

United States Senate

WASHINGTON, DC 20510

March 22, 2013

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

Dear Commissioner Hamburg:

In the wake of the Department of Justice and Food and Drug Administration's decision not to seek further review of a U.S. Court of Appeals ruling vacating FDA's graphic warning labeling rule for cigarette packages, we write to urge FDA to promptly develop and promulgate a strong new graphic warning labeling rule to replace the one that was vacated. These cigarette labels will be a critical tool in protecting the health of young Americans from the deadly effects of tobacco.

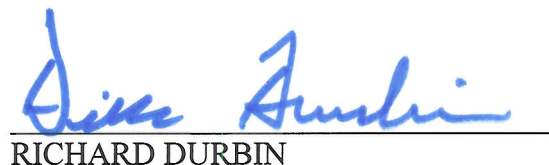
Cigarettes continue to burden the health and financial well-being of Americans. Forty-five million Americans smoke cigarettes, and every day almost 4,000 young people under the age of 18 try their first cigarette. In the U.S., 10 million cigarettes are sold every minute. This year alone, 443,000 Americans will die from tobacco use, more than the number of people who will die from HIV, illegal drug use, alcohol use, motor vehicle injuries, suicides, and homicides combined. Annually, tobacco costs the nation over \$200 billion in health care expenses and lost productivity.

In 2009, Congress passed the Family Smoking Prevention and Tobacco Control Act, giving FDA the critical authority to regulate tobacco products. This law requires cigarette manufacturers to use new labels with graphic color images depicting the dangers of smoking. In June 2011, FDA unveiled nine graphic warning labels to be placed on the front and back panels of cigarette packaging. These labels were each based on sound science and recommendations from the World Health Organization, the Institute of Medicine, and the U.S. Surgeon General. Within their first year of use, these labels were expected to deter hundreds of thousands of people, including many young people, from smoking.

FDA has committed to undertaking further research to support a new rule on graphic warning labels. Big tobacco will use the delay in requiring graphic warning labels to hook more young people onto a deadly habit. As strong supporters of laws to protect Americans from the dangerous effects of tobacco, we urge FDA to move as quickly as possible to develop and implement a strong new graphic warning labeling rule that will prevent people from picking up this potentially deadly habit and convince current smokers to quit.

Sincerely,


FRANK R. LAUTENBERG


RICHARD DURBIN

Tom Harkin

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