



OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

September 26, 2013

Leslie Kux, Assistant Commissioner for Policy
Division of Dockets Management (HFA-305)
Food and Drug Administration (FDA)
U.S. Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, Maryland 20852

Dear Assistant Commissioner Kux:

Last Sunday marked a very important anniversary. Four years ago, after President Obama signed into law the Family Smoking Prevention and Tobacco Control Act of 2009 (Tobacco Control Act) — a bill I cosponsored as a member of Congress and that passed while I was serving as White House Chief of Staff — the FDA implemented a ban on cigarettes that have candy, fruit, spice and other characterizing flavors because these flavors make tobacco products especially appealing to kids. Sadly, there is still one flavor used by the tobacco industry to lead our youth to a lifetime of tobacco addiction — menthol.

I am writing on behalf of the City of Chicago to strongly urge the FDA to take additional steps to regulate menthol cigarettes. Menthol poses such a serious risk to our kids and the public health that all options should be on the table, from developing new warning labels specific to menthol that warn the public that menthol cigarettes are more addicting and more difficult to quit, to an outright ban. In the meantime, the FDA should prevent the next generation of smokers from getting hooked and help existing smokers kick the habit by investing additional funds in education and marketing campaigns that direct consumers to tobacco cessation services.

I also urge the FDA to assert its jurisdiction over other forms of flavored tobacco and nicotine products — such as cigars, little cigars, hookah, electronic cigarettes, and pipe tobacco — that are marketed to youth but currently go unregulated. These products represent the next frontier of youth-focused products and the FDA should act to limit their proliferation.

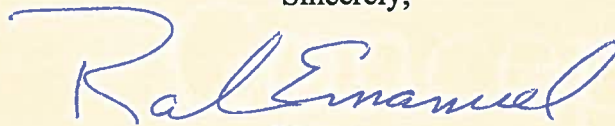
Finally, the tobacco industry has raised concerns that new restrictions on menthol cigarettes could lead to an expansion in the underground trade of cigarettes, which is why I also urge the FDA to crack down on the trafficking and sale of illegal cigarettes by finally implementing the national track-and-trace system required by the Tobacco Control Act.

The attached comments from the Chicago Department of Public Health (CDPH) reflect the input of hundreds of residents we engaged through a public comment process I launched two months ago on July 25, 2013, less than 48 hours after the FDA released its report entitled "Preliminary Scientific Evaluation of the Public Health Effects of Menthol versus Non-Menthol Cigarettes."

The FDA report confirmed what community and public health leaders across the City have long known: menthol cigarettes are a gateway into lifelong tobacco and nicotine addiction for our youth. We also know that menthol cigarettes are disproportionately used by women, racial minorities, and the LGBT community.

Smoking is responsible for 443,000 deaths each year and almost \$200 billion in lost productivity and healthcare costs. Menthol flavored cigarettes are an important element of Big Tobacco's strategy to hook the next generation of smokers. Next month, the Chicago Board of Health will provide me with recommendations on additional steps my administration can take to curb menthol use, but there is only so much we can do out of City Hall. This is why I am calling on the FDA to act quickly to protect youth from the deadly effects of smoking addiction.

Sincerely,

A handwritten signature in blue ink that reads "Rahm Emanuel". The signature is written in a cursive, flowing style.

Mayor