



Dear:

I am writing to express concern over any attempt to attach language to the American Jobs Creation Act of 2004 (or any other legislative vehicle) that would provide for U.S. Food and Drug Administration regulatory authority over tobacco products.

As President of the American Wholesale Marketers Association (AWMA), I am deeply concerned that such legislation would have a devastating impact upon our industry. AWMA represents convenience distributors nationwide and our distributor members represent more than \$85 billion in U.S. convenience product sales. Associate members include manufacturers, brokers, retailers and others allied to the convenience product industry. Tobacco products are among the many goods distributed by our members and this legislation would negatively impact many of our wholesale distributors.

Many of our members have small, family-owned businesses and the burdensome recordkeeping requirements and regulations resulting from this legislation would work a tremendous hardship on them. In addition, there are concerns that this legislation could be the “camel’s nose under the tent” and create a back door ban on tobacco products through onerous restrictions on the approval, sale, distribution, advertising and promotion of these products.

Tobacco is a legal and important product that our members distribute to convenience stores. Our members understand that they have a very serious responsibility to ensure this age-restricted product stays out of the hands of minors. And, our members employ a wide variety of effective methods, such as firm company policies, employee training and signage, to ensure that this product does not get into the hands of minors. However, the impact of legislation providing FDA regulatory authority would be to severely curtail the livelihoods of many law-abiding, small business owners across the country by significantly curtailing the availability of a legal product that is important to the economic viability of these companies. The costly layers of regulation to be imposed by this legislation would cause problems for these family-owned businesses while providing little real benefit to the public.

Thank you for taking the time to consider these concerns.

Sincerely,

Scott Ramminger
President
American Wholesale Marketers Association