

## DAY ON THE HILL - MARCH 13-14

The 2007 FAWD Day on the Hill will be held on **Tuesday, March 13th** at the State Capitol in Tallahassee.

This is our opportunity to meet with the legislators that will be shaping public policy that will affect the way you do business in the state of Florida. We need a strong showing of distributors and manufacturers to join us for this very important visit to the Capitol. As you will on the following pages, we are facing a number of issues of great importance to our members during the upcoming legislative session. Remember, "out of sight, out of mind." In the legislative world, out of mind is not a good option!

At the end of this newsletter, you will find a registration form for Day on the Hill. Please fill it out and return it to me at your earliest convenience so that we can include you in the plans.

We'll see you in Tallahassee!



### Next FAWD Board Meeting:

- **Date:** Wednesday, March 14, 2007
- **Location:** 300 W. Pensacola St., Tallahassee, FL 32301 (TCC Center)
- **Time:** 9:00 - 11:00

## 2007 CONVENTION DATE & LOCATION SELECTED



The FAWD Board of Directors has selected the date and location for the 2007 FAWD Convention & Annual Meeting. The event will be held:

**June 21 - 24** at the fabulous **Naples Grande Resort & Club**. For a sneak peek of the resort, go to:

[www.NaplesGrandeResort.com](http://www.NaplesGrandeResort.com)

More information will be coming soon.

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## CHANGES TO FAWD BOARD OF DIRECTORS

The FAWD Board of Directors has undergone some changes since the end of 2006. We have regretfully bid adieu to **Don Brock**, who retired from Seminole Wholesale. In addition, **John Mailander** with Sterling Wholesale and **Frank Peydro** with H.T. Hackney-Miami have resigned from the Board. We

wish them all the best and look forward to working with them again in the future.

It is our pleasure to introduce the newest member of the Board: **Dan Teel**, the General Manager of H.T. Hackney Pensacola Division, has assumed the slot previously held by Frank.

Dan's service area covers the panhandle of Florida, south to Ocala, as well as south Alabama, south Mississippi and south Georgia. Dan also currently serves on the Alabama Wholesalers Association Board.

We look forward to Dan's active involvement on the Board!

## CONSTITUTIONAL AMENDMENT IMPLEMENTATION

**Sen. Burt Saunders** (R, Naples) has filed legislation to implement the Constitutional Amendment approved in November that directs 15% of the Tobacco Settlement funds towards tobacco cessation programs.

**SB 1908**, which was filed on February 21st, would create the

*"Florida Comprehensive Tobacco Prevention and Education Program."* The bill would create a 19-member Statewide Tobacco Policy Oversight Board made up of various State officials, as well as members of the American Cancer, Heart and Lung associations. The bill would also name

the Secretary of Health as Florida's Surgeon General and would appoint a "Director of Tobacco Control."

**SB 1908** has not been referred to committee yet, and no House companion bill has been filed at this time.

## NPM NOT FILED YET

An issue of major importance to wholesale distributors and tobacco manufacturers the last several years, "Non-Participating Manufacturers" bill, has not surfaced in the Legislature to date.

Last year's House sponsor,

**Rep. Dudley Goodlette**, has left the Legislature due to term limits. The Senate sponsor, **Sen. Mike Bennett** (R, Bradenton), has indicated that he does not intend to file the legislation again.

The bill filing deadline is noon on Opening Day, March 6th.

## BILL TO RAISE MINIMUM AGE

**SB 132**, by **Senator Steve Wise** (R, Jacksonville), would raise the minimum age to purchase tobacco products in Florida from 18 to 21. The bill would exempt members of the military as well as those acting in their scope of lawful employment. The bill does not increase the current penalties for

selling tobacco products to minors or for their use.

The bill has been referred to the Regulated Industries; Commerce; and General Government Appropriations Committees.

There is no House companion bill at this time. *FAWD* is opposed to **SB 132**.

