

## FDA ban on flavored cigs takes effect

September 22 2009, By MICHAEL FELBERBAUM , AP Business Writer

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(AP) -- The new federal ban on flavored cigarettes took effect on Tuesday, marking one of the first visible signs of the Food and Drug Administration's new authority to regulate tobacco.

The [ban](#) on manufacturing, importing, marketing and distribution includes candy-, fruit- and clove-flavored [cigarettes](#), which health and federal authorities say are more appealing to youth. It does not include a ban on menthol or other flavored [tobacco products](#) like cigars - issues that the FDA is studying.

"Candy- and fruit-flavored cigarettes are a gateway for many children and young adults to become regular tobacco users," said Dr. Lawrence R. Deyton, director of the FDA's Center for Tobacco Products.

Citing research studies, Deyton said that 17-year-old smokers are three times as likely to use flavored cigarettes as smokers over the age of 25. FDA officials also said that almost 90 percent of adult smokers start smoking as teenagers and the ban will help stop more than 3,600 young people who start smoking daily.

The FDA sent a letter to the industry last week discussing the ban, its plans for enforcement, including the definition of a cigarette under the ban. Officials are encouraging consumers to notify authorities of any potential violations of the ban.

Executives from leading health groups urged the FDA last month to take

a closer look at attempt to sidestep the ban by making superficial changes that turn a cigarette into a small cigar in order to keep selling flavored products.

The move came after word that the nation's top distributor of clove cigarettes - California-based Kretek International Inc. - began offering small filtered spice-flavored cigars that are close to the size of a cigarette but are wrapped in tobacco rather than paper.

Officials did not address any specific products in a conference call with reporters.

In June, President [Barack Obama](#) signed the law that allows the FDA regulate the industry. Its authority includes the ability to ban certain products, reduce nicotine in tobacco products and block labels such "low tar" and "light." Tobacco companies also will be required to cover their cartons with large, graphic warnings.

The law won't let the FDA ban nicotine or tobacco outright, but the agency will be able to regulate what goes into tobacco products, make public the ingredients and prohibit marketing campaigns, especially those geared toward children.

Richmond, Va.-based Altria Group Inc., owner of market-leading Philip Morris USA, supported the legislation, while its chief rivals - No. 2 Reynolds American Inc. and No. 3 Lorillard Inc., both based in North Carolina - opposed it. The latter two have joined in a lawsuit with other smaller tobacco companies challenging specific marketing regulations of the law.

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On the Net:

FDA Web site on the ban: <http://www.fda.gov/flavoredtobacco>

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