokeless tobacco products. 60 Fed. Reg. 41,314 (1995). The proposed regulations would declare our total business a federal crime and shut it down. Being one of the voters who sent a loud, clear, message this past election, I think this latest infringement on my Constitutional Rights to be diabolical. Again, I am sending another loud, clear and precise message to the bureaucrats who just don't get it. I OBJECT!

Before I itemize my most strenuous objections, I would like to tell you about our company and the lives you plan on destroying.

My husband and I, created Vending Concessions USA, Inc., in November, 1986. We were in our late 40's and were pursuing the American dream of being in business for ourselves. We invested our savings in 20 cigarette vending machines. These machines were located in adult locations, such as, cocktail lounges and hotel lobbies. We worked many long, hard hours and sacrificed much to help our business grow. My husband and I did not receive a wage the first year we were in business. Eventually, however, we were able to employ 3 employees. This small business has continued to pay the wages of these 3 employees and ourselves for over seven years.

Three years ago, my husband saw a hole in the marketplace regarding cigarette sales. He realized, that many adults, chose not to buy a pack of 20 cigarettes. However, when in some adult locations, such as a cocktail lounges, casinos, etc., there were many adults that would like to purchase a single cigarette. Loose, single cigarettes were being sold illegally from cups sitting on counters of many convenience stores and other such type locations. He invented the Uni-Cig® Vending Machine. We patented this machine and proceeded to develop a legal, single cigarette. It took us three years and over \$900,000 to do this. Each cigarette is packaged in a federally approved, individual tube and bears the proportionate Surgeon General's Warnings. We have applied for and been granted the proper rotation schedules. We have cleared and been approved by every bureaucratic agency in the United States to produce a legal, single cigarette. We have been approved by approximately 25 States to sell our product. Our patent, good for 17 years, just issued.

How ironic, that we would go to such lengths to be legal and follow all the existing laws and regulations, to have the government just wipe us out, without a care for our Constitutional Rights, our

lives or the lives of our employees. When President Clinton, went beyond his authority as President of the United States, sworn to uphold the Constitution of the United States, to ban cigarette vending machines and the sale of single cigarettes, the bottom dropped out of our sales, immediately.

This vending machine was intended for primarily adult locations. It is easily adapted to use with tokens in areas that might be accessible to underage children.

The Uni-Cig™ Cigarette, with the proper warnings and tamper evidence is the solution to a problem, not the problem. The FDA and President Clinton should get out in the real world. Across the country, in small convenience stores and in bars, there is a cup under the counter with an open package of cigarettes. The persons that sell these, already, illegal cigarettes for 10, 15 or 20¢ each, were not provided with any legal alternative. The persons purchasing these cigarettes are adults who occasionally wish to smoke one cigarette. Why should this adult be forced to buy 20 cigarettes? Uni-Cig™ provides a legal, taxable, accountable alternative.

The legally packaged and taxed UNI-CIG™ Single Cigarette, becomes a legitimate inventory item. We report our sales to the respective states. There is an accountability and a tax revenue generated by this legal product. Because these cigarettes are handled in a legal way, they are sold in a legal manner. ID can be checked for one cigarette as easily as for a package of 20. To ban legally packaged, single cigarettes and legislate only the sale of a package of 20, or more, is ludicrous. Not only will the government be encouraging the illegal sale of loose cigarettes from under the counter, you won't be able to regulate it or tax it, much less control "youth access." How many of our tax dollars is the FDA willing to spend to stop the illegal sale of loose, single, cigarettes from under the counter? What imbecile would ban a legal alternative, that offers a solution to an existing illegal activity, that is already uncontrollable? All in the name of regulation, prohibition and CONTROL. Illegal sales of single, unpackaged cigarettes is impossible to control or stop. But, the FDA in all its wisdom, wants to ban a legal item! Any person who is inclined to sell a single cigarette to a minor, whether it is legal or not, will sell a package of 20, also.

The real dichotomy to this single cigarette issue is the FDA is demanding that the public must purchase more, not less, of the very product they are trying to "PROHIBIT." Duplicity, stupidity and despotism, are a few of the words I would use to describe such an action.

Using the same criteria, as that used by anti-smoking advocates, why not pass a law that would ban the sale of one beer or one shot of bourbon in a cocktail lounge, one glass of wine in a restaurant or a pint of whiskey in a liquor store? Would using the excuse, "possible illegal access by youth," be an acceptable reason for such a ridiculous edict? Perhaps, some irrational congressperson should propose such a law, and have the FDA regulate it.

This proposed ban on vending machines is based on the FDA's claim that minors sometimes buy cigarettes from vending machines. According to the FDA itself, however, vending machines account for only a small and declining fraction of tobacco sales. 60 Fed. Reg. at 41,325. In 1993 the Department of Health and Human Services reported that vending machines account for only a fraction of illegal sales of tobacco products to minors. See 58 Fed. Reg. at 45,161. according to the

FDA's own figures, only two percent of 17-year-olds surveyed report that they often buy cigarettes from vending machines. Nearly 80 percent of young people between 13 and 17 who smoke report that they do not often or even occasionally buy cigarettes from vending machines. 60 Fed. Reg. at 41,324. The reason is obvious. According to statistics quoted by the FDA, MOST cigarette vending machines, nearly 8 out of 10, are located in places that are off limits to minors or that minors do not frequent, such as bars and cocktail lounges, industrial plants, offices, hotels and motels. 60 Fed Reg at 41,325. In other locations such as restaurants, service stations and retail stores, the owner or manager of the establishment can monitor and supervise vending sales.