## WEIGHT-BASED TAX ON SNUFF

**HB 523**, by **Rep. Denise Grimsley** (R, Lake Placid), would change the way that moist snuff is taxed, from an ad valorem method to a weight-based methodology. The tax would be 44 cents per ounce, plus a proportionate tax at the same rate on all fractional parts of an ounce. All cans or packages weighing 1.2 ounces shall be taxed at the same rate as a 1.2 ounce can or package.

**HB 523** has been referred to the Jobs & Entrepreneurship Council and the Policy & Budget Council. No Senate companion bill has been filed at this time.

*FAWD* has not taken a position on **HB 523** at this time. Further discussion will take place at Day on the Hill.

## BILLS ADDRESSING OBESITY FILED

Several pieces of legislation have been filed addressing the issue of obesity in Florida.

**HB 309** by Rep. Joe Gibbons (D, Pembroke Park) and **SB 1628** by Senator Gwen Margolis (D, Miami) would place warning labels at restaurants that serve foods containing trans fats. The bills provide penalties for restaurants that do not comply with the labels, but they do not seek to ban the use of trans fats, like New York City recently did.

**HB 309** has been referred to

the Business Regulation Committee and the Jobs & Entrepreneurship Council. **SB 1628** has not yet been referred to committee.

The other obesity related bill is **SB 406**, by Senator Mandy Dawson (D, Fort Lauderdale). This bill would remove vending machines that sell carbonated drinks at public middle schools in Florida. The beverages would then be replaced with machines that sell vegetable juice, 100% fruit juice and drinking water.

The bill also states that any schools that serve fried foods must be fried in oils that are low in trans fatty acids.

**SB 406** has been referred to the Education Pre-K-12 Committee; Health Policy; and Education Appropriations committees. No House companion bill has been filed at this time.

Because **SB 406** opens the door to the banning of other food products in our public schools, *FAWD* opposes this legislation.

## R.J. REYNOLDS TOBACCO COMPANY'S POSITION REGARDING FEDERAL REGULATION OF TOBACCO PRODUCTS

On February 15, legislation was introduced in the U.S. House and Senate that would give regulatory authority over tobacco products to the Food and Drug Administration. Early indication is that the bills are virtually identical to bills that have been introduced in the past, and that have been opposed by R.J. Reynolds Tobacco Company. *(Article located on Page 4)*

Following are the talking points that R.J. Reynolds Tobacco Company is using to respond to media inquiries regarding their position on the legislation:

- We support moving from the politics of accusations to the business of establishing sound, cooperative, workable national policies.
- We support open and objective discussions aimed at resolving the long-standing controversies around the marketing and use of tobacco products — discussion rather than continuous disagreement has the greatest potential to yield an acceptable environment for all.
- We would support legislation under which tobacco products remain legal, consumer-acceptable and regulated in a reasonable and consistent manner.
- We would support legislation that permits effective competition; allows for communication and interaction with adult tobacco consumers regarding their brand choices; and which further minimizes exposure of minors to tobacco marketing.
- We would oppose legislation that does not include these tenets, or which results in an unfair competitive advantage to any manufacturer.

## HEADLINES...

### Lawmakers Unveil Tobacco Regulation Bill

By Andrew Bridges

Associated Press

February 15, 2007

Seven years after being rebuffed by the Supreme Court, anti-smoking advocates rejoiced Thursday as lawmakers renewed a push for federal regulation of tobacco, a step they say is needed to deter children from lighting up and to get smokers to quit.

"Congress has the opportunity to take a monumental step and grant the Food and Drug Administration the meaningful and long-overdue authority to regulate tobacco, which kills 440,000 people and costs our nation \$96.7 billion in health care bills every year," said John Seffrin, chief executive officer of the American Cancer Society.

A bipartisan group of lawmakers reintroduced legislation Thursday that would give the FDA the same authority over cigarettes and other tobacco products that it already has over countless other consumer products.

