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Statement of Rep. Henry A. Waxman Introduction of "Family Smoking Prevention and Tobacco Control Act" May 20, 2004

I am pleased to be a part of this bipartisan effort in both Houses of Congress to bring long-needed regulation to the sale and promotion of tobacco products. Under the legislation we are introducing today, the Food and Drug Administration would finally be given the authority over tobacco that the Supreme Court took away 4 years ago.

This legislation would specifically accomplish two critical 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.

Just today, public health officials in Massachusetts announced that tobacco makers have begun to market candy-flavored cigarettes, using flavors that strongly appeal to children, like cherry, cinnamon, chocolate, and strawberry. This is not the first time that the tobacco industry has stooped to using candy flavors to entice children, but, if our bill passes, it will be the last.

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.

Tobacco is surely 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 the time when tobacco products should be subject to serious regulation to protect the public's health. I am very pleased that the bills we are introducing today would finally accomplish that goal.