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NEWS ANALYSIS

USA: tobacco is a drug—official

At last, after the most action-packed bout of tobacco control activity ever seen in the United States, President Bill Clinton has confirmed his decision to back the Food and Drug Administration's (FDA's) regulation that classifies cigarettes and smokeless tobacco products as drug-delivery devices, thereby allowing control of their sale, distribution, promotion, and advertising. Months of political lobbying, press frenzy, high-level lawsuits (real and threatened), soft-option legislative proposals, disinformation campaigns, and other dirty tricks from the tobacco industry led up to the announcement, at the end of August, of the release of the new FDA rules. The various provisions are scheduled to take effect within six months to two years. However, whether and when they will go into force will depend on the outcome of lawsuits filed by tobacco and advertising interests when the proposed rules were first announced in August 1995.

The final rules have the same focus as those first proposed—restricting cigarette and smokeless tobacco advertising and promotion, and controlling minors' access to those products. An executive summary of the final rules, along with the statement President Clinton made at the time of their release, are reproduced on pages XX–XX of this issue of *Tobacco Control*. In brief, the rules ban outdoor advertising within 1000 feet (305 metres) of schools and playgrounds; permit black-and-white, text-only advertising in publications with significant youth readership (under age 18); prohibit the sale or giveaway of non-tobacco products such as caps, jackets, or gym bags that carry cigarette or smokeless tobacco brand names or logos; and prohibit brand-name sponsorship of sporting and entertainment events (but allow sponsorship in the corporate name). With regard to youth access to tobacco, the rules require age verification for all over-the-counter sales, limit vending machine sales and self-service displays to places where minors are not allowed (such as certain bars and nightclubs), prohibit the sale of single cigarettes and packs of less than 20 cigarettes, and prohibit free sampling of cigarettes. In a separate rule, the FDA will require the six tobacco companies with significant sales to children to educate young people about the health hazards of tobacco use, in a national, multi-media campaign to be monitored by the FDA for its effectiveness.

The executive summary explains the FDA response to public comments on the original version of the rules. It notes that the proposed rule generated more comment (700 000 pieces of mail) than any other proposed rule "in the history of federal rule making". Most of the comments were engineered by letter-writing campaigns sponsored by the tobacco industry. The largest campaign, which opposed the rule, generated more than 300 000 pieces of mail, or 42% of all the comments received. (For a summary of the original version of the rules, see *Tobacco Control* 1995;**4**:299–309.)

Changes to the proposed rules in response to the public comments were modest. The advertising and marketing restrictions were strengthened slightly by extending the ban on brandname sponsorship of events to individual *teams* (such as those in motor car racing events). The proposed rules on minors' access were weakened somewhat, replacing a total ban on vending machines with restrictions to adult-only locations, and replacing a ban on mail-order sales with a pledge for FDA monitoring of such sales "to ensure that they do not provide young people with a mechanism for purchasing cigarettes and smokeless tobacco". Finally, the original rule proposed to require the tobacco industry to contribute $150 million per year to a programme to

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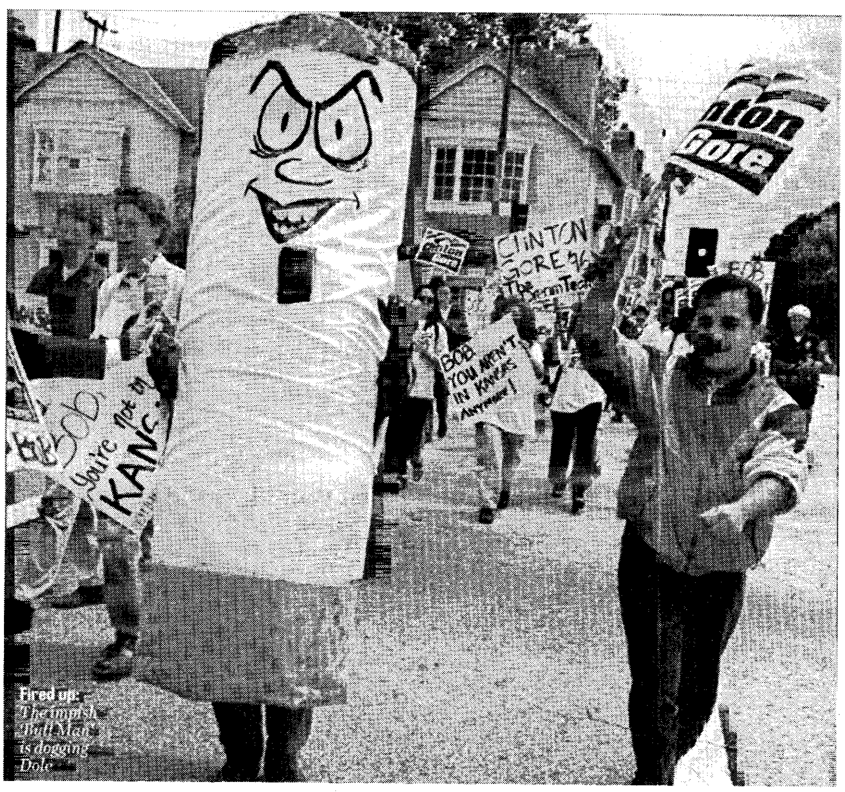

Mr Butt Man, the seven-foot (two-metre)-tall cigarette that dogged Presidential candidate Bob Dole throughout the campaign. Source: Newsweek, *15 July 1996.*

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educate young people on the hazards of tobacco use; this provision was replaced with the announcement that the agency will require an industry-sponsored educational campaign through a separate rule (with no dollar amount specified yet).

The final FDA rule was released in the midst of the US presidential campaign. The rule, in addition to comments by Republican presidential candidate Bob Dole questioning the dangers and addictiveness of smoking, helped make tobacco a key presidential campaign issue (figure). Veteran tobacco control advocates are unaware of this ever having happened before in any country. This unprecedented episode in the annals of tobacco control will be chronicled in the next issue of the journal.

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Another President speaks out

President Bill Clinton is not the only President to speak out about tobacco, even if he is the best publicised. At the other end of the economic scale from the United States, and with more than its fair share of problems to cope with, Bangladesh is at least fortunate to have in President Abdur Rahman Biswas a leader who recognises tobacco for what it is. In a statement issued on World No-Tobacco Day (31 May), he said tobacco in any form was a poison, and expressed the hope that the world would be freed from it one day.—DS

BAT: business as usual

Shares in tobacco giant BAT Industries may have taken a tumble after the Florida product liability lawsuit verdict against its US subsidiary Brown & Williamson, but in many respects life goes on as normal. In a previous issue of *Tobacco Control* (1994;**3**:76–7), we wrote about BAT's travelling roadshows of "experts" who generate highly misleading press coverage about health and other tobacco issues in countries such as South Africa and Sri Lanka. *Tobacco Control* has learned that BAT has been at it again. This time journalists from eight African countries (South Africa, Kenya, Uganda, Mauritius, Ghana, Nigeria, Zaire, and Zambia) were