"Congress cannot in good conscience allow the federal agency most responsible for protecting the public health to remain powerless to deal with the enormous risks of tobacco, the most deadly of all consumer products," Sen. Edward Kennedy, D-Mass., said in introducing the Family Smoking Prevention and Tobacco Control Act with Sen. John Cornyn, R-Texas, and Reps. Henry Waxman, D-Calif., and Tom Davis, R-Va.

For decades, the FDA said it lacked authority to regulate tobacco so long as cigarette makers did not claim that smoking provided health benefits. In 1996, it reversed course and cited new evidence that the industry intended its products to feed the nicotine habits of the roughly 45 million Americans who smoke.

Tobacco companies sued, and the case eventually landed in the Supreme Court. In 2000, the court ruled 5-4 that Congress did not authorize the FDA to regulate tobacco.

Previous legislative efforts to give the FDA that authority have faltered. The new bill is fundamentally the same legislation as introduced in the last Congress. Supporters believe it will fare better in the Democratic-controlled House and Senate.

A spokesman for Senate Majority Leader Harry Reid, D-Nev., said it had the support of the caucus. A spokesman for House Speaker Nancy Pelosi, D-Calif., said she personally supported it.

White House spokesman Tony Fratto declined to comment.

The Department of Health and Human Services is reviewing the legislation, spokeswoman Christina Pearson said.

The bill would allow the FDA to act to discourage children from starting smoking and encourage adults to quit, in part by reining in advertising, bolstering existing sales restrictions and strengthening warning labels. It also would allow the FDA to order the elimination or reduction of harmful and addictive ingredients in tobacco. The agency couldn't ban nicotine outright, but the bill would give it the power to reduce its levels.

Furthermore, the bill would require tobacco companies to disclose what tobacco products — and their smoke — contain.

## HEADLINES...

### Oil Makes Grade on Fries

**Stick a fork in it: McDonald's has found a trans-fat-free oil it deems worthy of its french fries, and plans to be using it for all its fried menu items by early 2008.**

By John Schmeltzer  
Tribune Staff Reporter  
January 28, 2007

While Wendy's, Taco Bell and KFC each has announced a switch to new cooking oils free of heart-clogging trans fats, McDonald's Corp. stood by.

Until now.

After testing 18 varieties of oil in more than 50 blends during the last seven years, McDonald's told the Tribune last week that it finally struck gold. It found a suitable trans-fat-free oil that won't change the taste or texture of its top-selling menu item: french fries.

Already, McDonald's says it is supplying about 1,200 of its American restaurants with the new oil after starting to secretly test it last summer.

By early 2008 in the U.S., the golden arches plans to be cooking all its fries, as well as chicken nuggets and other fried items, in the vegetable oil blend that doesn't have the same unhealthful effects as trans fat.

McDonald's decision to jettison trans fats represents a late but significant move. As obesity rates have risen, the fast-food industry has come under pressure from health and nutrition advocates, consumers and governments to change its menu offerings. McDonald's being the largest and best-known purveyor of burgers and fries, it has taken the most heat.

After an embarrassing retreat from a 2002 announcement that it would soon eliminate trans fats from menu items, McDonald's used the time in a methodical and deliberate search for a new oil. The Oak Brook-based hamburger giant feared a quick solution that tampered with the taste of the fries could have catastrophic consequences for the chain.

"We don't want to jeopardize the iconic nature of the french fry, which is so important to our brand," Jim Skinner, McDonald's chief executive, said at a recent investor conference. "Yet we have a responsibility to serve the best french fry ... that balances between value and nutrition."

McDonald's executives, citing customer reaction in test markets, say that fries cooked in the new oil remain true to their traditional taste, appearance, texture and aftertaste.

"Our customers don't want better," said Barbara Booth, director of the sensory science laboratory for McDonald's. "They want the same."

