



AMERICAN LUNG ASSOCIATION®

Fighting for Air

Albert A. Rizzo, M.D.
Chair
National Board of Directors

January 31, 2012

Ross P. Lanzafame, Esq.
Chair-Elect
National Board of Directors

The Honorable Margaret A. Hamburg, M.D.
Commissioner, Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

H. James Gooden
Past-Chair

RE: Docket No. FDA-2011-N-0493

Christine L. Bryant
Secretary/Treasurer

Dear Dr. Hamburg:

Geri Reinardy, M.P.A.
Speaker
Nationwide Assembly

The American Lung Association has submitted comprehensive comments about the Food and Drug Administration's (FDA) proposed amendments to the Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents (the Rule) in conjunction with other public health partners. This letter is submitted by the American Lung Association as a supplement to those comments.

Marcia D. Williams, Ed.D.
Speaker-Elect
Nationwide Assembly

NATIONAL HEADQUARTERS

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The American Lung Association wishes to convey its alarm and dismay that the Food and Drug Administration issued this proposal, which we believe would substantially weaken FDA's authority to protect the public health from tobacco. We also believe that the proposal is completely contrary to Congressional intent. The American Lung Association strongly urges the FDA to withdraw this ill-advised proposal and instead focus on strictly enforcing all provisions of the Rule as intended by Congress.

The Lung Association refers you to the comments filed jointly with the nation's leading public health organizations on the history of the industry's manipulation of brand names and exploitation of imagery and consumer identification. It is clear the industry has a long and disgraceful history of targeting children, youth, adults, specific racial groups, women and others to addict and sustain that addiction to tobacco products – and using brand names to do so is just one of its many tactics. That FDA would allow this cavalier proposal to move forward – and provide an opportunity for the industry to seek further exemption – is inexcusable.

Congress was quite clear in its directive to FDA that it re-issue the Rule and immediately move to enforce it. Congress did not intend for FDA to change the grandfather date, creating a loophole that would allow dozens of products to retain brand names that scientific evidence very clearly shows are meant to make their deadly products more attractive. Nor did Congress intend for FDA to narrow the scope of the entire Tobacco Control Act by focusing its actions solely on youth.

It took almost two decades to ensure FDA was granted strong and effective authority over tobacco products. FDA must be vigilant in its efforts to protect its authority so that it can fulfill the intent Congress had when it passed the Family Smoking Protection and Tobacco Control Act and finally “address the public health crisis created by actions of the tobacco industry.” Any narrowing of FDA’s authority by this or other ill-conceived proposals or actions will do nothing to protect the public health from the dangers posed by tobacco use.

We strongly urge you to withdraw this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "CD Connor". The signature is fluid and cursive, with the first two letters of the first name being large and prominent.

Charles D. Connor
President and Chief Executive Officer

Cc: Lawrence Deyton, MSPH, MD, Director, Center for Tobacco Products