When the anti-smoking movement to ban cigarette vending machines began, we were appalled. I could not believe that responsible adults were taking children into bars and adult locations, giving them money and teaching them to purchase cigarettes, illegally, just to prove their point. This is a matter of record in many city council minutes. What kind of government condones such an atrocity and exploitation of our young people? Not only did they allow it, they applauded it and they encouraged it. This practice, known as "compliance testing," has been encouraged by the federal government to be used by state and local health agencies, as well as, anti-smoking groups throughout the United States. The proverbial carrot was federal funds. If, I were to take a 9-year-old child to a crack house and give that child money to purchase heroine, pot or crack-cocaine, would that be acceptable? One mother in Tempe, Arizona testified before the Tempe City Council that she had a regular route whereby she drove her 9-year-old to neighborhood bars and gave him money and had him buy cigarettes. This mother was part of an anti-smoking organization and used her children frequently to perform these "sting" operations. She used this child to testify before the Council. What the Council didn't see, and I observed, was the father leaving the Council meeting with this 9-year-old son and his 4 or 5 year old daughter. The little girl was running behind, begging to buy the next cigarettes so she could stand up and talk. How can any sensible person accept this behavior, by adults, as reality, or even sane for that matter? It has been my observance that the "anti-smoking zealots" created the problem to generate the restrictive laws. I feel this type of fanatical behavior has done more to increase smoking in our youth, than any tobacco company or advertisement could have. Use some common sense! Think of these children "sharing" their cigarette buying experience with other children. What message are these adults and parents sending to our young people? This type of induced statistic is wrong and NOT FACTUAL.

These and similar actions, geared to create restrictive and prohibitive laws to ban cigarette vending machines and the single cigarette is unforgivable. I realize, that to the federal agencies who squander my tax dollar by the billions, our livelihoods and investment of \$900,000 is not impressive or important. To us, it is every dime we had. For the first time in our lives, we are facing bankruptcy.

I. OBJECTION 1

A. The FDA has no authority to regulate tobacco products.

1. Tobacco is not a food nor a drug.

a. Tobacco manufacturers make no therapeutic claims.

- 1) Adequate warnings and regulations regarding those warnings are already in place.
- b. The ATF (among many other federal and state agencies) are already established to regulate tobacco.
- c. If, the FDA is so inclined to regulate tobacco, why not alcohol?

II. OBJECTION 2

A. The FDA is failing miserably with the task that it is already responsible for.

1. Illegal substance abuse is rising at an alarming rate, especially, by the youth in this country.
 - a. Illegal drugs are not advertised, sold in vending machines or convenience stores. However, youth access has increased under the regulation and control of the FDA.
 - b. In the real world, no sensible person, would consider adding a new responsibility of this proportion to a total failure. Only a "politically correct" bureaucrat would do that.
2. The FDA has failed miserably in approving potentially life-saving drugs and medical devices that have been available overseas for years.
 - a. Former U.S. Senator Malcom Wallop of Wyoming blames more than 150,000 heart attack patient deaths on the FDA and their failure in approving a life-saving drug already approved in Europe. .
3. To place tobacco products in the FDA's hands is insanity. The FDA and its proposed bans and prohibitions will create nothing more than a larger, more ineffective, more costly FDA. The American people are telling you, President Clinton, we are tired of excessive regulation, control and intrusion by the federal government. The lack of respect by the people for the federal government, its laws and excessive regulations is growing as rapidly as the problems and the national debt in this country.

III. Objection 3

A. The FDA has no authority to regulate advertising. It violates the First Amendment of our Constitution. The FDA advertising provisions are illegal.

1. The First Amendment to MY Constitution says clearly; "Congress shall make no law abridging the freedom of speech, or of the press...."
2. Alcohol and other controversial products do not have such prohibitive advertising laws.
3. Alcohol is placed on open shelves in full view of our youth in grocery stores, drug stores, convenience stores and anywhere liquor is sold.
4. The FDA has placed no regulations banning drug memorabilia sales or where these items are to be placed within those drug-stores.

5. The FDA does not require WARNINGS on drug paraphernalia such as, pipes, bongs and little empty glass vials.
 - a. The FDA does not require these items to be labeled "Bong—A possible cannabis delivery device."
6. The Constitution did not intend, nor imply, nor give the right to the Federal Government, or one of its Gestapo Type Agencies, to come into a citizens business establishment and dictate how and where that citizen would sell or place a legal item for sale within that establishment.
7. Sale and distribution of non-tobacco items (897.34). Clearly, is an illegal intrusion by the FDA into the free marketplace that once belonged to the American businessman.

IV. Objection 4

- A. The financial impact to thousands of small companies, many family owned, that run small vending operations will have a negative financial impact.
 1. The FDA did not give any reasonable thought to sensible, moderate vending machine restrictions? The total focus is a ban of vending machines. How easy it is for a regulatory agency of the federal government to wipe out our business and our livelihoods using the mediocre excuse, a total ban would entail less of a "regulatory burden." How dare the FDA use such an elitist attitude toward my business! I thought "regulation" was the name of the game. Maybe the sovereigns of the FDA should check out their duty. They are responsible to the citizens not vice versa.
 - a. Vending machines are the most easily monitored. Most are already in adult locations.
 - b. The use of locking systems and tokens are simple solutions to areas frequented by minors.
 - c. I would suggest, a prohibition on adults and "anti-smoking advocates" from training youngsters on how to get cigarettes illegally.
 - 1) Vending machines have been around for years, but, after "compliance" testing and "sting" operations have become a standard to gather statistics smoking has increased in our youth. It doesn't take a baseball to hit you in the face to determine that perhaps training children in how to get cigarettes, illegally, and taking them on cigarette buying trips, as though it were a school field trip, might be the source of the problem.
 2. Perhaps, just as a novelty, the FDA could consider the perpetrators of the illegal purchases of cigarettes by minors. I know it is not "politically correct," but what if children, who are in possession of illegal cigarettes, are held responsible? Does a police officer just ignore a group of children standing on a street corner smoking a Joint? Yet, I have never heard of a minor being cited for the illegal possession of cigarettes.

- B. The economic contribution of the U.S. tobacco industry employs 2.2 million people nationwide. When the FDA accomplishes its real goal, "PROHIBITION," will the FDA and President Clinton assure them there will be replacement jobs?
- C. Federal, state, and municipal excise taxes on tobacco products totaled more than \$12.2 billion in 1994 and over \$14 billion when sales taxes on those products are included. When the FDA accomplishes its real goal, "PROHIBITION," will the FDA and President Clinton explain to the citizens where the replacement taxes will come from?
- D. This costly action to increase the needless intrusion of the FDA into our lives, comes from a President who is totally inept in slowing the overwhelming growth of a National Debt. A President, who not too long ago, was going to finance a national health plan with the taxes it derived from tobacco products.
- E. The road to Prohibition and Regulation by the FDA is paved with political rhetoric. The price of the upkeep on that road goes to the taxpayer. What this country doesn't need, is a new criminal element to contend with.

