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February 8, 1979

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Gentlemen:

Enclosed is a draft of proposed comments to be filed with the Federal Trade Commission relating to the testing of cigarettes for carbon monoxide delivery. I prepared an earlier draft by taking the separate comments which the Research Directors of each of the six companies provided and combining those comments into a single statement. This earlier draft was then forwarded to the Research Directors who made some changes in language and substance.

The draft which is enclosed with this letter contains all of those changes. It is being simultaneously forwarded to the Research Directors for their further review in light of the changes which were made.

You should note that the third paragraph on the first page, relating to the so-called health disclaimer, has been taken verbatim from an earlier submission which I made to the Commission in connection with CO testing. That language was prepared by others

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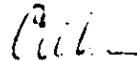
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in the Industry who deal with these matters, and I was then instructed that any submission I made on CO delivery should contain language to that affect.

I would also like to direct your attention specifically to the paragraph on page 11 of the enclosed draft which begins "Moreover, the state..." and the following paragraph which begins "For example, there has...." These two paragraphs were suggested by the Research Director of one of the companies who feels very strongly that their inclusion in this document will minimize the chances that the Commission will actually adopt the Merfeld-Pillsbury per puff approach. One other Research Director has voiced strong objections to the inclusion of these two paragraphs. I have left them in the enclosed draft in order that the matter can be considered by the Committee of Counsel.

You will recall that February 20 is the deadline for the submission to the Federal Trade Commission. I would, therefore, appreciate it if each of you could call me, or have your secretaries call me, with any changes which you have on or before February 14. After I have received your comments, I will then report to Tom Ahrensfield the extent of the agreement or disagreement, and he will then be in a position to consider whether it is necessary to have a meeting to consider this submission.

Sincerely,



Allan Topol

Enclosure