

U.S. Agency Suggests Regulating Cigarettes as an Addictive Drug

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WASHINGTON, Feb. 25 — The Food and Drug Administration said today that there is mounting evidence that cigarettes are sold to satisfy an addiction and therefore can be subject to regulation as a drug.

Agency officials said they were seeking advice from Congress on how to proceed because the regulation of cigarettes by the F.D.A. would probably mean that their sale would be barred in the United States as an unsafe product.

In a move that tobacco companies have feared, the F.D.A. has for the first time taken the position that there are grounds to believe that companies manipulate the amount of nicotine in cigarettes to maintain smokers' addictions, and thus cigarettes may be considered drug-delivery devices.

Making a Cigarette

But an executive at the R. J. Reynolds Tobacco Company, David Fishel, denied that the amount of nicotine was increased in cigarette manufacturing.

The process of making cigarettes involves separating the parts of a tobacco plant into stems, leaves, and flavor and nicotine extracts. The stems and other parts are made into a pulp and rolled into thin sheets before the flavor and nicotine are sprayed onto the sheets. The sheets are shredded and made into cigarettes.

The F.D.A. suggested that this pro-

cess could be interpreted as controlling the amount of nicotine to insure addiction.

Two committees, one in the House and one in the Senate, intend to hold hearings on the matter, but it is unclear how much sentiment there might be in Congress to take on the powerful tobacco lobby. Congress is not likely to consider the issue seriously for some time.

A senior F.D.A. official, who spoke on condition of anonymity, said: "The impact on society of such a ban would be so great, with the potential for a black

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market and other things, that we felt we should try to work with Congress to consider the issue. This letter tees up the issue for debate."

The policy shift at the F.D.A. was signaled today in a letter from the Commissioner of Food and Drugs, Dr. David A. Kessler, to Scott Ballin, chairman of the Coalition on Smoking or Health, an alliance of antismoking groups that had petitioned the F.D.A. to regulate cigarettes as drugs.

In the letter, Dr. Kessler said: "Evidence brought to our attention is accumulating that suggests that cigarette manufacturers may intend that their products contain nicotine to satisfy an addiction on the part of some of their customers."

"In fact, it is our understanding that manufacturers commonly add nicotine to cigarettes to deliver specific amounts of nicotine."

He said that if the agency could make a legal finding that this was the case, or prove it in court, "it would have a legal basis on which to regulate these products under the drug provisions" of the law.

In practical terms, that would mean banning any tobacco products that have enough nicotine to be addicting because addictive products are considered too hazardous.

Agency Claims Authority

F.D.A. officials and Congressional aides said that the effect of the letter was to declare that the Food and Drug Administration has the authority to regulate cigarettes without further Congressional action, if the facts bear

out the argument that nicotine levels are being intentionally manipulated by the cigarette companies. It is the first time the agency has said it has that authority.

But Dr. Kessler says in his letter that the consequences of F.D.A. regulations are so great that it is important to begin public and Congressional debate to begin before action is taken. In fact, if F.D.A. now believes that if it regulates cigarettes its only option would be to ban them. Congress could instruct the F.D.A., however, to avoid a ban when regulating the amount of nicotine in a cigarette which goes into cigarettes.

This shifts the political burden to tobacco companies and pro-tobacco members of Congress to try to stop regulation. Until now, the burden has been on antismoking forces to try to regulate tobacco.

Brennan Dawson, a spokeswoman for the Tobacco Institute, the Washington representative of large tobacco companies, said: "We are surprised that this F.D.A. letter is getting attention it is. The bottom line of the letter is that the F.D.A. won't act without further action from Congress. Nothing has happened."

Representative Henry A. Waxman, Democrat of California, who is chairman of the House Subcommittee on Health and the Environment, said in an interview that the F.D.A. letter was important, and that he intends to hold hearings soon to discuss the evidence that cigarettes were essentially drug-delivery devices. Senator Jeff Bingaman, Democrat of New Mexico, member of the Senate Labor and Human Resources Committee, said a panel would also hold hearings on what he called the "F.D.A.'s major shift in policy."

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