V. Objection 5

- A. This is nothing more than a grandiose play by Dr. Kessler to magnify the agency of the FDA. This action will perpetuate greater and more government intrusion into our lives.
- B. This is a giant step toward the "PROHIBITION ON SMOKING."
- C. When the FDA regulates an illegal drug, it's own record shows that the use of that illegal drug becomes more widespread. Under the guidance of the FDA, youth access to illegal cigarettes might possibly surpass those of illegal drugs.

VI. Objection 6

A. PROHIBITION DOES NOT WORK!

- 1. What are Dr. Kessler and President Clinton going to do to the millions of adults who now smoke?
- 2. Aren't our courts and prisons crowded enough?
- 3. Will the persons controlling the illegal sales of cigarettes to adults and our youth, control the \$14 billion a year now going to the government in the form of taxes?
- 4. I would suggest President Clinton and Dr. Kessler read the Lindquist Avey Macdonald Baskerville, Forensic Financial Investigation Report on Cigarette Smuggling in the United States, dated August 15, 1994. A copy is enclosed.
 - a. This report is the factual result of excessive tobacco taxes. What will excessive regulation and eventual prohibition bring about?
 - b. This report points out that "youth access" became a reality on the school grounds with the emergence of the "cigarette dealer."

- 1) The majority of business people and vending operators are hard working honest people who are willing to implement reasonable controls and safeguards to prevent youth access to cigarettes. The "cigarette dealer" will focus on selling cigarettes to our youth.

B. THESE REGULATIONS ARE UNCONSTITUTIONAL

C. YOUTH ACCESS HAS LITTLE OR NOTHING TO DO WITH THIS ACTION. IT IS A TOOL CONNIVED BY THOSE WHO HAVE EVERYTHING TO GAIN AND NOTHING TO LOOSE, AT THE EXPENSE OF THE CITIZENS OF THIS COUNTRY.

We are hard working, law abiding, tax paying business people. Most of us are willing to work, within reasonable guidelines, toward prevention of youth access to cigarettes. Excessive and unreasonable restrictions, bans and prohibitions are not the answers.

To replace the legitimate business person with a criminal element is typical of the government's view of CONTROL. The Constitution of this country was written in a way that was supposed to prevent Control of the citizens of this country by our federal government. President Clinton, it is time you got back to basics and the Constitution.

President Clinton, you may not like the behavior of many of the people of this country. You may not consider some of these choices as healthy. There are many of us, the people, who do not consider your choices appropriate or healthy, either. Your role as President, however, was to uphold the Constitution. My role, as a citizen of this country is to vote. In fact, I still have that choice, whether you put me out of business or not.

Sincerely,



Bonnie J. Laidlaw
One of the People

91715394

Minnesota Wholesale Marketers Association, Inc.



*c/o Thomas A. Briant, P.A.
100 Cornelia Building
4005 West 65th Street
Minneapolis, MN 55435
(612) 925-3001
Fax: (612) 925-4203*

November 16, 1995

Docket Nos. 95N-0253 and 95N-0253J
Dockets Management Branch (HFA-305)
Food and Drug Administration
12420 Parklawn Dr.
Rockville, MD 20857

To Food and Drug Administration:

The Minnesota Wholesale Marketers Association is an association of 21 wholesalers of tobacco products in Minnesota. Our members range in size from small family owned companies to large corporations.

We are writing to comment on your agency's proposal to issue federal regulations restricting the sale, distribution, promotion and advertising of cigarettes and smokeless tobacco as described in 60 Fed. Reg. 41,314 (1995). The FDA asserts that the purpose of its proposed regulations is to reduce smoking by minors. However, the regulations are in reality an attempt to so severely restrict the operations of the entire tobacco industry so as to ban the product. As an indication of FDA's true goal, our membership strongly supports limiting tobacco use to adults, but instead of working with the industry the FDA has chosen to attack its freedom and livelihood.

Minnesota already prohibits the sale or furnishing of tobacco products to persons under the age of 18 years, and prohibits persons under 18 years of age from possessing or using tobacco. Our members have always supported these laws, and are committed to working with retailers that are equally committed to complying with the law. For example, our wholesale members and retailers work with local city councils to place reasonable restrictions on the sale of tobacco products in order to prevent the sale of tobacco to minors. These efforts include requiring training of all store clerks on how to require proper identification before selling tobacco to a person who may appear to be underage. We also support local ordinances that require tobacco products to be stocked or displayed within plain view of a responsible employee in order to discourage theft. A number of retailers have also installed surveillance cameras as a further guard against shoplifting.

Instead of looking to the proper State authorities to enforce the age requirement, the proposed FDA regulations would make private distributors like our

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members responsible for any violation by a retailer or a manufacturer. Under the regulations, a wholesaler of tobacco products in Minnesota would be considered a "distributor" of tobacco products that would be responsible for ensuring that the cigarettes and smokeless tobacco products that it distributes comply with "all applicable requirements" in the proposed regulations (§ 897.10). That proposal is so sweeping that it makes us "responsible for ensuring" that every single retailer and manufacturer complies with the entirety of FDA's sweeping and complex requirements.

That threatens wholesalers like us with conviction for a federal crime if any of the cigarette packs in my store contain fewer than 20 cigarettes or violate any of the proposed labeling and advertising regulations. Our members therefore could be punished for something that someone else did, something over which they have no control, or even knowledge. We do not believe that Congress has given the FDA such regulatory authority. The FDA gives no justification for treating wholesalers in this manner.

If the FDA thinks that our members' employees could or should inspect every tobacco product received from manufacturers or supplied to retailers, the FDA has no understanding of the economic realities of our members' business. Our members stock many different kinds, brands and makes of tobacco products, and have a limited number of employees with which to run their operations. Their employees receive, handle, shelve, sell, and ship every single product in wholesale volume. Our members cannot afford to pay employees to inspect the labels on cigarette packages or cans of snuff. Manufacturers already conduct these inspections and to duplicate their efforts makes no logical sense.

