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Tobacco firm offers new tack

No vending machines, no FDA regulation

By JOHN SCHWARTZ
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WASHINGTON — After more than two years of fighting the prospect of government regulation, tobacco giant Philip Morris Wednesday proposed new laws restricting the marketing of tobacco products.

But the Philip Morris proposal differs from the Clinton administration's plan in one significant respect: It would preclude any major role for the Food and Drug Administration in regulating tobacco products.

"The time has come to address the issue of underage use of tobacco, and do it in a legal way — and in a way that makes sense," said Steven Parrish, senior vice president, corporate affairs for Philip Morris Companies Inc., at a New York press conference.

The plan, also backed by U.S. Tobacco, which makes chewing tobacco, resembles the Clinton administration's proposal in several respects. It would set a minimum age of 18 for the sale of tobacco products, ban cigarette vending machines, and prohibit the sale of single cigarettes and of packs with fewer than 20 cigarettes. It would also set new rules to make it harder for stores to sell tobacco products to minors.

Parrish denied Wednesday that

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his company's proposal was to end-run the administration's plan, although he did say the proposed legislative alternative would avoid the years of litigation his industry was certain to pursue after any federal regulatory attempt.

The Philip Morris proposal also comes one day after the Supreme Court handed down a defeat to state attempts to restrict liquor advertising that Parrish said weakened the FDA's case.

But the central tenet of the proposal is that the FDA would have no jurisdiction over tobacco products. Instead, it would leave regulation to the less active Federal Trade Commission, to other parts of the Department of Health and Human Services and to the Justice Department.

Matthew Myers, counsel to the Coalition on Smoking OR Health, said Wednesday that by cutting the FDA out of the regulatory loop, the Philip Morris proposal "guarantees that no federal agency will ever have any right to prevent a tobacco company from manipulating its products to make them more addictive, or to require a tobacco company to eliminate the most hazardous components of its products."

Presidential spokesman Michael McCurry said Wednesday that the White House was "somewhat encouraged and slightly disappointed" by the Philip Morris proposals, which "fall a little bit short of the standards that the president has set out" for reducing smoking among minors.

Myers said the differences between the Philip Morris proposal and the FDA plan would lead to very different results.

Both plans call for restricting advertising in magazines that are read mostly by minors, but the FDA bases its restrictions on total readership while the industry proposal would be based on subscription information.

Anti-tobacco activist Stanton Glantz, of the University of California, San Francisco, said the distinction is crucial. "While there are lots of teenagers who read Playboy," he said, "I doubt a lot of them subscribe."

Philip Morris would restrict brand-name sponsorship of many sporting events — but not of auto races and rodeos, two areas of particular promotional focus by the industry and targets of the FDA plan.

And while the FDA would require sales clerks to check the identification of any tobacco purchaser who appears to be under 26, the Philip Morris plan would only require checks for anyone "appearing to be under 21." The Philip Morris plan also has no direct counterpart to the FDA's proposed requirement that the industry pay $150 million annually to fund tobacco education programs.

The announcement marked the biggest break yet in the tobacco industry's once unified front.

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