

April 23, 2012

The Honorable Ron Kirk  
United States Trade Representative  
600 17th Street, NW  
Washington, DC 20508

Dear Ambassador Kirk:

We are writing to confirm our continued support for the U.S.' ban on clove cigarettes,<sup>1</sup> and urge the government to maintain the ban despite the adverse ruling by a World Trade Organization dispute panel in the U.S. – Clove Cigarettes case, DS 406. The dispute panel's decision is scheduled to be presented to the World Trade Organization for final approval on April 24, 2012.

The Family Smoking Prevention and Tobacco Control Act granted authority to the Food and Drug Administration to regulate the manufacture, marketing and distribution of tobacco products to protect public health and reduce tobacco use in minors in June, 2009. According to the Centers for Disease Control and Prevention, clove cigarettes, which typically contain a mixture of tobacco, cloves, and other additives, are associated with lung diseases.<sup>2</sup>

The WTO dispute panel found in favor of Indonesia, the primary exporter of clove cigarettes, which charged that the ban violates trade rules that require countries to treat foreign and domestic products equally.

We share the government's disappointment in this poorly founded decision. Indonesia has already announced its intention to resume exporting clove cigarettes to the U.S., exposing young people to this addictive and deadly product.<sup>3</sup>

We urge the U.S. not to retreat from implementing this important health policy. To protect against further unwarranted threats to tobacco control measures and to public health, we call on the U.S. to exclude tobacco products and tobacco control measures from future and current trade agreements.

Sincerely

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cc:  
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<sup>1</sup> AAFP News Now. AAFP Offers Guidance on FDA Tobacco Regulation. 11/5/2009  
<http://www.aafp.org/online/en/home/publications/news/news-now/health-of-the-public/20091105fda-tobacc-cmnts.html>

<sup>2</sup> [http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/tobacco\\_industry/bidis\\_kreteks/](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/tobacco_industry/bidis_kreteks/)

<sup>3</sup> [http://www.tempointeractive.com/hg/nasional/2012/04/09/brk,20120409-395729\\_uk.html](http://www.tempointeractive.com/hg/nasional/2012/04/09/brk,20120409-395729_uk.html)