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Congress of the United States

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July 25, 2003

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INDEPENDENT

The Honorable Hansford T. Johnson
Acting Secretary of the Navy
1000 Navy Pentagon
Washington, DC 20350-1000

Dear Mr. Johnson:

I am writing to request information about the recent large-scale distribution of free samples of addictive and cancer-causing smokeless tobacco products to Marines in Iraq by the U.S. Smokeless Tobacco Company. This “gift” recalls the distribution of free cigarettes to soldiers in World War II, which caused hundreds of thousands of servicemen to become addicted and die of tobacco-related disease. It also appears to be a blatant violation of Navy policy applicable to the U.S. Marine Corps.

I am aware that the Marine Corps is already taking steps to end the flow of free samples of smokeless tobacco and to stop U.S. Smokeless Tobacco from continuing to publicize its donations through advertisements in the United States. I commend the Marine Corps for these actions. I also seek to understand more about what happened and what can be done to prevent future violations of Navy policy on tobacco.

The Military and Tobacco

The U.S. tobacco industry has a long and disgraceful history of distributing free tobacco products to servicemembers. During World War II, tobacco companies regularly sent free cigarettes to our troops. According to Pulitzer-Prize winning historian Richard Kluger, the war “guaranteed a vastly expanded consumer base, as millions of previously nonsmoking youngsters in the service sampled the product, either free as part of their combat ration or for a few pennies a pack at commissaries behind the lines, and became addicted to it.”¹ The results were catastrophic: the Walter Reed Army Medical Center says that tobacco use in World War II “hooked an entire generation into nicotine addiction.”² The military later came to recognize that

¹Richard Kluger, *Ashes to Ashes*, 113 (1997).

²Walter Reed Army Medical Center, *A Brief History of Tobacco Use and Abuse* (online at <http://www.wramc.amedd.amry.mil/education/tobaccohistory.htm>).

the long-term health consequences of tobacco use called for a new policy. In 1975, the government stopped including cigarettes in soldiers' ration kits.³

Because of this tragic history, today's military strongly discourages tobacco use. In August 2002, the Secretary of the Navy issued a directive covering tobacco in both the Navy and the Marine Corps. The policy defines "tobacco use" to include smokeless tobacco and finds that "tobacco use and ETS exposure has an adverse impact upon the health and readiness of our forces."⁴ The section on smokeless tobacco states: "Smokeless tobacco is not a safe alternative to smoking. Smokeless tobacco causes oral cancer and is highly addictive. It also damages gums, teeth, and oral soft tissue."⁵ Furthermore, the directive states, "DON policy is to provide tobacco users with encouragement and professional assistance to stop."⁶

This directive specifically forbids the distribution of free samples of tobacco products to Navy and Marine personnel on property controlled by the Navy or the Marines:

8. Cigarette Sales to Minors and Sampling of Tobacco Products.

Per reference (g), in DON controlled spaces the sale of tobacco products in vending machines is prohibited, tobacco products shall not be sold to minors and *distribution of free samples of tobacco products are prohibited.*⁷

U.S. Smokeless Tobacco Company's Actions

Despite this explicit policy, it appears that U.S. Smokeless Tobacco distributed free tobacco products to Marines during the recent Iraq War. In fact, not only did U.S. Smokeless Tobacco distribute free tobacco products, the company boasted about its actions in a full-page advertisement in the sports section of the May 27 issue of *USA Today* (enclosed).

The *USA Today* advertisement contains a photograph of three letters from Marines thanking the company for shipments of smokeless tobacco. Scattered across the letters are snapshots of grinning soldiers, some holding cans of smokeless tobacco. In one letter, a Marine wrote:

³Centers for Disease Control, *The Surgeon General's Report on Reducing Tobacco Use: Historical Fact Sheet* (online at http://www.cdc.gov/tobacco/sgr/sgr_2000/Historical.pdf).

⁴Department of the Navy, SECNAV Instruction 5100.13C (*Re: Navy and Marine Corps Tobacco Policy*), 2 (Aug. 2, 2002) (online at http://nedb.daps.mil/Directives/5100_13c.pdf).

⁵*Id.* at 5–6.

⁶*Id.* at 3.

⁷*Id.* at 5.

I am writing this letter to say thank you for sending the Marines in my command smokeless tobacco. I wrote you a letter from ship and since that time I have received and handed out close to 1000 cans of tobacco.⁸

Another letter thanks the company for their contributions of products to a Marine Wing Support Group Unit.

As the letters make clear, the company was not simply responding to requests from established users for a limited supply of smokeless tobacco. It sent 1,000 cans to one service member who then redistributed them to others. This appears to be a blatant violation of the Marine Corps' policy prohibiting the distribution of free samples.

The Marines' Response

On June 17, Representative William Janklow and I wrote to U.S. Smokeless Tobacco's President Murray S. Kessler about this matter.⁹ In response to our letter, the company said that its policy was to respond only to those requests submitted by officers on official Marines Corps stationery.¹⁰ When a reporter with the Associated Press contacted the Marine Corps, a spokesman said that the Marine Corps has reminded commanders of the Navy's tobacco policy, and that the Corps has sent a letter to U.S. Smokeless Tobacco asking the company not to run the advertisement again.¹¹

I know that you share my concern about the health of our servicemembers, and I commend the Marine Corps' response to this situation. I do have, however, additional questions about what happened and what can be done to prevent the Navy policy from being violated in the future. I respectfully request responses to the following questions:

1. When did the Navy and/or Marine Corps become aware that U.S. Smokeless Tobacco was distributing free samples to members of the armed forces?

