

Closed-door deal shows tobacco's political muscle

The closed-door tobacco deal is igniting a fierce public battle for the hearts and minds of the key players who will determine its fate - President Clinton and Congress - as critics uncovered multiple loopholes.

"We need to toughen this deal," Sen. Ron Wyden, D-Ore., said today. "There's going to be some major rewriting on this agreement."

Interviewed on ABC's "Good Morning America," Wyden said he is concerned tobacco companies will step up efforts to recruit new smokers in developing countries. "I'm going to fight very, very hard to make sure that these multinational tobacco companies don't target kids in Bangladesh and Bangkok in order to pay Medicaid bills in Bend, Ore. and Bangor, Me.," he said.

Fine print in the 70-page deal sets strict limits on the Food and Drug Administration's ability to curb nicotine, so strict that former FDA chief

David Kessler, who advises Clinton and some lawmakers on the deal, quickly demanded changes.

"There are a lot of hurdles for the FDA, some impossible burdens," Kessler said Sunday on NBC's "Meet the Press." "This seems to be a step backward."

Clinton, for his part, said Sunday he would be evaluating the deal to make sure it would not undermine public health efforts, and suggested the agreement could be subject to change.

"I hope none of us are reviewing it with a view toward either saying we are going to embrace it or kill it and there is no other option," he said.

Likewise, Republican House Speaker Newt Gingrich told reporters Sunday in his Georgia district: "Until we have time to have the experts look at it and review it and have hearings on it, I don't think

anybody should jump to any conclusions. No secret group can go off and hide, come up with their deal and then tell the Congress pass this or nothing."

A close reading of the deal shows that cigarette makers even secured a partial way out of multimillion-dollar penalties that proponents said would force tobacco companies to cut teen-age smoking. If companies prove they made a good-faith effort to cut teen smoking by 30 percent in five years and 60 percent in 10 years, they could get 75 percent reduction in the fine assessed for failing to meet the goals.

"This industry is getting off for pennies on the dollar," angry California anti-tobacco activist Stanton Glantz wrote fellow tobacco foes.

The anxiety isn't confined to health advocates. Big Tobacco's chiefs are girding for expected lawsuits by shareholders once their

boards formally approve last week's settlement, a top tobacco official told The Associated Press.

The board of Philip Morris, which must pay \$6 billion of the \$10 billion down payment if Congress approves the \$368 billion deal, is to take up the contentious settlement Wednesday. Of the \$10 billion initial payment, \$7 billion is to go to the states and \$3 billion to the federal governments - all under a mechanism that would be set up by Congress.

"Half of the equity of that company goes out the door the day that check's written," said the tobacco official, speaking on condition of anonymity. Even if the stock drop that day is only temporary, "you can bet there will be shareholder lawsuits saying 'you didn't protect my investment.'"

The proposed agreement would settle 40 state lawsuits seeking recovery of Medicaid funds spent treat-

ing sick smokers. In return for payments up to \$15 billion a year and curbs on tobacco advertising and manufacturing, the companies won a ban on class-action lawsuits, a \$5 billion annual cap on actual damages they would pay to sick smokers and exemption from punitive damages for past wrongdoing.

Attorneys for the 40 states had insisted they will not drop their lawsuits until Congress ratifies the settlement, to keep pressure on tobacco companies. But in a turnaround Sunday, Mississippi Attorney General Michael Moore said he would attempt to postpone his July 7 trial so he could lobby Congress to approve the settlement.

But "if they tinker with it or make it better for the tobacco companies, you know, easier on them, then certainly we won't settle our lawsuits, so nothing will have been gained," he said on "Fox News

Sunday."

Clinton says he will base much of his decision on how much control FDA gets over tobacco. Under the agreement, the FDA can lower nicotine levels to create less-addictive cigarettes - but only if it proves such reduction would cause a "significant reduction of the health risks" from smoking, is technologically feasible and would not create a black market for high-nicotine cigarettes.

It could not ban nicotine for 12 years, and then would have to phase in a ban over two years to give Congress time to object.

The White House is scurrying to see how such provisions strike public health activists, even calling former Surgeon General C. Everett Koop just hours after the agreement was signed. Koop, a longtime anti-tobacco campaigner, was skeptical.

Fat gene found

For the first time, scientists have identified genetic flaws that make people fat.

One defect showed up in an 8-year-old girl who weighs nearly 200 pounds. She has already had surgery on her overburdened legs and liposuction just to help her get around.

The genetic defects are described in two reports, each dealing with a different gene. One report caps an intensive worldwide search for flaws in the gene that tells the body how to make the hormone leptin, while the other gives a new hint for understanding the complex process that controls a person's weight.

Experts said the newfound defects cause obesity only very rarely and do not apply to the vast majority of fat people.

"They're real landmark papers" said Dr. Albert Stunkard of the University of Pennsylvania School of Medicine. But there's "no big public health or therapeutic message. ... The average middle-aged, overweight woman is not likely to see much benefit from this."

Genes do play an important role in ordinary human obesity, but that probably comes from subtle variations in their functioning rather than major defects like the newfound mutations, said Rudolph Leibel of Rockefeller University.

The new work is presented in Thursday's issue of the journal *Nature* and the July issue of the journal *Nature Genetics*. The work is reported by scientists from Addenbrooke's Hospital at Cambridge University in England with collaborators elsewhere.

The case of the 8-year-old girl who weighs 190 pounds also includes her cousin, a 2-year-old boy who tips the scales at 64 pounds. That is more than twice as much as most boys that age weigh. Both children are so heavy they have trouble walking.

Scientists discovered that both children have a defect in the gene that tells fat cells to produce leptin. Those mutations greatly reduce the leptin supply.

The two children might be helped by leptin injections, said Arlen Price, who studies obesity genetics at the University of Pennsylvania.

Leptin was first discovered in mice. Experiments showed it lets the mouse brain keep tabs on how fat an animal is. Mice with defective leptin genes became very fat but lost weight when they got leptin injections.

Those results set off an intensive search for leptin gene flaws in fat people. None was found until now, which indicates such defects are very rare, experts said. But the new work does show that leptin is important in regulating body weight in people, as well as mice.

Everybody inherits two copies of the leptin gene, one from each parent. Both copies were defective in the children. Each of their parents was found to have one bad copy of the leptin gene, as well as a normal copy. They are overweight but not extremely fat.

The *Nature Genetics* report deals with a woman who is only moderately overweight in middle age but who weighed 80 pounds at age 3. That is more than twice what most 3-year-old girls weigh.

Researchers found defects in both copies of her gene for an enzyme called prohormone convertase 1, or PC1. This substance helps the body make insulin, among other things.

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