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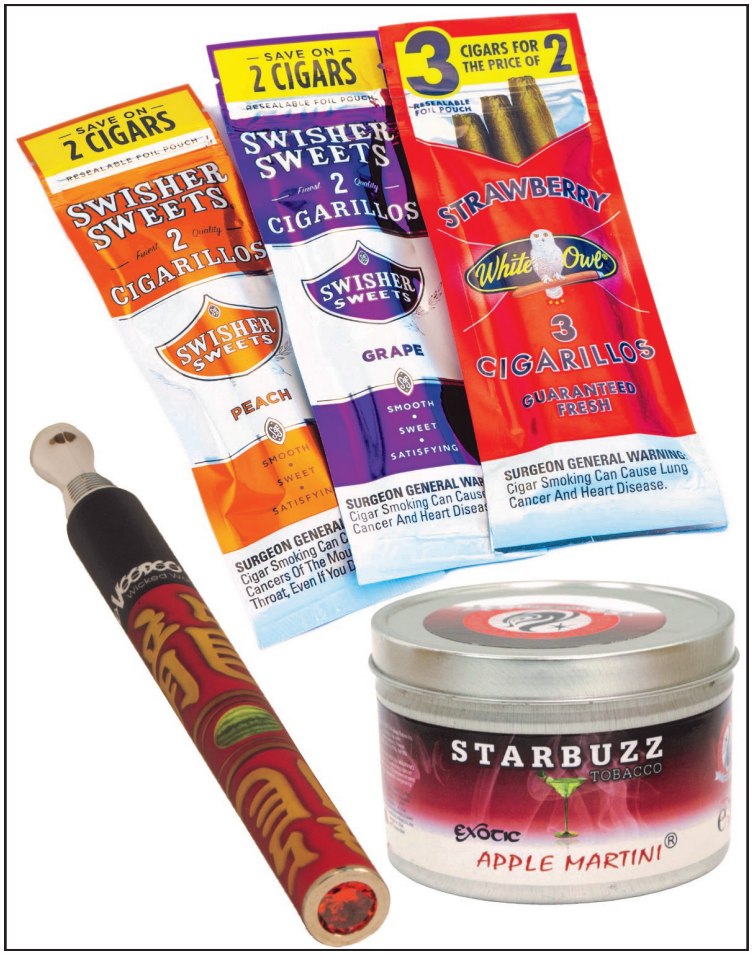
PROJECTWATCH
Working Against Tobacco Companies' Harm

TOBACCO MARKETING UPDATE

Reducing Youth Exposure to Tobacco Advertising and Promotion

Feds Finalize New Tobacco Rule



By CHRIS FARMER-LIES

The U.S. Food and Drug Administration (FDA) recently announced sweeping regulations for shisha, cigars, dissolvables, and electronic cigarettes. The 500-page final rule will significantly impact the burgeoning electronic cigarette industry, and hints at possible future action concerning flavored cigars.

In 2009, President Obama signed the Family Smoking Prevention and Tobacco Control Act (Act), which gave the FDA authority over cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The Act also gave the agency the power to include other products made or derived from tobacco under the same regulatory umbrella through an extensive "deeming" process. The FDA did not release its proposed deeming regulation for shisha, cigars, dissolvables, electronic cigarettes, and other novel tobacco products until April 2014. The proposed rule gathered over 135,000 comments from public health professionals, academia, researchers, consumers, and the tobacco and electronic cigarette industries.

The new rule, which will go into effect on August 8, will apply badly-needed regulation to novel tobacco products, particularly electronic cigarettes. Among the numerous new policies outlined in the 500-page document are: a prohibition on selling these products to minors, a requirement that tobacco manufacturers register with the FDA, a ban on the distribution of free samples, required reporting of harmful and potentially harmful constituents, mandated health warnings, and a prohibition on labelling products with modified-risk descriptors such as "light" and "mild." The FDA also announced its plan to draft a proposed product standard to remove flavored cigars from the market.

One of the major points of contention for the electronic cigarette industry is the requirement that all tobacco products marketed after February 15, 2007 undergo an extensive premarket review process. This process ensures that new products are appropriate for the protection of public health. Because most electronic cigarettes came on the market after February 15, 2007, nearly all manufacturers of electronic cigarettes will need to go through this process. The FDA is giving the industry up to two years to comply and an additional year to review applications before potentially pulling any products from the market.

For the time being, the impact of this new rule remains to be seen. There have been three lawsuits filed against the FDA, and there are proposals in congress to exempt premium cigars from FDA regulation and change the premarket review date for electronic cigarettes.

Though federal oversight will go a long way to taming the "wild west" regulatory environment for these new products, there are still some gaps and areas for local and state regulation. The advertising, flavor restrictions, self-service prohibitions, and sponsorship regulations placed on cigarettes are not expanded to these new products.

