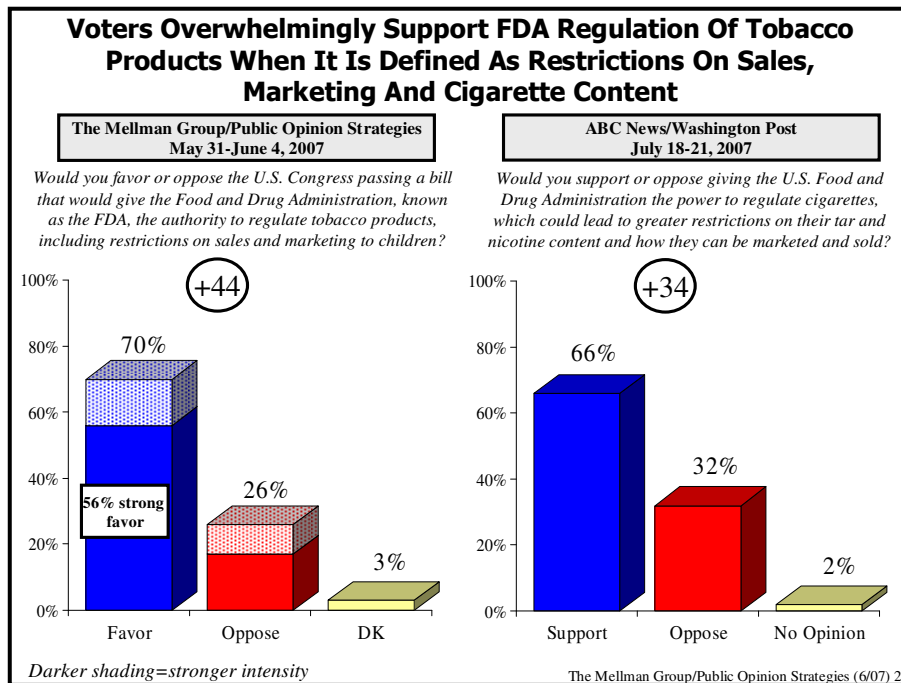


TO: The Campaign for Tobacco Free Kids
FROM: Mark Mellman, The Mellman Group & Glen Bolger, Public Opinion Strategies
RE: FDA Regulation Of Tobacco Products
DATE: February 28, 2008

In an effort to derail extraordinarily popular legislation giving the FDA the authority to regulate tobacco products, Big Tobacco has once again commissioned a poll, biased to obtain the result they want. Zogby International's poll, conducted on behalf of Lorillard Tobacco, purports to show public opposition to FDA regulation of tobacco products. However, Zogby was able to obtain this result only after using biased questions and bombarding respondents with a whole series of arguments against FDA regulation, while failing to provide even a single balancing argument in favor of the proposal. We can be certain that the Zogby poll misrepresents public opinion because both our survey and public polling confirms overwhelming public support for FDA regulation of tobacco, while making clear that arguments on both sides of the issue leave that strong majority intact.



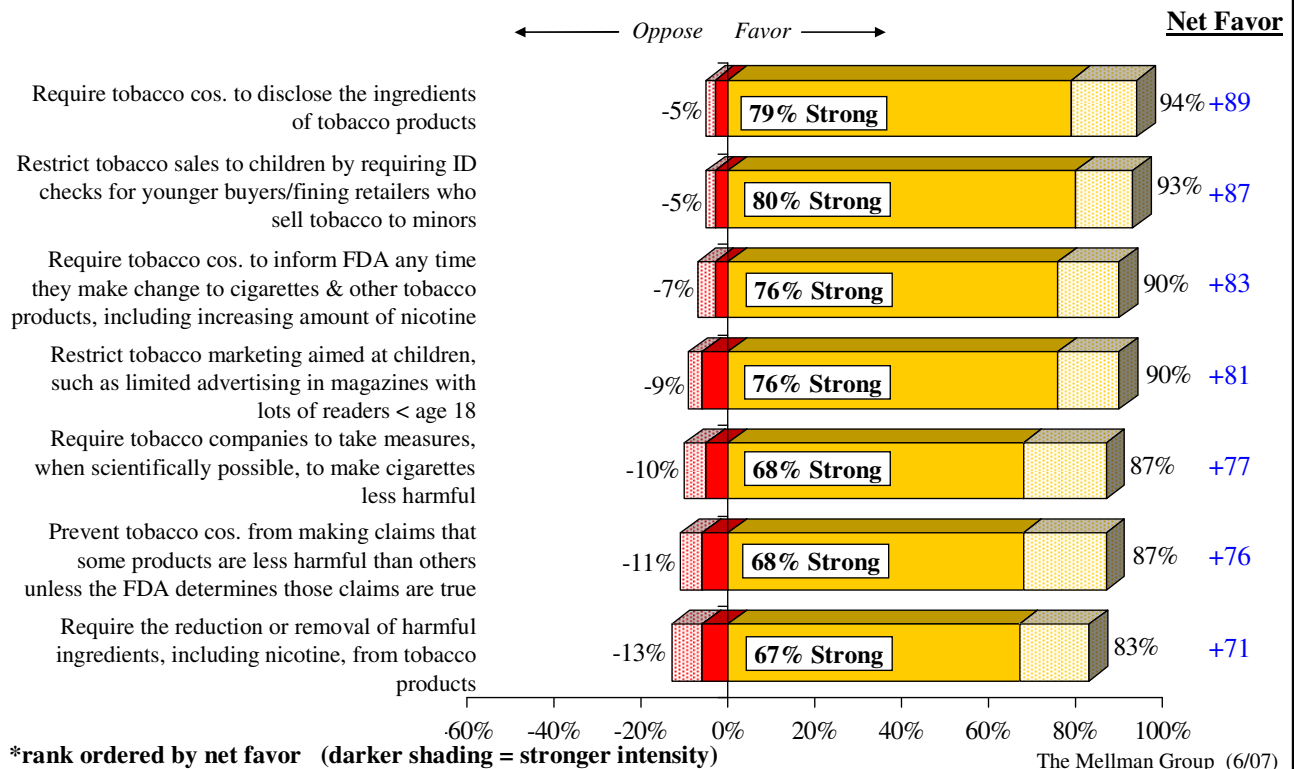
Our own bi-partisan national survey of 800 in May/June asked voters if they would “favor or oppose . . . a bill that would give the Food and Drug Administration, known as the FDA, the authority to regulate tobacco products, including restrictions on sales and marketing to children?” Support for FDA regulation is overwhelming with 70% in favor and just 26% opposing. We should note that this question was at the beginning of our survey, without first providing voters with any sort of information or argumentation.

