

Editorial: The devil and the FDA

As Congress and President Obama move closer toward bringing tobacco products under federal oversight for the first time, they have to wonder if they're also making a pact with the devil.

Advocates for Food and Drug Administration regulation of tobacco have no doubt that the public-health outcome will be net-positive. The FDA will be able to limit cigarette advertising, mandate even bigger health warnings on cigarette packs, ban toxic substances, and restrict levels of addictive nicotine - all likely to be life-savers.

No less a health-care reformer than Sen. Edward M. Kennedy (D., Mass.) declared after Senate approval on Thursday that the nation "has finally said no to Big Tobacco." For its part, the Congressional Budget Office sees an 11 percent reduction in youth smoking, and a 2 percent decline among adults over a decade as a result of regulation.

But Big Tobacco has shown itself to be a rogue industry that always finds ways to peddle a product responsible for more than 400,000 deaths annually from smoking-related ills. Whatever regulators do to limit Americans' exposure to tobacco, rest assured the manufacturers will have counter-moves at the ready.

As for trust, it remains in short supply with this industry. Three decades after the first surgeon general's warning on the dangers of smoking, tobacco executives in 1994 still had the gall to state under oath that tobacco wasn't addictive, and didn't cause cancer. In an extraordinary ruling last month, a federal appeals court convicted the industry on racketeering charges for conspiring to defraud consumers.

By agreeing to support federal regulation, tobacco giant Philip Morris U.S.A. assured that addictive nicotine would never be banned - a huge victory.

Beyond that, however, the industry stands to gain an implicit stamp of approval by marketing its products under the watchful gaze of the FDA, whose usual mission is to assure that food and medicines are "safe and effective."

It's not too far-fetched to imagine the ad campaigns: I'd walk a mile for an FDA-approved Camel.

The notion of better-the-devil-you-know appears to have won the day in Washington. Regulation certainly will give public-health officials insight, and some veto, over how cigarettes and other tobacco products are made.

Even so, FDA regulation will be no substitute for continued government and civic public-health activism on initiatives like expanded smoke-free rules and increasing tobacco taxes to save more people from a deadly habit.