⁸Advertisement for U.S. Smokeless Tobacco Company, USA Today, 12C (May 27, 2003).

⁹Letter from Representative Henry A. Waxman and Representative William J. Janklow to Murray Kessler, President, US Smokeless Tobacco Company (June 17, 2003).

¹⁰Letter from Murray Kessler, President, US Smokeless Tobacco Company, to Representative Henry A. Waxman and Representative William J. Janklow (June 25, 2003).

¹¹*Tobacco Company Chided for War Freebies*, Associated Press (June 17, 2003).

The Honorable Hansford T. Johnson

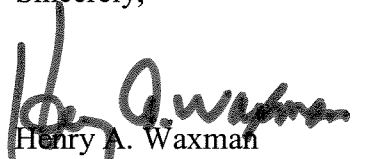
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2. Are you aware how many free samples of smokeless tobacco have been shipped to Marines or members of the U.S. Navy this year? If so, please provide this information.
3. Are you aware of whether this distribution of free samples is ongoing?
4. Were there any communications between U.S. Smokeless Tobacco and Navy or Marine Corps leadership about this distribution of smokeless tobacco products? If so, please provide copies of such correspondence. Please also include any correspondence on the *USA Today* advertisement and other publicity by U.S. Smokeless Tobacco.
5. Are you aware of any steps taken to ensure that the free samples only went to current users of tobacco products? If so, please describe these steps. Was any health information distributed with the free samples?
6. If U.S. Smokeless Tobacco sent free samples to a Marine in Iraq, but the Marine was then deployed back to the United States, would that shipment have been forwarded to the Marine's U.S. address?
7. What, if any, other steps have been taken to prevent the Navy's tobacco policy from being violated again?

Thank you for your attention to this issue. I request a reply by August 8, 2003.

Sincerely,


Henry A. Waxman
Ranking Minority Member



UNITED STATES MARINE CORPS
MARINE WING SUPPORT SQUADRON
MARINE WING SUPPORT GROUP

8 Apr 2003

USPTC
PO BOX 2219
Greenwich, CT
06831



U.S. SMOKELESS TOBACCO CO.
100 W. TUTTAM AVE
GREENWICH, CT 06830

Dear Employees of U.S. Smokeless Tobacco Co.:

It is with great pride and pleasure to be writing this letter in response to your support of the United States Marine Corps. The contributions of your products to our unit were a huge boost to the morale and welfare of all the Marines. It is your company's support of the Marine Corps that makes us realize what we are here fighting for, the freedoms and liberties we have back in the United States of America.

It is not only the personnel that enjoy your products but also those that look at your contributions as support for all of us over here. Every day I have Marines come up to me and tell me thank you. It is not me who they should be thanking however, it is all of the employees of your company and all the Americans that also supported our efforts and our way of thinking.

All of us at this Marine Wing Support Squadron deployed to Marine Air Station Parrisland, Iraq thank every one of the employees at U.S. Smokeless Tobacco Co. for all the support you have given us.

ARMY 11



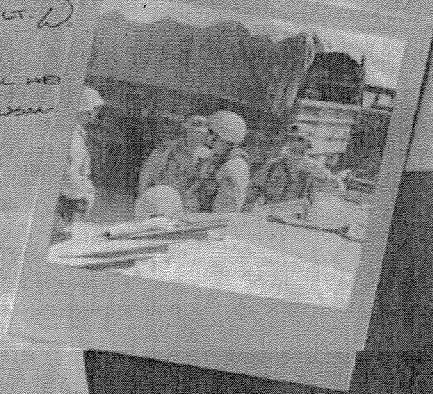
IF YOU WOULD PASS THIS THANK YOU ON TO YOUR CONCERNED WHO HAVE SENT LETTERS AND TOBACCO TO US, I WOULD APPRECIATE IT.

FOR WHAT IT IS WORTH, I WROTE LETTERS TO YOUR COMPANY AS WELL AS A FEW OTHER COMPANIES THIS PAST YEAR, YOURS IS THE ONLY COMPANY THEY WAS DEFLECTED. WE ARE ALL VERY GRATEFUL.

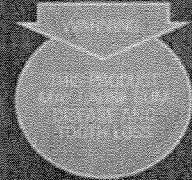
WITH GREAT THANKS FOR THE INCREASE IN MORALE,

GT-D

LT WILLARD
USMC



I am writing this letter to say Thank You for sending the tobacco in my command. Smokeless tobacco sends you a letter from my unit and since that time I have received and handed out close to 1000 cases of tobacco. The first shipment arrived the night before we left for Iraq. The subsequent shipment arrived in while we were conducting our operations. I am proud of this company and the entire Battalion with its support and the service it has provided and provided to U.S. Smokeless Tobacco.



No... We Thank YOU.

U.S. Smokeless Tobacco Company, proud manufacturer of Copenhagen and Skoal moist smokeless tobacco products, salutes all the men and women of the U.S. Armed Forces.

