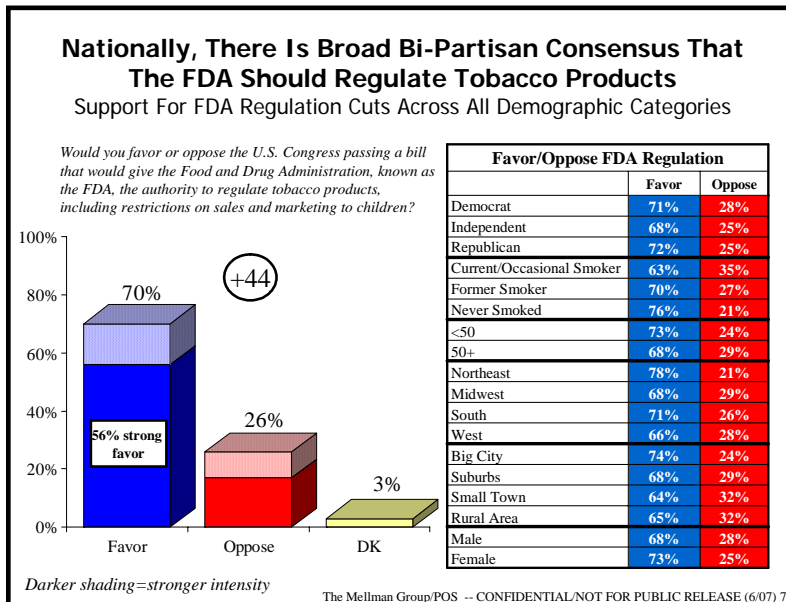


TO: The Campaign for Tobacco Free Kids
FROM: The Mellman Group & Public Opinion Strategies
RE: FDA Regulation Of Tobacco Products
DATE: June 27, 2007

The Mellman Group conducted a nationwide survey of 800 likely voters by telephone May 31-June 4, using a random-digit dialing (RDD) probability sample of all telephone households in the country. The margin of error for this survey is +/-3.5% at the 95% level of confidence. The margin of error is larger for subgroups.

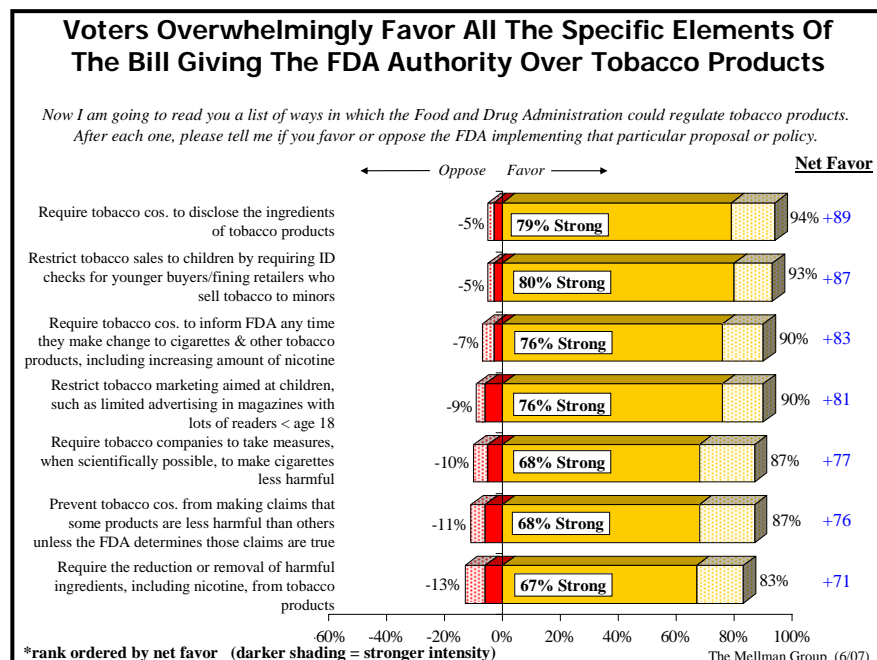


Voters Strongly Support FDA Authority Over Tobacco

Our recently completed survey reveals a substantial majority of voters favor legislation giving the FDA the authority to regulate tobacco products, with 70% supporting such a law, and only 26% opposed. Indeed, 56% say they *strongly* support such a law, while just 17% *strongly* oppose it. Support for the legislation is bi-partisan, with Democrats, Republicans and independents favoring the law by similar margins. The law also garners strong support across age and gender, among smokers and non-smokers, among those living in cities, suburbs and rural areas, and in all parts of the country.

Voters Also Support All The Specific Elements Of The Law

Voters strongly support the specific elements of the law giving the FDA authority over tobacco. As the chart at right illustrates, overwhelming majorities favor requirements for tobacco companies to disclose product ingredients, restrictions on marketing to young people, requirements to make cigarettes less harmful, ID checks of young people trying to buy cigarettes and reporting changes to tobacco products.



Indeed, after voters hear these specifics, support for giving FDA authority over tobacco grows substantially, with 82% supporting the legislation, and only 16% opposing it. Moreover, 68% of voters say that they would be more likely to vote for a candidate who “supports legislation that would give the Food and Drug Administration authority over the sale, manufacture, and marketing of tobacco products” instead of a candidate who opposes the legislation (17%). Seventy percent (70%) of Democrats, 69% of independents and 66% of Republicans all prefer a candidate who supports giving the FDA authority over tobacco.

