

United States Tobacco Co. files suit against FDA

GREENWICH, Conn.--(BUSINESS WIRE)--Aug. 11, 1995--United States Tobacco Co. (USTC) filed suit today in U.S. District Court for the Middle District of Tennessee, seeking a judicial declaration that the Food and Drug Administration (FDA) and its commissioner, Dr. David Kessler, lack jurisdiction to regulate smokeless tobacco products.

Joining the suit as plaintiffs are Conwood Co. L.P. and the Eastern Dark Fired Tobacco Growers Association.

The company believes that the White House -- by ignoring the long history of Congressional oversight of tobacco products and now seeking to give the FDA that authority -- has clearly overstepped its bounds.

"President Clinton has begun the slide down the slope toward an outright prohibition of tobacco products. The United States has already learned that prohibition doesn't work. Americans want the right to make their own choices, without unwelcome intrusion from the federal government. Such action represents a capitulation to professional activists and bureaucrats who espouse an intrusive, bloated government," Alan Kaiser, spokesman for the company, said.

In seeking to give jurisdiction over tobacco to the FDA, the company feels that the White House has cloaked the real issue -- the right of adult American to use tobacco products -- with assertions about youth access, presumably to make this attempt at social engineering politically palatable. By calling the use of tobacco products a "pediatric disease," and wrongly accusing the industry of inducing minors to use its products, Dr. Kessler and the White House hop that Americans will not notice this back-door attempt at prohibition.

United States Tobacco Co. strongly believes that those who enjoy its products should be adults and has devoted substantial effort and resources to help ensure that smokeless tobacco doesn't get into the hands of anyone under 18.

The company does that by promoting an industry-wide, retailer-oriented "Adults Only" education program. In addition, the company created and voluntarily prints a special icon on its marketing communications materials that reads, "U.S. Tobacco Reminds You: Smokeless Tobacco/Not for Sale to Minors." These actions underscore the company's serious efforts to discourage the sale of smokeless tobacco to minors.

With this legal action against the FDA, the company hopes to make clear that it will not have its right to conduct business impeded by an administration that apparently has never seen a regulation it didn't like. Smokeless tobacco is a lawful product, and the company will do whatever is necessary within the law to fulfill its responsibilities to its employees, shareholders and the millions of consumers who enjoy its products.

U.S. Tobacco has its largest manufacturing plant in Nashville, Tenn., employs 500 people in Tennessee and buys the majority of its tobacco from Tennessee and Kentucky farmers.

Copenhagen, Skoal, Skoal Long Cut, Skoal Bandits, Chateau Ste. Michelle, Columbia Crest, Conn Creek, Domaine Ste. Michelle and Villa Mt. Eden are

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