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Waxman Calls for Baseball Ban on Smokeless Tobacco (Update3)

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(Adds CDC comment in the 15th paragraph.)

By Meg Tirrell

April 14 (Bloomberg) -- Major League Baseball should ban players from using smokeless tobacco in dugouts and on the field because of its health risks and influence on kids, said Representative Henry Waxman, chairman of the U.S. House Committee on Energy and Commerce.

"Millions of young fans are exposed on a daily basis to the use of smokeless tobacco by their heroes," Waxman, a California Democrat, said today at a hearing in Washington. "This is a serious health risk. The increased use of smokeless tobacco will mean millions more teens getting hooked on nicotine."

Tobacco of all kinds is banned in minor league baseball, and the major leagues should do the same, said Waxman and Representative Frank Pallone, a New Jersey Democrat and chairman of the health subcommittee, which held today's hearing. The congressmen urged executives testifying today from Major League Baseball and the players union to discuss a ban next year when their collective bargaining agreement expires.

"Like drug testing, the regulation of player use of tobacco products is a mandatory subject of collective bargaining with the Players Association," said Robert Manfred, an executive vice president for Major League Baseball. "While an outright ban on the use of smokeless tobacco in the major leagues is a laudable goal, it will have to be pursued against the backdrop of these legal realities."

Players Use

About a third of major league players report using smokeless tobacco, which causes mouth and throat cancer, oral lesions and gum disease, said Gregory Connolly, a professor at the Harvard School of Public Health, in a testimony today. Televised use of smokeless tobacco products during World Series games from 1988 to 2005 averaged nine minutes a game, he said.

"The televised value of just one game is on average worth millions of dollars in free advertising reaching millions of adolescents," Connolly said. "Extrapolate the advertising over the season, and the free advertising value to the manufacturers of smokeless tobacco is probably worth more than the combined salaries of all MLB players."

While players in the major leagues aren't allowed to smoke cigarettes in uniform in view of spectators, smokeless tobacco is different, said David Prouty, chief labor counsel for the Major League Baseball Players Association.

'Perfectly Legal'

"Cigarettes impact the ability to play the game, are banned from public use under a variety of state and municipal laws, and may endanger the health of those in the immediate area," Prouty said today in prepared testimony. "Baseball players should not be prohibited from using substances that are perfectly legal and available to the general public."

Tobacco companies led by Altria Group Inc.'s Philip Morris and Reynolds American Inc.'s RJ Reynolds argue that they should be allowed to market smokeless products as a safer alternative to cigarettes. In a December comment to the U.S. Food and Drug Administration, Altria said that smokeless tobacco may be a tool for helping people quit smoking.

"Some adults who would otherwise continue smoking may be willing to move to a smokeless tobacco alternative to cigarettes," said James Dillard, a senior vice president at Richmond, Virginia-based Altria. "Smokeless tobacco products are substantially lower on the risk continuum than cigarettes."

Health officials say they worry the products will have the opposite effect, serving as a so-called gateway to cigarettes, and that children may become addicted to tobacco by emulating their use by baseball players.

'Cigarettes, Beer'

"We don't let baseball players go stand out in the field and drink beer," Waxman said today. "The major league baseball association won't let them stand out there and smoke cigarettes," and smokeless tobacco should also disappear from games, he said today at the hearing.

Waxman supported a bill passed last year giving the FDA authority to regulate tobacco products. The law, called the Family Smoking Prevention and Tobacco Control Act, bans all tobacco-brand sponsorships of sports and entertainment events among measures aimed at reducing underage smoking.

Nine of 10 people who die from mouth and throat cancers used tobacco, according to the American Dental Association. Tobacco products are also linked to higher rates of gum disease, one of the leading causes of adult tooth loss, the ADA said in an October letter to the FDA.

Most smokeless tobacco use starts during adolescence or in young adult years, said Terry Pechacek, associate director for science at the Atlanta-based U.S. Centers for Disease Control and Prevention's office on smoking and health.

Young Adults

"The highest prevalence of smokeless tobacco use in recent years has been observed among young adults, especially males," Pechacek said today in prepared testimony. "Few adults 26 years or older reported initiating smokeless tobacco use," he said, citing data from 2002 to 2007.

Led by Philip Morris' Copenhagen and Skoal brands, smokeless tobacco averages about 7 percent sales growth a year, Jack Russo, an analyst with Edward Jones & Co., said yesterday in a telephone interview. Tobacco companies are trying to "lessen their dependence on cigarettes" as the FDA regulates them more heavily and consumers become more aware of the health risks, Russo said.

Altria reported fourth-quarter volume growth of Copenhagen and Skoal of 7.8 percent, according to a Jan. 28 statement. For the full year, the company posted net revenue from smokeless products of \$1.4 billion.

Awareness Program

The major leagues aren't ignoring smokeless tobacco use. In 1994, Major League Baseball helped start a program to curb its use through public service announcements and activities. Among those who have participated in the program are Hank Aaron, who retired in 1976 as baseball's all-time home run leader, and current New York Yankee shortstop Derek Jeter, Manfred said.

Joe Garagiola, a television announcer and former player, said he has been working for 20 years to increase awareness of the dangers of smokeless tobacco, which he called "chew."

"Like many generations of Major League Baseball players, I started using spit tobacco because I saw other players doing it and I thought it was part of being a major league player," Garagiola, 84, said today in prepared testimony. "This is a dangerous, deadly habit."

Garagiola played from 1946 to 1954 in the major leagues as a catcher for the St. Louis Cardinals, Pittsburgh Pirates, Chicago Cubs and New York Giants. He was on the Cardinals' 1946 World Series-winning team. He became well-known after retirement as a broadcaster, working on national baseball telecasts from the early 1960s through the late 1980s.

The players union wouldn't object if Congress banned smokeless tobacco, Prouty, the association's counsel, said.

"Reaction among our members would undoubtedly be similar to the reaction in the general public," he said. "Many would applaud the decision. Some would oppose it."

--With assistance from Molly Peterson in Washington and Michael Sillup in New York. Editors: Andrew Pollack, Lisa Rapaport

To contact the reporter on this story: Meg Tirrell in New York at mtirrell@bloomberg.net.

To contact the editor responsible for this story: Reg Gale at rgale5@bloomberg.net.



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