The FDA's proposed ban on vending machines would abolish an entire area of distribution for our members and substantially affect our business. The requirements in Minnesota that cigarette vending machines be placed in areas where persons under the age of 18 years are not generally permitted access and in plain view of a responsible employee ensure that cigarette vending machines cannot become a distribution method for underage users of tobacco in Minnesota. Rather than rush to a complete federal ban on cigarette vending machines without any adequate justification, the FDA should look to states for wider adoption of the types of safeguards adopted in Minnesota.

The proposed rules also prohibit distribution of free samples of cigarettes or smokeless tobacco products. Minnesota limits promotional distribution of tobacco products to single serving samples distributed in tobacco stores. Given the State's restrictions on the sale to, use by, and furnishing to minors of tobacco products, and the general commitment that our members have observed in the Minnesota tobacco industry not to permit underage tobacco use, it is unrealistic for anyone to suppose that promotional distribution of tobacco might be used to create a market based on sales to minors.

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Nonetheless, Minnesota's strong restrictions on promotional distribution of tobacco undermine any alleged need for the FDA to ban free samples completely to prevent underage tobacco use. Unlike other retail establishments, tobacco stores are precisely the type of location where no minor has any business even coming through the door as a customer. Since FDA has cited no evidence that tobacco stores in Minnesota are illegally distributing any free samples to minors, FDA's concern with underage tobacco use provides no justification for banning all free samples in Minnesota.

One of the most dramatic impacts on the Minnesota wholesale industry will be the loss of sales of tobacco products which translate into lost jobs. Collectively, our members would lose more than \$75,000,000.00 in tobacco sales if all of the FDA's regulations were adopted. This tremendous loss of sales results in literally hundreds of route drivers, sales representatives, warehouse personnel and clerical staff jobs. We find it inconceivable that a single federal agency could adopt regulations that impact one industry so severely. The economic toll from the regulations is simply incalculable and, for this reason, must be avoided.

For all of these reasons, the members of the Minnesota Wholesale Marketers Association urge the FDA to cease its consideration of the proposed regulations.

Sincerely,

Harold Wagenbach
President, Minnesota Wholesale Marketers
Association

cc: U.S. Senator Rod Grams
U.S. Senator Paul Wellstone
U.S. Representative
U.S. Representative Gil Gutknecht
U.S. Representative David Minge
U.S. Representative Jim Ramstad
U.S. Representative Bruce Vento
U.S. Representative Martin Sabo
U.S. Representative William Luther
U.S. Representative Collin Peterson
U.S. Representative James Oberstar

91715397

COPY

STANLEY M. SELIGSON

Chairman and
Chief Executive Officer

November 8, 1995

Docket No. 95N-025

The Dockets Management Branch (HFA-305)

Food and Drug Administration, Room 1-23

12420 Parklawn Drive

Rockville, MD 20857

To whom it may concern:

I am the President of the S & S Companies, a wholesaler and vendor of tobacco products in Connecticut that employs forty employees and does business with retailers and restaurants in all parts of the State. I am writing to comment on the FDA's proposal to issue regulations restricting the sale, distribution, promotion and advertising of cigarettes and smokeless tobacco, 60 Fed.Reg. 41,314 (1995). Although the FDA claims that it is proposing its regulations to reduce smoking by minors, its proposal really is an attack on the entire tobacco industry aimed ultimately at prohibiting tobacco use and denying adults the free choice to use tobacco for their personal enjoyment. The restrictions contained in FDA's proposal extend so far beyond what may be needed or effective to reduce underage smoking that they threaten my business.

Connecticut already prohibits the sale or distribution of tobacco products to persons under the age of 18 years. In addition, Connecticut has enacted several other pieces of legislation to confront the problem of youth access to tobacco products. I always have supported these laws, and am committed to dealing only with retailers who are equally serious about complying with the law. All machines are placed in view of an employee and are in adult accessed locations. All retail locations are warned personally by sales personnel.

Instead of looking to the proper State authorities to enforce the minimum age requirements so that no bad apple could discredit our industry, the proposed FDA regulations would require private distributors like me to act as public inspectors. Under the regulations, my company would be considered a "distributor" of tobacco products (§ 897.3(c)) and thus would be responsible for ensuring that the cigarettes and smokeless tobacco products we distribute comply with "all applicable requirements" in the proposed regulations (§ 897.10). My employees and I are threatened with conviction for a federal offense if any of the cigarette packs we distribute contain fewer than 20 cigarettes (§ 897.16(b)) or violate any of the proposed labeling and advertising regulations (e.g., § 97.24).

THE S & S COMPANIES, 145 MAIN STREET, NORWALK, CT 06851 (203) 846-3200

91715398

Page Two

My employees and I thus could be punished for something that someone else did, something over which we have no control. That is outrageous, and I cannot believe it is allowed under our constitution, much less authorized by Congress. The FDA gives no justification for this extraordinary treatment of wholesalers. This is as clear a case of bureaucratic arrogance as I have ever seen. It is like threatening to throw a food wholesaler in jail because it distributed a can of soup with an inaccurate list of ingredients on the label!

If the FDA thinks that my employees and I could or should inspect every tobacco product that we supply to retailers or that we receive from manufacturers, the FDA doesn't know the first thing about running a wholesale business. We stock many different kinds, brands, brand-styles, and makes of tobacco products, and have a limited number of employees with which to run the operation. My employees receive, handle, shelve, sell, and ship every single product in wholesale volume. We cannot afford to pay people to sit around inspecting the labels on every cigarette package. That job is a public function and, if it needs to be done at all, it should be funded out of the substantial taxes that I already pay.

The FDA's proposed ban on vending machines (§ 897.16(c)) would abolish an entire sector of my business. During 1993-1995, wholesale distribution of cigarettes for ultimate use in vending machines resulted in \$5 million in revenue for my company out of \$60 million in total revenue for all forms of distribution. By banning the sale of tobacco products to minors, Connecticut already has made it an offense to sell tobacco to a minor through a vending machine. All machines are identified and in line of sight. I believe Connecticut law already is sufficient to ensure that minors do not purchase tobacco products from vending machines. However, if more regulation is needed, we should look to the state government to mandate appropriate use of locking devices rather than rush to a federal ban on cigarette vending machines.

