

## THE CASE AGAINST FDA REGULATION OF TOBACCO

- 1. FDA does not have jurisdiction over tobacco.** For more than 80 years, Congress has said regulating cigarettes is its job. The FDA has consistently admitted it has no basis for regulating cigarettes, and the Courts have agreed.
- 2. Proposed FDA regulations would trample the First Amendment.** Advertising is a form of free speech, protected by the First Amendment of the US Constitution. In its quest to eventually eliminate tobacco, the FDA ignores this historic document and the rights it guarantees. After all, this is America.
- 3. Tobacco is already highly regulated.** Tobacco is currently one of the most highly-regulated consumer products in America, with more than a dozen federal agencies and every state exerting control over tobacco. Farmers have more to do than deal with yet another bureaucratic agency.
- 4. FDA proposals would not reduce youth smoking.** Underage smoking is already illegal in all 50 states. We must enforce the law, not add yet another bureaucratic agency with the power to destroy us. Long-term US government data show that overall youth smoking rates have declined nearly 40% since 1975. Meanwhile, illegal drug use by kids is soaring. International studies show, and former Surgeon General Koop and other anti-tobacco crusaders agree, that kids smoke mainly because of peer pressure or if their parents or siblings smoke. Advertising is not the reason kids take up smoking. Let's do something constructive to reduce youth smoking by enforcing existing laws.
- 5. FDA cannot handle its current responsibilities.** FDA is failing in its core mission to approve lifesaving drugs and medical devices and to assure a safe food supply for the American public. Over 1,100 critical medical devices are currently awaiting FDA approval while FDA is pursuing control over tobacco. Former Senator Wallop (WY) blames 150,000 American heart attack deaths on FDA drug delays.

### OPPOSE THE FOOD AND DRUG ADMINISTRATION'S REGULATION OF TOBACCO. HERE'S HOW:

- 1. Write a letter expressing your concerns about FDA regulation of tobacco and send it to your two Senators and Representative.** Tell them you have just signed a petition opposing FDA regulation of tobacco and ask them to let you know their position on this issue. Write to:

The Honorable \_\_\_\_\_  
United States Senate  
Washington, DC 20510

The Honorable \_\_\_\_\_  
US House of Representatives  
Washington, DC 20515

- 2. Circulate the enclosed petition for signatures.**
- 3. Photocopy the petition for your friends to use to collect signatures.**
- 4. Return completed petitions in the enclosed postage-paid envelope by November 30, 1995.**

**Take action today to  
Keep the FDA off the Farm !!!**

88017030

*"I had just cleaned up and sat down for supper after a long, hard day of harvesting tobacco when I heard a knock on the door. I thought it was strange to have a visitor at this late hour out here in the country. I opened the door and was met by two men displaying identification who said, 'We're from the Food and Drug Administration and we're going to have to confiscate your tobacco due to noncompliance with FDA nicotine content regulations'."*

Can you imagine Food and Drug Administration (FDA) agents, with criminal law enforcement powers, trampling through your fields telling you how to grow your tobacco, imposing heavy fines, and perhaps even worse?

How would you like undercover Federal Agents running "sting" operations on your farm and then seizing your crops if you fail to meet their unfair and unwarranted Federal bureaucratic mandates?

**IMPOSSIBLE????? Think again.**

**THE FDA IS OUT TO DESTROY FARM FAMILIES.  
TAKE ACTION TODAY TO PROTECT YOUR FAMILY AND FARM!**

If the Food and Drug Administration (FDA) gets away with declaring nicotine a "drug" and cigarettes a "nicotine/drug delivery device," tobacco farmers will face the possibility of FDA regulation of their tobacco crops. You are already forced to deal with and be monitored by the US Department of Agriculture, the Environmental Protection Agency, the Occupational Safety and Health Administration and other agencies. You know first-hand what a nightmare federal government regulations can create for farmers. We must work now to prevent the FDA from joining the bandwagon of federal tobacco regulators.

If the Clinton/Kessler proposal to regulate tobacco and nicotine is enacted, you could face even more expensive reporting and oversight requirements by FDA agents. These FDA agents have broad powers, including the potential for seizure of tobacco plants for FDA violations, which could require farmers to face lengthy, expensive court battles just to regain access to their own crops.

FDA Commissioner David Kessler has said tobacco has no place in America. Hillary Clinton, Health and Human Services Secretary Donna Shalala, and others in the Clinton Administration, have echoed this sentiment. Clinton/Kessler claim their rule would stop young people from smoking. They are wrong. The Clinton/Kessler regulation would have little or no impact on youth smoking, but it would be devastating to American jobs and could destroy Tobaccoland overnight.

No one wants young people to smoke, and it is already illegal for them to do so in every state in the nation. We must take steps to better enforce these laws, not create more bureaucracy. What President Clinton and Commissioner Kessler have in mind is simply more BIG GOVERNMENT INTERFERENCE into the lives of adult citizens who chose to produce, sell or consume a legal product.

How can you help protect your family and farm? Take action now. See the reverse for complete instructions.

**88017031**

**Let's keep the FDA off the farm.**