

# Congress of the United States

Washington, D.C. 20515

October 23, 1986

The Hon. Sir David Akers-Jones, KBE, CMG, JP  
Chief Secretary  
Government Secretariat  
Central Government Offices  
Lower Albert Road  
Central  
Hong Kong

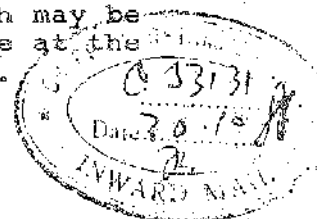
Dear Sir Akers-Jones:

We are writing to express concern about the Hong Kong Government's plans to ban the import, sale and manufacture of smokeless tobacco products. We believe such action would constitute an unfair and discriminatory restriction on foreign trade - at least that is the way it is likely to be viewed in the United States.

As members of Congress, we note that disputes over trade issues increasingly have become sources of friction in our relations with our trading partners because of our \$150 billion deficit. Because trade is an increasingly important element of U.S. foreign policy, it is important for us to express our views in the hope that we can avoid a potential barrier to our peoples' historic trade relationship.

We urge you to consider an alternative to the banning of smokeless tobacco products. Such an approach was embodied in legislation passed by the U.S. Congress in 1985 and signed by President Reagan on February 27, 1986. This law, the Comprehensive Smokeless Tobacco Health Education Act of 1986 (Public Law 99-252), imposes certain labelling and reporting requirements on the smokeless tobacco industry. We feel this law adequately and fairly addresses the smokeless tobacco issue.

After a legislative hearing, careful analysis of the facts, and with the participation of several public health associations, this consensus measure was carefully crafted by a bipartisan group of members of the U.S. House of Representatives and the U.S. Senate. Based on all the available evidence, we elected to regulate smokeless tobacco products. These regulations are essentially the same as those for other tobacco products as required by the Comprehensive Smoking Education Act of 1984. We decided all tobacco products should be treated uniformly; that to single out particular tobacco products for more severe restrictions would be both discriminatory and unwarranted. In our view, this regulatory approach is preferable since it alerts the general public to the potential health hazards which may be associated with the consumption of these products, while at the same time preserving the individual's freedom of choice.



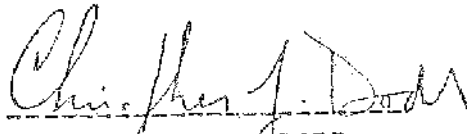
Sir Akers-Jones  
October 23, 1986  
Page 2

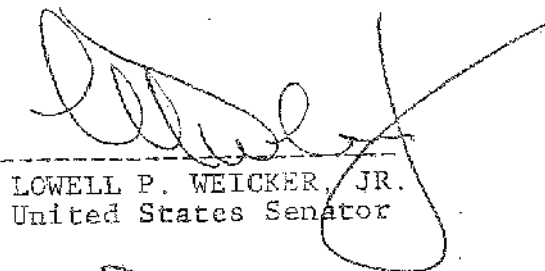
We understand the difficult decision that lies before the government of Hong Kong. Nevertheless, we are confident that your government will resolve this controversy in a just and fair manner. We would hope the Hong Kong authorities would consider our approach before adopting an outright ban on an American product which has been imported into Hong Kong for the past twenty years.

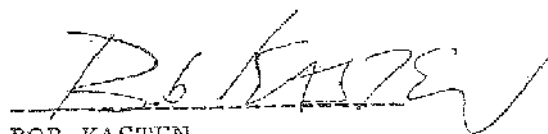
For your information and reference, we have enclosed a copy of Public Law 99-252. We would also be happy to answer any questions you may have about this landmark legislation.


Thank you for your consideration of our views.

Sincerely,

  
CHRISTOPHER J. DODD  
United States Senator

  
LOWELL P. WEICKER, JR.  
United States Senator

  
BOB KASTEN  
United States Senator

  
ROBERT DOLE  
United States Senator



(37) in HW CR 57/581/84

12 November 1986

Messrs. CHRISTOPHER J. DODD, LOWELL P. WEICKER, JR.  
BOB KASTEN, ROBERT DOLE  
United States Senators,  
Congress of the United States,  
Washington, D.C. 20515  
U.S.A.

Dear Sirs,

Smokeless Tobacco

Thank you for your letter of October 23rd 1986 about the proposed ban on the import, manufacture and sale of smokeless tobacco products in Hong Kong.

First of all, may I point out that there appears to be some misunderstanding of the nature of the legislation which was passed today by the Legislative Council. Neither its cause nor its intention has any connection with trade or discrimination against foreign products and it would be most unfortunate if it was portrayed as such. As you will see from the attached copy of the Public Health and Municipal Services (Amendment) (No. 2) Bill 1986, the legislation is entirely a health measure and its effect is to ban not only import but also manufacture locally and any form of sale. Our medical authorities are convinced of the serious dangers of smokeless tobacco, and since its use is not at present a significantly established habit in Hong Kong, a complete ban seems to us to be justified.

Although the decision to introduce legislation was taken primarily on the basis of local conditions and consideration of a variety of other options open to us, reference to other countries' experience is of course relevant. In this case the United States is as you suggest a source of reference which we have used in our own consideration of the most practical and responsible course of action here. The United States Surgeon General himself has this year produced a comprehensive report setting out in no uncertain terms the dangers of smokeless tobacco. We are aware that both he and Representative Waxman have indicated that it is the established history of the product which

militated against a ban in your country. In Hong Kong we do not have that particular practical problem. You will, I am sure, understand that we do not wish to allow such a dangerous product to become established in Hong Kong, especially to the degree it apparently has done among teenagers in the United States, and will accept our judgment that in Hong Kong as in the United States any restrictions short of an outright ban will fail to prevent this from happening.

I hope that I have made clear the position of the Hong Kong Government in what I am glad you recognize was not an easy or simple decision. As one of the world's leading exponents of free trade, the Hong Kong Government shares your hope that the historic trade relationship between the United States and Hong Kong will continue.

Yours faithfully,



(David Akers-Jones)  
Chief Secretary

b.c.c. Mr. Donald M. Anderson, US Consul-General  
Mr. Ira Kaye, American Chamber of Commerce