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PRIVILEGED AND CONFIDENTIAL
ATTORNEYS' WORK PRODUCT

DRAFT RESPONSE OF THE INDUSTRY
UPON DISCLOSURE OF THE INGREDIENTS LIST

A list of ingredients added to tobacco in the manufacture of cigarettes was recently disclosed by unknown sources and published in _____. The list had been provided to the Department of Health & Human Services (HHS) by the six major American cigarette companies in compliance with section 7 of the Federal Cigarette Labeling and Advertising Act.

The release of the list is unfortunate because the identities of the ingredients added to tobacco in cigarette manufacture are important trade secrets whose confidential status is recognized by the Act itself. We are disappointed that the list has been disclosed despite the confidentiality protection provided by law.

The Act envisions that HHS will conduct a scientific review of the ingredients on the list. The industry intends to participate in this review as it proceeds. Despite the unfortunate disclosure of the list, we hope that the issue of cigarette ingredients will continue to be approached from a scientific perspective.

Because of trade secret concerns, the ingredients used by particular companies or in specific brands cannot be

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discussed. However, certain general comments will help place the contents of the list in perspective.

The list contains several hundred substances, many of which have been in use for decades. However, 15 substances account for approximately 99% of total ingredient usage. A number of these 15 compounds are processing aids that are found in the final cigarette in extremely small and often undetectable amounts. Others are casing materials, flavoring materials or moisturizers that have been used in cigarettes for decades.

The remaining ingredients are used in smaller quantities, in many cases less than 10 pounds per year for all the companies. Most of these compounds are components of formulated mixtures purchased by the cigarette manufacturers from flavor suppliers. Only a small quantity of flavor ingredients would be present in an individual brand, and all of these ingredients generally constitute less than a tenth of a percent by weight of an individual cigarette.

The submission of the list marks the second time in recent years that American cigarette manufacturers have made available an ingredients list to HHS. In 1982, representatives of the HHS Office of Smoking and Health reviewed a list of the most commonly used ingredients. This list was voluntarily provided by the industry under an agreement with Dr. Edward N. Brandt, Jr., then Assistant Secretary for Health at HHS. As in the past, the industry intends to participate in HHS' scientific review of the list.

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Additional Comments Which Could
Be Made By Covington & Burling
Depending On The Type and Nature of Questions
or Publicity

Most of the ingredients on the list are commonly used in foods, have been reviewed by the Food and Drug Administration (FDA), and are included in the lists of substances Generally Recognized as Safe maintained by FDA and the Flavor and Extract Manufacturers Association. Many ingredients are also used in other consumer products such as cosmetics.

Many of the ingredients on the list have also been approved for use in tobacco products by governmental bodies in other countries such as Great Britain and West Germany. For example, a British list, commonly referred to as the Hunter list, was developed by a medical and scientific committee appointed by the British government.

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