McDonald's first started looking at a trans-fat-free oil in 1999, asking for help from Minneapolis-based Cargill Inc. Cargill led the scientific blending and testing of oils, while McDonald's did extensive tests on how it cooked and tasted. Neither firm would say how much money was spent developing the new oil.

The company's 13,700 U.S. restaurants alone use more than 75 million pounds of oil each year to prepare the chain's french fries, chicken McNuggets, chicken strips, and fish fillets.

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## Dates to Remember:

March 13-14 - FAWD Day on the Hill, Tallahassee

June 6-9 - SAWD Southern Showcase, Charleston, SC

June 21-24 - FAWD Annual Convention, Naples

## HEADLINES...

### Rep. Ellison calls the cops to snuff Tancredo's cigar

- *News from the absurd...*

Rep. Keith Ellison (D-Minn.) believes it is his right as a Muslim to be sworn into Congress with the Quran. But apparently, the freshman lawmaker doesn't believe it's Rep. Tom Tancredo's (R-Colo.) right to smoke a cigar in his congressional office.

Ellison's office called the Capitol Hill Police on Tancredo last Wednesday night as Tancredo was in his office smoking a cigar. The lawmakers have neighboring offices on the first floor of the Longworth House Office Building.

Tancredo was still stunned a day later. "It's very bizarre," said Tancredo, who has never met Ellison. "Seemed to me not a good way to say hello."

And let's face it. Calling the cops on a colleague takes the cake for the nerviest behavior so far among members of this year's freshman class of Congress.

This is how it all went down. On Wednesday evening, around 6 p.m., Tancredo was preparing for his trip to Mississippi. And as he so often does, he was unwinding with a cigar.

Soon enough, however, a police officer walked in to check on the smoke. The officer told Tancredo that the officer came because he was required to do so and not because the officer wanted to. The officer had already told Ellison that Tancredo was permitted to smoke in his office. The visit was more a formality.

Tancredo said he would not stop smoking in his office. "Heck, no!" he said. "If he [Ellison] would have [had] the courtesy to say something I'm sure I would have been more accommodating to his wishes."

To help keep his office free of impurities, Tancredo has three air purifiers. And he has no plans to meet Ellison anytime soon. "I'm sure we will, but I'm not going to make a point [of it]," the presidential hopeful said, adding that he supported Ellison's right to be sworn in with the Quran.

Ellison's press secretary, Rick Jauert, made the call to the Superintendent's office when he noticed the smoke. "I called because the smoke was coming through the walls," Jauert said, adding that the Superintendent's office referred him to the Capitol Police.

Jauert said he then informed his boss what he had done. He said "fine," Jauert said. "He's complained of the smoke before."

# FAWD REGISTRATION FORM

March 13 - 14, 2007

Tallahassee, Florida

**863-668-8550 fax**

(Please Type or Print Clearly)

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

## ATTENDEE NAMES (FOR BADGES):

Member's Name: \_\_\_\_\_

## INDICATE # TO ATTEND EACH ACTIVITY

### Tuesday – March 13th

Event	Attending
Legislative Lunch & Briefing - 11:30 - 1:30 <i>300 West Pensacola Street, Tallahassee, FL 32301</i>	_____
Capitol Meetings with Legislators - 1:30 - 5:00	_____
Dinner - Osaka Japanese Steakhouse - 7:00 - ? <i>1690 Raymond Diehl Road, Tallahassee, FL 32308</i>	_____

### Wednesday - March 14th

Event	Attending
FAWD Board Meeting - 9:00 - 11:00 <i>300 West Pensacola Street, Tallahassee, FL 32301</i>	_____

**\*\* Please let me know if you need Hotel Accommodations \*\***

Yes, I need a Hotel Room \_\_\_\_\_

No, I do not need a Room \_\_\_\_\_

*Florida Association of Wholesale Distributors*

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*Tallahassee, FL 32302*