United States Senate
WASHINGTON, DC 20510

January 26, 2012

The Honorable Margaret Hamburg
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Hamburg:

We write to urge the Food and Drug Administration (FDA) to issue regulations to restrict and prohibit the use of descriptions and marketing that mislead consumers about the safety of cigarettes. Despite a federal law that bans specific misleading claims about the health effects of smoking cigarettes, cigarette companies continue to label and advertise their cigarettes in ways that suggest they are safe.

Tobacco is the leading cause of preventable death in the U.S. and no cigarette is safe. Forty-six million Americans smoke cigarettes and 10 million cigarettes are sold every minute. More than 2,000 young people under the age of 18 start smoking each day. More deaths are caused each year by tobacco use than by HIV, illegal drug use, alcohol use, motor vehicle injuries, suicides, and homicides combined. This year alone, 443,000 Americans will die from tobacco use and tobacco will cost the nation over $100 billion in health care expenses and lost productivity. Just like regular cigarettes, "light" cigarettes and others that claim to reduce health risks cause cancer and expose smokers to the same levels of toxic chemicals.

In 2009, Congress gave FDA explicit authority to prohibit cigarette labeling and advertising that misleads consumers about the health risks of smoking. The Family Smoking Prevention and Tobacco Control Act specifically prohibits companies from using terms like "light," "mild," "low," or "similar descriptors" to label or advertise cigarettes. We applaud FDA for issuing guidance for industry that clearly articulates the prohibition against using "light," "mild," and "low." However, the agency has failed to offer any regulations or guidance restricting and prohibiting the use of "similar descriptors" that would protect consumers from deceptive cigarette marketing.

In the absence of clear regulations, cigarette companies continue to deceptively market their products, misleading consumers about the health consequences that come from smoking. For example, American Spirit Cigarettes, made by Reynolds American subsidiary the Sante Fe Natural Tobacco Company, claim to be "natural" and "organic," implying that these cigarettes are better for smokers' health. Likewise, Philip Morris Company sells Marlboro Smooths as well as Virginia Slims, whose names have similar "healthy" connotations. Additionally, companies use colors to suggest that some cigarettes are safer. Marlboro now uses Gold and Silver as code for "light" and "ultra light." Recent research has shown that approximately 20 percent of smokers falsely believe that some cigarette brands can be less harmful than others and many smokers assume different colored packages contain less harmful cigarettes.

Cigarette companies have adapted their marketing and continue to deceive consumers. We urge FDA to protect the public's health by prohibiting misleading cigarette marketing and issuing guidance defining and prohibiting the use of "similar descriptors."

Sincerely,