In Connecticut, it already is illegal for me to distribute tobacco product samples to minors. I believe this law is sufficient to ensure that minors do not inadvertently receive free samples. Again, if more regulation is thought to be necessary, Connecticut can enact such regulation.

The real reason for free samples is obvious. There is nothing like actually trying a free sample of a different brand for a customer to make an adult decision to switch brands. Although sometimes I have seen customers switch brands as a result of free samples, I certainly have not seen overall increases in tobacco consumption as a result of free sample distribution. On the other side of the ledge, I see nothing in the FDA's proposal showing that free samples have actually worked as the FDA says to cause persons under 18 years of age to use

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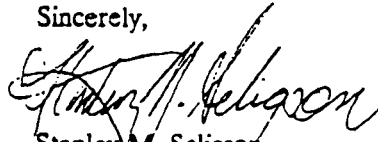
Page Three

tobacco. Since there is no basis for its proposal, FDA should not ban promotional distribution of tobacco products.

The FDA shouldn't interpret what I have said as agreeing that FDA has authority to regulate tobacco products at all. It should be obvious that tobacco is not a food or a drug. FDA is outside its authority when it proposes these regulations.

For the reasons I have stated, the FDA's proposed regulations are totally unacceptable. The regulations will require wholesalers to do an absurdly costly inspection of each tobacco product that we receive or deliver, and hold wholesalers legally responsible for products that violate the regulations. The regulations will destroy our revenue from vending machines and sampling activities. Yet they will have no effect on the problem of youth access to tobacco. In fact, the FDA does not even have jurisdiction to regulate tobacco! The FDA should withdraw the proposed regulations.

Sincerely,



Stanley M. Seligson
President

SMS:mc

C: President William Clinton
Senator Joseph Lieberman
Senator Christopher Dodd
Representative Christopher Shays
Congresswoman Nancy Johnson
Congressman Gary Franks

91715400

plaid pantries, inc.

neighborhood convenience stores

October 13, 1995

Docket #95N-0253 and 95N-02537
Docket Management Branch (HFA-305)
Food & Drug Administration, Room 1-29
12420 Parklawn Drive
Rockville, Maryland 20857

Re: Regulations Restricting the Sale and Distribution of Cigarettes and
Smokeless Tobacco Products to Protect Children and Adolescents

Ladies/Gentlemen:

As President and Chief Executive Officer of Plaid Pantries, Inc., I would like to submit the following comments on the Food & Drug Administration's proposed regulations which supposedly pertain to the sale and distribution of certain tobacco products to minors.

At the outset, I believe the Food & Drug Administration should withdraw these aforementioned regulations. The proposed regulations "supposedly" pertain to the issue of the sale and tobacco products to minors; however, after completing a rather extensive review of the proposed regulations, it is apparent the underlying objective is not oriented solely to the question of minors, but represents a concerted effort on the part of the FDA to curtail the sale and distribution of tobacco products to the entire population. In this regard, the proposed regulations are woefully misguided and unquestionably misdirected.

Plaid Pantries, Inc., with headquarters in Beaverton, Oregon, owns and operates 103 convenience stores located within the Pacific Northwest. Our company is an adamant supporter of existing laws and regulations which prohibit the sale and distribution of tobacco products to minors. Our company has not underestimated in any manner the importance of the issue of access to tobacco products by minors. Plaid Pantries, Inc. takes its responsibility with respect to this issue very seriously.

Prior to addressing a number of specific provisions, I would like to provide some general observations in regard to the proposed regulations. First, I strongly encourage the FDA to closely review existing laws and regulations regarding the sale and distribution of tobacco products to minors. These existing

laws and regulations are readily identified on both the federal and state levels. Upon a review, I believe your agency would admit Oregon currently maintains a comprehensive regulatory framework over the sale and distribution of tobacco products to minors. To initiate federal regulations, without regard to the actions already taken by individual states, represents, in my opinion, a short-sighted view on the part of your agency.

Second, I find it extremely troublesome the proposed regulations arise from the FDA. I understood the primary objective of the Food & Drug Administration was to assure that pharmaceuticals and medical devices are safe and effective and to protect the safe quality of foods. Rather than expend limited resources on the approval of new drugs which may result in a healthier population, your agency would like to dedicate a portion of their limited resources to unnecessary and duplicative regulations over tobacco products. In light of the proposed regulations, it appears the FDA is assuming a "politically-correct" posture with respect to the debate over the use of tobacco products by any person, irrespective of age. However, in so doing, the agency's primary goals and objectives will undoubtedly be hindered.

Coupled with this "politically-correct" posture, I believe it is very important to recognize that Congress has consistently rejected granting the FDA express jurisdiction over tobacco products. Rather, Congress has retained this express jurisdiction. In this regard, I believe the FDA's proposed regulations clearly exceed its own statutory authority and, subsequently, should be immediately withdrawn.

The following comments are offered in regard to a number of specific provisions of the proposed regulations:

1. Conditions of manufacture, sale and distribution (§ 897.16)

In accordance with subsection (c) of this section (§ 897.16), the sale of cigarettes and smokeless tobacco products by means of self-service displays or through vending machines would be prohibited. One of the most prevalent factors faced by convenience stores is the constant issue of limited space. The use of self-service displays for the sale of tobacco products in convenience stores is many times dictated by the available space. To prohibit the use of any type of self-service display would not only place an unreasonable and unrealistic burden on my individual stores, but, in many instances, would also represent an inconvenience to customers.

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In addition to these factors, I hope the FDA recognizes that even if a particular store operation takes advantage of self-service displays, the final sale will be made by the individual store employee. As contained in the Federal Register Notice, the FDA suggests the elimination of self-service displays is necessitated by the prevalence of shoplifting. This rationalization is ironic to say the least. If the FDA recognized the traditionally narrow margin by which retail operations exist, it would also recognize that if shoplifting prevailed as a result of utilizing self-service displays, then individual store owners and operators would remove such displays.

The Federal Register Notice also suggests the elimination of self-service displays will provide minors with an understanding of the difference between tobacco and other products, such as candy. The logic behind this suggestion is weak, if not altogether nonexistent. If self-service displays are prohibited for the sale of tobacco products due to the "nature" of the product, then FDA should also propose a ban on self-service displays for beer, pop and potato chips, along with a variety of other products which may not be deemed essentially "healthy." To prohibit self-service displays for tobacco products, while neglecting all other products is contradictory.