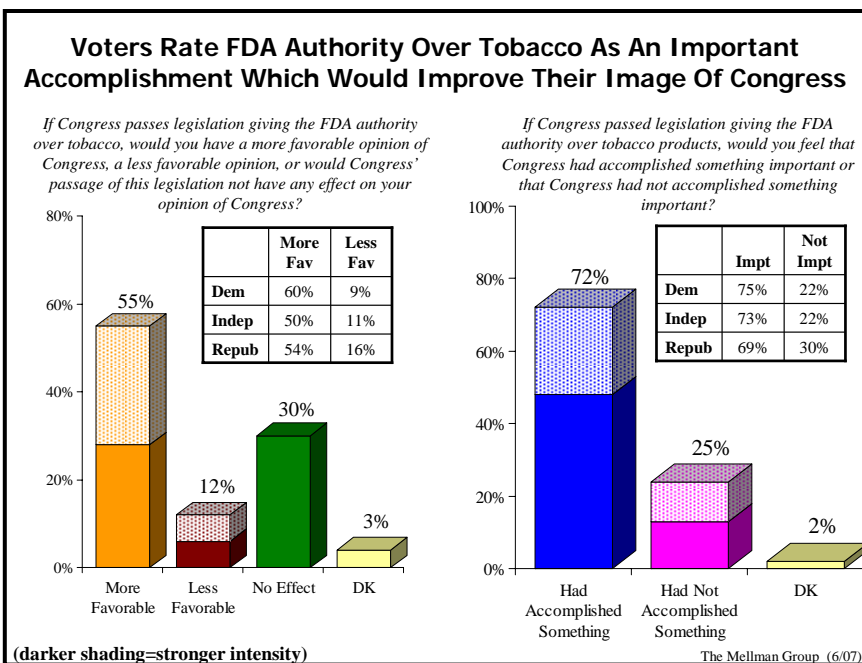
Voters Find Arguments Against FDA Authority Over Tobacco Products Unconvincing

Voters were read a series of arguments for and against FDA authority over tobacco products and asked with which side they agreed with more (see appendix for the text of the arguments). Opposition arguments suggesting the FDA would be distracted from its role in approving prescription drugs, that the bill would harm convenience stores and tobacco growers, that a new government bureaucracy would be created, that the marketing restrictions were unfair and that the government would be giving tobacco a “seal of approval” were all found unconvincing by large majorities of voters. In every case, voters were far more likely to agree with the argument in favor of FDA authority over one opposed to FDA authority. No more than 25% agreed with any of the arguments against FDA authority.

Moreover, after hearing all of the arguments on both sides of the issue, 76% continue to favor giving FDA authority over tobacco products, while only 22% would oppose the legislation – indicating these attacks, if answered, do nothing to diminish voter enthusiasm for FDA regulation of tobacco.

FDA Authority Over Tobacco Products Will Be Seen As A Significant Congressional Accomplishment

At a time when voters are despairing over the failure of Congress to live up to their expectations, passage of this legislation would be seen as an accomplishment important enough to change voters’ views of Congress. Nearly three-quarters (72%) believe that Congress would have accomplished something important if the FDA legislation is passed. More than half the electorate (55%) would have a more favorable opinion of Congress if this legislation were to pass, while only 12% would have a less favorable opinion.



Appendix: Arguments For And Against FDA Regulation Of Tobacco

| | % Agreeing with Statement |
|--|----------------------------------|
| We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products because tobacco is exempt from the basic health protections that the FDA applies to other products. Currently, the FDA can regulate a box of macaroni and cheese, but not a pack of cigarettes. This bill will provide additional resources for the scientists and health professionals at the FDA to effectively regulate tobacco products without taking away from its other responsibilities. | 73% |
| We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because the FDA already has its hands full trying to regulate prescription drugs and other products. Regulating tobacco would take time and resources away from the FDA's main job of approving potentially life saving medications. | 25% |
| We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products and their marketing. The tobacco companies spend more than \$13 billion dollars every year marketing their deadly products, and much of that marketing directly impacts kids. The marketing restrictions included in the bill will help prevent tobacco companies from addicting our children. | 72% |
| We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because the marketing restrictions included in the proposed bill would be an unconstitutional limitation on free speech and restrict the right of tobacco companies to market their products to adults who choose to smoke. | 25% |
| We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products so it has the power to stop tobacco companies from marketing to children, reduce smoking and save lives. The positive impact the proposal will have on public health outweighs any possible impact on convenience stores. | 78% |
| We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because the new restrictions would place an unfair burden on convenience stores by limiting tobacco advertising in stores, requiring them to check ID's and penalizing stores if clerks sell to minors. These restrictions could cause thousands of small businesses like convenience stores to go out of business, costing thousands of jobs. | 19% |
| We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products because the agency could stop tobacco companies from deceiving people about the health dangers of their product, end efforts to manipulate nicotine levels in cigarettes to hook more smokers, and force tobacco companies to implement ways to make cigarettes less dangerous to people's health. | 74% |
| We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because FDA regulation of tobacco could make it seem like cigarettes have a government "seal of approval" that would minimize the danger of cigarettes and cause more people to start smoking or not quit. | 22% |
| We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products because it will help stop our kids from smoking and help current smokers quit, which will save billions of dollars by reducing health care costs from tobacco related illnesses. The additional funds needed for the FDA would come from a fee on the tobacco companies amounting to less than two cents per pack of cigarettes sold. | 72% |
| We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because this law would waste taxpayer dollars by creating a huge new government bureaucracy and cost more than \$300 million dollars to implement. | 24% |
| We <u>should</u> give the Food and Drug Administration the authority to regulate tobacco products so it has the power to stop tobacco companies from marketing to children, reduce smoking and save lives. The positive impact the proposal will have on public health outweighs any possible impact on tobacco growers. | 79% |
| We <u>should not</u> give the Food and Drug Administration the authority to regulate tobacco products because the new restrictions could hurt tobacco growers by reducing demand for their crops and placing burdensome requirements on tobacco growing. | 18% |