For More Information: The Tobacco Control Legal Consortium has developed a number of educational materials that help explain in more detail what the regulation does and doesn't do, and how it relates to state and local tobacco control efforts.

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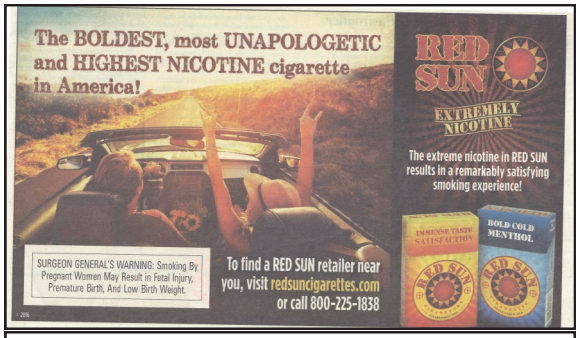
New "High Nicotine" Cigarette Hits Minnesota Market



RED SUN ad from City Pages, February 2016

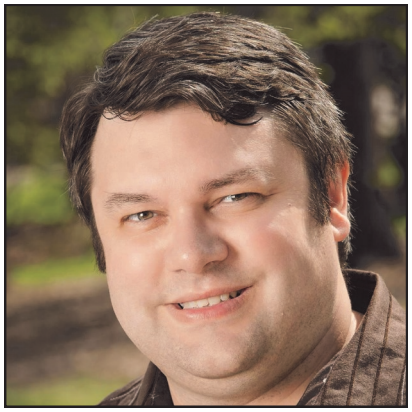
By BETSY BROCK

A new and unusual brand of cigarettes is being marketed in Minnesota. RED SUN cigarettes are promoted as "The BOLDEST, most UNAPOLOGETIC, and HIGHEST NICOTINE cigarettes in America!" in local publications like *City Pages*. RED SUN cigarettes are manufactured by a company called 22nd Century which has a mission to: "reduce the harm caused by smoking." 22nd Century has three subsidiaries: Botanical Genetics, Hercules Pharmaceuticals, and Goodrich Tobacco. Botanical Genetics is "focused on natural, safe, and effective cannabis-based products." Hercules Pharmaceuticals is working to develop a smoking cessation product called X-22. According to the company website, X-22 is: "a prescription smoking cessation aid in development for smokers who wish to quit. X-22 tastes, smells, and smokes like any other cigarette. It works by controlling the amount of nicotine a smoker receives, creating a very novel therapy for smokers to quit."

RED SUN is manufactured under the Goodrich Tobacco label which employs Barry Saintsing as the company's Master Tobacconist. Saintsing retired from a 36 year career at R.J. Reynolds where he was "Master Product Developer." Several members of the Goodrich Board of Directors also have tobacco industry experience- mostly with the Santa Fe Natural Tobacco Company (manufacturer of American Spirit). The company has an interesting marketing model. For example, they are offering $1,500 to anyone who is willing to get a tattoo of the RED SUN logo. They also go after the "natural" market by planting a tree for every case of cigarettes sold and rolling their cigarettes in flax paper that is gluten free.

Ultimately, RED SUN aims to provide cigarette smokers with a choice of nicotine levels. As such, the company is currently pursuing a Modified Risk Tobacco Product application with the Food and Drug Administration for a brand of "low nicotine" cigarettes that they hope to sell in the U.S. They currently sell a brand of low nicotine cigarettes in Europe under the brand name MAGIC which is marketed as having 95% less nicotine than regular cigarettes.

Grantee Profile: Jason McCoy



Jason McCoy is one of those lucky people who is excited to go to work. He works as tobacco prevention coordinator for PartnerSHIP 4 Health, a collaboration of community and public health partners in Clay, Becker, Wilkin and Otter Tail counties. Their objective is to prevent chronic disease by promoting healthy eating, exercise, and reducing tobacco use.

McCoy earned a Master of Public Health degree from NDSU in 2015. Before that he earned a Bachelor of Science in Community Nutrition and a Bachelor of Science in Physical Activity, Wellness, and Exercise Science from UND in 2013.

The focus of McCoy's job is preventing the ill health effects tobacco products have on people's lives. He views tobacco control from a policy, systems, and environmental lens. As a result, he works to: shepherd local tobacco ordinances through the process; influence tobacco law at the state; and change the way a worksites, mental health providers, and homeless shelters views the importance of tobacco prevention. He also helps area youth advocate for tobacco-free parks and playgrounds.

He is proud of the results he has gotten his first year on the job. He has worked to pass five county and 13 city tobacco ordinances. Three more county and two more city ordinances are currently in the works.

McCoy is thankful for the wealth of information and continued education provided by his colleagues at PartnerSHIP 4 Health, as well as partners ClearWay, ALA, ANSR, and the Public Health Law Center.

It hasn't been easy, but it has been rewarding. "I'm inspired to give 110 percent," he said. "I go to work every day and help save lives." Keep up the great work, Jason!

Questions or to subscribe:
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