

Statement of Rep. Henry A. Waxman
Reintroduction of the “Family Smoking Prevention and Tobacco Control Act”
February 15, 2007

I am pleased to be here today to announce the reintroduction of this critical legislation, along with my colleagues Senator Kennedy, Representative Davis, Representative Pallone, and Senator Cornyn. This bill represents a bipartisan effort in both Houses of Congress to bring much-needed regulation to the sale and promotion of tobacco products. Under the bill, the Food and Drug Administration will finally be given the authority over tobacco that the Supreme Court took away seven years ago.

This legislation is long overdue and would accomplish two crucial public health goals.

First, the legislation would ensure that tobacco products are not advertised or sold to children. Addiction to tobacco begins almost universally in childhood and adolescence. Tobacco companies have long taken advantage of this vulnerability by promoting their products through such tactics as cartoon advertisements, free tobacco-themed merchandise that appeals to kids, and sponsorship of sports and entertainment events.

Second, this FDA legislation would require that tobacco products marketed as safer than other tobacco products are in fact demonstrated to be safer. The history of low-tar cigarettes illustrates the grave danger to public health caused by fooling consumers into believing unsubstantiated claims that one kind of cigarette is safer than another. Millions of Americans switched to low-tar cigarettes, believing that they were reducing their risk of lung cancer. Many were convinced to switch instead of quit. It was not until decades later that we learned, through the deaths of those smoking low-tar cigarettes, that low-tar cigarettes were just as dangerous as full-tar cigarettes.

Under this FDA legislation, we will not have to wait until the deaths of millions more Americans to learn whether a so-called safer cigarette is what it claims to be.

A landmark court decision last August underscores the need for this legislation. In finding the major American tobacco companies guilty of racketeering, federal Judge Gladys Kessler held that these tobacco companies have repeatedly lied to the American people about the health risks of their products and about their marketing to children. The judge also confirmed that these companies have suppressed scientific research, destroyed documents, and manipulated the use of nicotine in order to increase and perpetuate addiction.

Judge Kessler recognized that only Congress can take the critical step of regulating tobacco products. She wrote: “In a democracy, it is the body elected by the people, namely Congress, that should step up to the plate and address national issues with such enormous economic, public health, commercial, and social ramifications.”

Tobacco is the deadliest product on the market today. It kills over 400,000 Americans every year. Yet it is one of the least regulated of all consumer products. It is long past time when tobacco products should be subject to serious regulation to protect the public’s health. This bill would finally accomplish that goal.