Moreover, an ABC News/Washington Post survey of 1,125 in July reported results quite similar to ours. That poll asked voters if they would “support or oppose giving the U.S. Food and Drug Administration the power to regulate cigarettes, which could lead to greater restrictions on their tar and nicotine content and how they can be marketed and sold.” It showed 66% of voters supporting FDA regulation and only 32% opposing it. In both our survey and the ABC/Washington Post poll, the proposal garnered strong bi-partisan support.

We also found that voters strongly support the specific elements of the law giving the FDA authority over tobacco. As the chart below illustrates, overwhelming majorities favor requirements for tobacco companies to disclose product ingredients, restrictions on marketing to young people, requirements to make cigarettes less harmful, ID checks of young people trying to buy cigarettes and reporting changes to tobacco products. Thus, it is clear that when voters have an understanding of what the proposed FDA legislation would do, they strongly support it.

Voters Overwhelmingly Favor All The Specific Elements Of The Bill Giving The FDA Authority Over Tobacco Products

Now I am going to read you a list of ways in which the Food and Drug Administration could regulate tobacco products. After each one, please tell me if you favor or oppose the FDA implementing that particular proposal or policy.



Finally, unlike the Lorillard Tobacco-sponsored poll, which obtained its result by exposing voters only to arguments against FDA regulation, our own research found that when voters are offered pro- and con arguments against FDA regulation (detailed on the next page), they overwhelmingly reject the arguments against FDA regulation.

Once again, big tobacco is attempting to muddy clear public support for FDA regulation by releasing an almost laughably non-credible and biased poll designed expressly to obtain the result big tobacco paid for. When opinion is asked of voters in a non-biased fashion, it is clear that support for such regulation of tobacco products is quite strong.

Arguments For And Against FDA Authority To Regulate Tobacco Products

	% Agreeing with Statement
We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products because tobacco is exempt from the basic health protections that the FDA applies to other products. Currently, the FDA can regulate a box of macaroni and cheese, but not a pack of cigarettes. This bill will provide additional resources for the scientists and health professionals at the FDA to effectively regulate tobacco products without taking away from its other responsibilities.	73%
We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because the FDA already has its hands full trying to regulate prescription drugs and other products. Regulating tobacco would take time and resources away from the FDA's main job of approving potentially life saving medications.	25%
We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products and their marketing. The tobacco companies spend more than \$13 billion dollars every year marketing their deadly products, and much of that marketing directly impacts kids. The marketing restrictions included in the bill will help prevent tobacco companies from addicting our children.	72%
We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because the marketing restrictions included in the proposed bill would be an unconstitutional limitation on free speech and restrict the right of tobacco companies to market their products to adults who choose to smoke.	25%
We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products so it has the power to stop tobacco companies from marketing to children, reduce smoking and save lives. The positive impact the proposal will have on public health outweighs any possible impact on convenience stores.	78%
We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because the new restrictions would place an unfair burden on convenience stores by limiting tobacco advertising in stores, requiring them to check ID's and penalizing stores if clerks sell to minors. These restrictions could cause thousands of small businesses like convenience stores to go out of business, costing thousands of jobs.	19%
We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products because the agency could stop tobacco companies from deceiving people about the health dangers of their product, end efforts to manipulate nicotine levels in cigarettes to hook more smokers, and force tobacco companies to implement ways to make cigarettes less dangerous to people's health.	74%
We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because FDA regulation of tobacco could make it seem like cigarettes have a government "seal of approval" that would minimize the danger of cigarettes and cause more people to start smoking or not quit.	22%
We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products because it will help stop our kids from smoking and help current smokers quit, which will save billions of dollars by reducing health care costs from tobacco related illnesses. The additional funds needed for the FDA would come from a fee on the tobacco companies amounting to less than two cents per pack of cigarettes sold.	72%
We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because this law would waste taxpayer dollars by creating a huge new government bureaucracy and cost more than \$300 million dollars to implement.	24%
We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products so it has the power to stop tobacco companies from marketing to children, reduce smoking and save lives. The positive impact the proposal will have on public health outweighs any possible impact on tobacco growers.	79%
We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because the new restrictions could hurt tobacco growers by reducing demand for their crops and placing burdensome requirements on tobacco growing.	18%