



California
Department of
Health Services

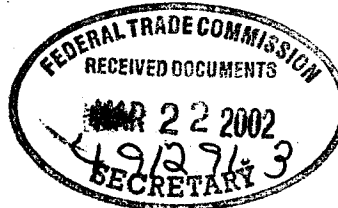
DIANA M. BONTÁ, R.N., Dr. P.H.
Director

State of California—Health and Human Services Agency
Department of Health Services



GRAY DAVIS
Governor

ORIGINAL



10002501

March 8, 2002

The Honorable David S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Secretary Clark:

This letter is being sent to you to urge the Federal Trade Commission (FTC) to reject the request by the United States Smokeless Tobacco Company (USSTC), dated February 5, 2002, which asks FTC to issue an advisory opinion to permit their company, and other smokeless tobacco manufacturers, to make unfounded health claims in their advertisements about the effects of smokeless tobacco. Specifically, they hope to include the statement that "the use of smokeless tobacco involves significantly less risk of adverse health effects than smoking cigarettes" in their product advertisements.

USSTC is making unproven health claims. Multiple studies have found that smokeless tobacco products pose health risks to users. This includes the 1986 statement by the Surgeon General, which concluded that smokeless tobacco is not a safe alternative to cigarettes and can cause cancer as well as non-cancerous oral conditions. Additionally, the use of smokeless tobacco has been proven to lead to nicotine addiction and dependence.

USSTC's claim is not selective about the type of smokeless tobacco products to be covered by this advisory, no matter how the product is produced, or the contents of the product. Additionally, it is well established that USSTC uses themes and images that appeal to youth in its marketing tactics, and that these advertisements are placed in locations with high youth readership. While USSTC claims that this health advisory is meant to claim harm reduction for the benefit of addicted adults, it would allow USSTC and other companies to market their products with this claim to young, non-tobacco users as well.



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601 North 7th Street, Sacramento, CA 95814, P.O. Box 942732, MS 555, Sacramento, CA, 94234-7320
(916) 327-5425

Internet Address: www.dhs.ca.gov/tobacco

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Most importantly, it is inappropriate that this request be addressed by the FTC, which does not have the regulatory authority or the scientific expertise needed to insure the truth of these claims. Instead, it should be posed to federal agencies such as the Department of Health and Human Services, the Food and Drug Administration, the National Cancer Institute, and/or the Surgeon General, whose charges are to protect the health of the public, and who have the appropriate expertise, experience, and authority to evaluate the health claims which are being made. Indeed, this is what was done for the determination of the health effects of tobacco products and is the only way to insure that health claims work to reduce the number of people who die from tobacco related diseases.

The State of California, has long been a leader in Tobacco Control, and has become so by its focus on science-driven, empirically validated interventions. Indeed, in terms of smokeless tobacco use, the rates of current use in California are much lower than those seen nationally and reflect the long-term commitment to tobacco prevention that California is known for. In 1999, current use of smokeless tobacco among adult males aged 18 and older in California was 2.4 (+/- 0.4) percent and current use (in the past 30 days) of smokeless tobacco by adolescents was 0.6 (+/-0.2) percent.

However, this data is only the result of constant vigilance over tobacco industry tactics and continual programs addressing emerging issues. Any missteps, such as the releasing of the advisory opinion requested by USSTC without a full understanding of its implications and intentions, could easily reverse these successes, and cause irreparable harm to other states that are younger in their tobacco control experience.

We at the California Department of Health Services, Tobacco Control Section, (CDHS/TCS) urge you to deny this request from USSTC. We believe this is another attempt by the Tobacco Industry to manipulate and deceive the public, and that to release such an advisory would undermine the health of the populace of our nation. Furthermore, if USSTC believes that they have a proven, scientific claim, let them make this request to the authorities that are delegated the power to address it. We hope that you will join us in expressing your concern over the impact of tobacco on our society and deny this request.

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We appreciate your time and attention to this important matter. If you should have any further questions regarding this matter, please contact Raychel Adler, M.P.H., Program Consultant, Local Programs Unit, TCS, at (916) 324-9532.

Sincerely,

A handwritten signature in black ink that reads "Appt Research for Dileep G. Bal". The signature is written in a cursive style.

Dileep G. Bal, M.D., Chief
Cancer Control Branch