

Preventing death

by *The San Diego Union-Tribune*

The incredible deceit by Big Tobacco continues.

For decades, cigarette manufacturers marketed their products to minors, denied the addiction and medical harm their products caused and resisted efforts to make tobacco products less harmful.

Now there is this: Harvard researchers this month released a study that confirmed findings reported last August by the state of Massachusetts showing that the levels of nicotine in at least four of the most popular brands of cigarettes were secretly increased between 1998 and 2005. The companies deny the findings, but, according to the Massachusetts study, the amount of nicotine in one brand, menthol Kool cigarettes, increased by 20 percent. The studies also reported significant increases in Marlboro, Newport and Camel.

This research follows the opinion by U.S. District Court Judge Gladys Kessler last summer in the federal government's lawsuit against the industry. She ruled that tobacco companies had violated civil racketeering laws and defrauded the public for decades regarding the health risks of smoking and the companies' marketing practices. In Kessler's words: "The evidence in this case clearly establishes that defendants have not ceased engaging in unlawful activity."

This outrageous industry behavior has been possible because Big Tobacco politics in Washington largely prevented federal regulation. The Food and Drug Administration could regulate the food or medicine you put in your body, the makeup you put on your face or the kibble you give your dog, but it did not have explicit authority to regulate one of the most dangerous products of all - tobacco.

But the time may now be ripe for legislation granting FDA regulatory authority over tobacco. The Senate passed such a bill twice in 2004 with large majorities only to see it blocked from coming to a vote in the House last year.

Virtually identical legislation is expected to be reintroduced soon. It would allow the FDA to require tobacco companies to disclose the contents of cigarettes and other products. It would allow the FDA to ban such marketing terms as "light," "mild" and "low-tar" that have misled consumers into thinking they were safer. It would allow the FDA to ban candy-flavored cigarettes that have been used to attract young smokers. And it would allow the FDA to order the reduction of nicotine levels or the removal of other harmful ingredients.

To its great credit, Philip Morris USA, the country's No. 1 cigarette maker, supported the FDA regulation bill that failed last year. It would be wise to do so again.

Public health advocates warn that despite dramatic progress against smoking in recent years tobacco use is still the leading preventable cause of death.

The key word is "preventable." This legislation would make prevention a real possibility.

Reprinted from The San Diego Union-Tribune.

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