

## INTRODUCTION

Part One of this document (Legal Analysis of Jurisdiction over Tobacco Products) consists of three main sections. Section I demonstrates that nicotine's addictive and other pharmacological properties are effects on the "structure or any function of the body" within the meaning of the Act's definition of a drug. Section II demonstrates that tobacco manufacturers intend their products to have these effects within the meaning of the Act because: these effects are widely known and foreseeable to the industry; most consumers use tobacco products to obtain these effects; and tobacco manufacturers understand that consumers use tobacco products to obtain nicotine's pharmacologic effects and design their products to be used for these effects. Section III explains why regulation of cigarettes and smokeless tobacco products as devices is most appropriate at this time.

Part Two of this document (Findings) consists of two main sections. Section I presents the scientific evidence of nicotine's addictive and other pharmacological effects. This section also explains how marketed tobacco products deliver pharmacologically active doses of nicotine, and how consumers use these products to obtain various drug effects. Section II describes the statements, extensive research, and other actions by tobacco manufacturers regarding nicotine's pharmacological effects. This section identifies the industry's numerous acknowledgments that nicotine in tobacco acts as a drug and is addictive, and the industry's extensive research on nicotine's drug effects on the body. Section II also describes the considerable industry research on supplying sufficient nicotine to provide "satisfaction," determining the minimum and maximum dose of nicotine required by consumers, and assessing how consumers "compensate" to achieve an adequate dose of