2. Scope of permissible forms of labeling and advertising (§ 897.30)/Format and content requirements for labeling and advertising (§ 897.32)

The provisions of Section 897.30, if construed literally, would prohibit the vast majority of tobacco advertising. Requiring advertisements to use only black and white text (§ 897.32) and prohibiting advertising within 1,000 feet of any playground, elementary school or secondary school (§ 897.30 (b)) clearly violates the First Amendment provisions of the Constitution with respect to free speech. Further, the proposed rules conflict with the existing authority of the Federal Trade Commission (FTC) in regard to tobacco advertising.

The U.S. Supreme Court has consistently supported a broad interpretation of the First Amendment. Specifically in relation to the issue of commercial free speech, the court has held the use of pictures, illustrations and color in advertising is fully protected. The proposed black and white advertising restrictions clearly contradict the court's previous decisions.

Prohibiting any type of advertising within 1,000 feet of schools and playgrounds represents yet another violation of the First Amendment. This proposed restriction would unfairly burden certain retailers and, moreover, is unnecessary, as well as unwarranted. As proposed, a small retail establishment located within 950 feet of a school or playground would be prohibited from maintaining any type of outdoor advertising, while a second retail outlet located directly across the street and outside of the 1,000 foot standard would be permitted.

to utilize outdoor advertising. This proposal is clearly discriminatory to certain retail establishments involved with the sale of tobacco products. Further, I understand the tobacco industry has previously developed an advertising and promotion code which prohibits billboard advertising within 500 feet of schools and playgrounds. I do not believe it is justified to extend this existing advertising restriction through the implementation of the proposed rules.

Before pursuing the proposed rules, I would strongly encourage the FDA to review the existing regulatory authority of the Federal Trade Commission over the issue of advertising. Congress has expressly granted the Federal Trade Commission jurisdiction over all advertising. The proposed rules conflict with this Congressional grant of authority.

Finally, I strongly recommend the FDA closely review its ultimate objective in regard to the proposed advertising restrictions. Experience clearly demonstrates that a direct connection between advertising and an individual's decision to start smoking does not exist. I understand certain European countries which have completely banned tobacco advertising experience a higher percentage of youth smoking than the United States. In brief, the proposed rules to restrict advertising will not accomplish the so-called objective of the FDA to dissuade minors from using tobacco products.

3. Educational programs concerning cigarettes and smokeless tobacco products
(§ 897.29)

This section (§ 897.29) requires the tobacco industry to dedicate \$150 million on an annual basis to an "educational program designed to discourage persons under 18 years of age from using cigarettes and smokeless tobacco products." These proposed provisions represent hypocrisy at its best. If the FDA directs the tobacco industry to donate \$150 million for this type of educational program, the FDA should also subject all other suppliers and producers of consumer products which may not be advantageous for humans to the same standard. Should the beer and wine industries be subjected to this standard? Should the manufacturers of soda pop be subject to the standard? The basic issue appears to be one of precedence. Once the FDA subjects one industry segment to this type of educational program, it would appear logical other industries will eventually be subject to the same or similar programs. I strongly encourage the FDA to eliminate this provision from the proposed rules.

Food & Drug Administration
October 13, 1996

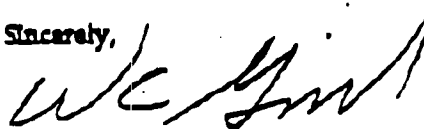
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Summary

As an individual involved with the retail sale of tobacco products, I strongly recommend the Food & Drug Administration withdraw the proposed rules regarding the sale and distribution of tobacco products to minors. I firmly believe the proposed rules are misdirected and represent an attempt by the FDA to bring about a system of prohibition.

I would like to reiterate that Wal-Mart Stores, Inc. and our over 800 employees continue their concerted efforts to avoid the sale and distribution of any tobacco product to minors. In light of existing federal and state laws, I find little value in the proposed rules and sincerely encourage the FDA to withdraw such rules.

Sincerely,



William C. Girard, Jr.
President/CEO

91715405



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

OCT 2 1995

Ms. Bonnie Sue Cooper
Chairman of the Board of Directors
The National Foundation for Women Legislators, Inc.
1240 Prospect Street, N.W.
Washington, D.C. 20007

Dear Ms. Cooper:

Thank you for your letter expressing concern about the Food and Drug Administration's (FDA) assuming responsibility for regulatory restrictions regarding the sale and distribution to children of cigarettes and smokeless tobacco products. I regret the delay in responding.

As you know, on August 11, 1995, the Department published in the Federal Register a notice of proposed rulemaking setting forth the jurisdiction of the FDA in this area. Please be assured that we will take your views into account as options for further action are considered.

Thank you again for your letter.

Sincerely,

Donna E. Shalala

91713406

COMMENTS TO THE DOCKET AND RELATED ACTIVITIES

ADVERTISING, FIRST AMENDMENT AND FREE SPEECH

Ongoing

- The Freedom to Advertise Coalition will file comments on behalf of its six member organizations:

- American Advertising Federation
- American Association of Advertising Agencies
- Association of National Advertisers
- Magazine Publishers of America
- Outdoor Advertising Association of America
- Point-of-Purchase Advertising Institute

- Hundreds of local ad club members are being encouraged to submit comments.

Ongoing

- Major First Amendment/free speech experts have been contacted, including:

- American Civil Liberties Union
- Washington Legal Foundation
- Freedom of Expression Foundation
- Thomas Jefferson Center for the Protection of Free Speech

- Advertising and public policy experts are finalizing docket submissions:

- Dr. Jean J. Boddewyn, Baruch College, The City University of New York
- Dr. Dwight Lee, University of Georgia, Athens



91715409

COMMENTS TO THE DOCKET AND RELATED ACTIVITIES

VETERANS

Completed Comments

- The Veterans Rights Coalition has submitted over 500 letters to the docket from several states. The majority of the letters have been copied, bundled together and sent with a cover letter from the president of the Coalition to every Member of Congress from the participating state group's Congressional delegation. Over 129 Members of Congress have been reached in this manner. The comments come from several states, many of them non-tobacco.

- Virginia
- West Virginia
- North Carolina
- Wyoming
- Ohio
- Kentucky
- California
- South Carolina
- Virginia
- Washington, D.C.

Ongoing

- Members of the Veterans Rights Coalition from the following states also will file comments:

- Alabama
- Arkansas
- Connecticut
- Florida
- Georgia
- Idaho
- Kansas
- Louisiana
- Maryland
- Mississippi
- Missouri
- New Mexico
- Tennessee

- Texas
- Wisconsin
- Wyoming

91715411

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Cliff Reich
David Templeton
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William Hedge
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Diane Bukemper

J. C. Horie
Virginia Edwards

George Guimond
Henry Tucker

Charles Duffet, Jr.
Ashby Holmes

Tom Malina
T. J. Travaso
Lloyd Vanderpool

Jim Jewel
Ray Nowak
T. J. Tharpe

Garry Burringer
Jack Burke
Jake LaBrie

Maria Carpenter

Frank Murray
Eugene Nordrup
Sam Subalter

Charles Hurling
George Nelson
James Newman
Bill Pavan

Mark Casper
Barry Snyder

Charles Heltenberger
George Mullen

N. Pat Sizemore

Johnnie Robinson
Fran Williamson

Paul Eversole
Maynard Kemp
Don Mawon

"Spooky" Becken
Roscoe Davis
Jack Kurr

Charles Cannon
Glenn Gualtier, Jr.
Vebie Hayes
Clint McKethan
Truman Moore
Larry Whitaker

Dana Meier

James Amuletto

George Lange
John Saunders
Col. John Sullivan
Rudolph P. Zepeda

Dallas Chapman



Veterans' Rights Coalition

December 6, 1995

Hon. Russell Feingold
United States Senate
Washington, D.C. 20510

Dear Senator:

I am enclosing for your review copies of letters Board Members and supporters of the Veterans Rights Coalition from the state of WISCONSIN have forwarded to the Food and Drug Administration concerning the agency's move toward regulating cigarettes as drugs.

We have a number of concerns with the FDA's activity in this area, namely, dignity and respect for our veterans. We are troubled that the FDA wishes to consider our many law-abiding veterans, who like to smoke cigarettes, as drug addicts. These are men and women who fought for our personal freedoms.

We are also concerned that the FDA is squandering valuable resources on an anti-smoking crusade when their time would be much better spent on approving pending experimental drugs that could lead to cures of Cancer, Alzheimer's, Parkinson's, AIDS and other serious diseases.

Finally, we recall to mind the terrible policy of a few years ago when the VA got on the anti-smoking "bandwagon," and the result was a policy that forced our elderly and frail veterans out into miserable weather conditions to smoke. Thankfully, with your leadership and support, the U.S. Congress decided to reverse this policy and restore the dignity and respect of our VA hospital patients.

It would please us greatly if you could assist us by requesting that the FDA cease its wasteful and foolhardy attempts to regulate cigarettes as drugs.

I look forward to your response.

Sincerely,

John F. Payne
John F. Payne, PSC-VFW
National Coordinator

P. O. Box 2774 • Charleston, W. Va. 25330

91715412

Dockets Management Branch
Food and Drug Administration
Room 1-23
12420 Parklawn Drive
Rockville, MD 20857

Dear Sirs:

I wish to protest the FDA's proposal to regulate tobacco products. If this happens, I am afraid it is going to adversely affect our veterans in VA hospitals whose only remaining joy is smoking. We have seen attempts in the past by the Federal Government to regulate smoking that have forced veterans outdoors in inclement weather just to smoke. Veterans are adults and should not be treated like schoolchildren. I wish the FDA would worry more about heroin, cocaine and other drugs, instead of legal tobacco products.

Very truly yours,

Charles C. Arndt

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✓

Charles C. Arndt
P.O. Box 573
Eagle River, WI 54821-0573

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COMMENTS TO THE DOCKET AND RELATED ACTIVITIES

OTHER BUSINESSES

Ongoing

- TI member companies' suppliers' employees are being encouraged to write.
- The pharmaceutical, biotechnological, telecommunications, vitamins and plastics organizations have been approached to assess interest in commenting on the FDA's role in regulating business. Organizations include:
 - Society of the Plastics Industry
 - Institute of Food Technologists
 - National Soft Drink Association
 - Pharmaceutical groups: "PHARMA," generics, over-the-counter
 - Biotechnology groups (Genzyme Corp.)
 - Telecommunications industry groups
 - Vitamin groups
- Additional "who's next" groups have been targeted, including:
 - Beer companies
 - Wine groups/wineries
 - Coffee concerns
 - Dairy interests
 - Sugar interest
 - Meat/poultry interests
 - Snack food manufacturers
- Tobacco manufacturers' advertising agencies are being encouraged to send letters to the docket.
- National Association of Manufacturers is considering submitting comments.
- U.S. Chamber of Commerce is considering filing comments.
- More than 200 tobacco company suppliers submitted letters explaining the negative impact of proposed FDA regulations on their business.
- Minority advocacy, business and publishers groups have been contacted to write letters to the docket.



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COMMENTS TO THE DOCKET AND RELATED ACTIVITIES

THINK TANKS

Completed Comments

- Comments to the FDA docket have been sent in by the following think tanks/free enterprise groups.
 - The Alexis De Tocqueville Institution
 - The Small Business Survival Committee
 - Frontiers of Freedom

Ongoing

- Several other think tanks have been approached about filing comments with the FDA:
 - The Independent Institute
 - The Business Leadership Council
 - National Center for Policy Analysis
 - Institute for Policy Innovation
 - Capital Research
 - CATO Institute
 - Citizens for a Sound Economy
 - Citizens Against Government Waste
 - Heritage Foundation

November 6, 1995

Commissioner David Kessler
The Food & Drug Administration
5600 Fishers Lane
Suite 1471
Rockville, MD 20857

Dear Commissioner Kessler:

I write to offer our thoughts on the proposed FDA regulation of tobacco. We have grave concerns about this proposal on several different grounds.

Excessive Regulation

This new regulation represents an unprecedented intrusion of the federal government into the lives of Americans. The scope of the proposal is staggering. Tobacco, already one of the most regulated items available to consumers would fall under a tremendous variety of new regulations and bureaucratic scrutiny. As columnist Carl Rowan has observed, "the initial reaction of this smoke-hating columnist is that the government's proposed programs go too far. We dare not give the FDA or any government agency such sweeping powers to limit free speech, commercial or otherwise."

While the excessive regulation is itself troubling, so too is the method of creating this regulation. Declaring tobacco a drug provided only limited regulatory reach, so the Administration chose to go further and labeled cigarettes as "medical devices." Many people would find it difficult to place cigarettes in the same category with hearing aids and heart valves. Under such an expansive definition it seems that any product in America could be labeled a medical device.



Honorary Co-Chairman
Jack Kemp

President
Memex Carey

Center on Regulation
and Economic Growth
Robert Kasten
Chairman

Senior Advisory Board
Dick Arney
Michael Boskin
John Engler
Trent Lott

Congressional Advisory Board
Tom DeLay
Lauch Faircloth
Joe Knollenberg
Jan Meyers
Don Nickles
Larry Pressler
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In announcing his plan, President Clinton declared, "We're their parents, and it is up to us to protect them." Yet the federal government is not the collective parents of all children in America. And a government or president who takes on the role of parent puts us even further along the path to a "nanny state," with a central authority interfering in all of life's choices. Agencies like the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA), and the Consumer Products Safety Commission (CPSC) are not only usurping the role of parents but they are treating all Americans like children.

In a letter to you in September of this year, Thomas Dortch, Jr., president of 100 Black Men of America, eloquently noted that, "surveys indicate peers and parents, not advertising, are the greatest influences on a minor's decision not to smoke." He went on to note that federal efforts to help youths would be far more effective if they focused on reviving communities and driving out drug dealers. This is the right approach. Government can only establish a framework for individuals to lead their lives well. Within that framework, they must make their own choices to advance themselves.

An Ultimate Ban?

Beyond my concerns with this regulation, I am concerned that this is only the first step towards the ultimate banning of tobacco products. The scope of the proposed regulations, which include barring caps and t-shirts from carrying tobacco advertising and preventing promoters from using tobacco brands in sporting events, are so sweeping that they may indicate a hidden agenda to ultimately try to ban smoking altogether.

Given the results of Prohibition, such a course would clearly be a disaster for the nation. Banning or even enacting excessive taxation on tobacco will simply lead to smuggling. For evidence, one need only look at Michigan, which raised its taxes on cigarettes from 25 cents per pack to 75 cents per pack in May of 1994. Shortly thereafter, evidence of organized smuggling began appearing. State police have been greatly concerned about the rise of this type of activity.

Another contemporary example is Canada. Because of sky-high excise taxes in the early 1990's, Canada faced a huge problem with smuggling of alcohol and especially tobacco that ultimately led to a rollback in taxes. In 1992, one out of five cigarettes sold in that country were smuggled in. This smuggling was simply a matter of economics: in Montreal, a carton of legal cigarettes cost \$48, while illegal cartons could be purchased for \$18.

The situation got so bad that even the Royal Canadian Mounted Police were waving the white flag. N. D. Inkster, Commissioner of the Royal Canadian Mounted Police saw the tobacco and alcohol smuggling in Canada as a crisis. In a February 1994 letter to Prime Minister Chretien, Inkster wrote, "We are at a point where existing RCMP law enforcement resources are virtually incapable of turning the tide in this rapidly expanding problem given our other responsibilities across Canada. While seizures have increased dramatically, the extent of the problem has been rising at a much faster rate with the involvement of organized crime groups and as otherwise law abiding citizens engaged in the criminal activity through the open purchase of contraband." Inkster argued that various measures should be taken to combat the smuggling, perhaps the most significant of which was reduction in taxes on these products. Finally, this smuggling epidemic led the government in 1994 to lower the tax on tobacco by \$5 per carton.

Clearly, while FDA regulation would be a mistake, if it is indeed a first step towards some type of ban, that would be an even greater mistake.

Troubling Precedents

The regulation of tobacco sets a troubling precedent for other companies and industries. The question we have to ask is where will this all end? What other products will be deemed needing regulation because of whatever small amount of risk that they entail? The problem with the "nanny state" mentality is that is unclear how you draw lines. Once the government steps in to prevent people from undertaking some action which they deem harmful in some way, it is easy to justify many more such intrusions.

The possibility of this type of regulation spreading to other industries is, I believe, strong. For example, the proposed regulations would require tobacco companies to spend \$150 million of their own money on "public education" advertising aimed at reducing teen smoking. Why not, one might ask, also require Nintendo and Sega-Genesis to use corporate profits to advertise about the importance of exercising over playing video games? In the future, perhaps Doritos could be forced to do commercials on the virtues of eating fruits. Or how about making all the TV networks in the country devote hours of programming to encourage children to read rather than watch television? The list is endless and, unfortunately, not completely beyond the realm of possibility.

This country was founded upon notions of individual responsibility and limited government. Thomas Jefferson declared in his First Inaugural address that, "A wise and frugal government, which shall

restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government." This proposal to regulate tobacco takes our nation even further away from the initial conceptions of government that Jefferson and the Founding Fathers envisioned.

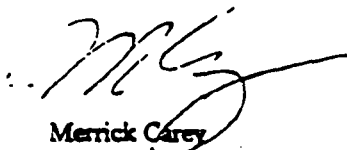
Back to Basics

Rather than undertaking broad new efforts in tobacco regulation, we believe that FDA should focus on addressing some of the many concerns that have been raised about its operations over the past several months. One of the most distressing of these issues has been the delay in the approval of new medical devices. It is unacceptable that other OECD nations often approve medical devices years before the United States. Further, items such as fat and sugar substitutes have languished in the review process for years. Efforts to improve bottlenecks in these areas will clearly save lives and enhance the national well-being.

I believe the ideas put forward last week by Senator Nancy Kassebaum are a good starting point for discussion of what direction the FDA should be headed in. Among other things, Senator Kassebaum has proposed setting strict timetables for approval of medical devices and new drugs and has proposed speeding up approval of food additives. It makes sense for the FDA to focus on its core mission before venturing into new areas of questionable value.

Thank you for this opportunity to address this issue.

Sincerely,



Merrick Carey
President