



Congress of the United States  
House of Representatives  
Washington, D.C. 20515

April 15, 2020

**VIA EDIS**

The Honorable Lisa R. Barton  
Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

Re: *Certain Tobacco Heating Articles and Components Thereof, DN 3447*

Dear Secretary Barton:

I am writing to express my views regarding a request recently received by the U.S. International Trade Commission (ITC) to exclude the IQOS heat not burn product from the U.S. market. While I take no sides on the merits of the claims brought before the ITC, I believe such action could have an adverse impact on the public interest. IQOS is a special type of potentially reduced risk product that, after years of careful evaluation, has been authorized for sale by the U.S. Food and Drug Administration (FDA). It is my understanding that no other HNB or e-cigarette has received this FDA authorization.

In order to reduce the harm associated with cigarette smoking, American smokers need access to and information about a wide range of products. Exclusion of IQOS frustrates this goal and it also runs counter to the intent of Congress laid out in the 2009 Tobacco Control Act. This Act provided FDA with the authority over tobacco products, and also provided a pathway for products like IQOS to come to U.S. market. IQOS was authorized by FDA for the protection of public health<sup>1</sup> and in its press release FDA noted

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<sup>1</sup> <https://www.fda.gov/news-events/press-announcements/fda-permits-sale-iqos-tobacco-heating-system-through-premarket-tobacco-product-application-pathway>

Philip Morris Products, S.A.  
Exhibit 1043  
PMP v. RAI  
IPR2020-00919

Ex. 1043-001

the products produce fewer or lower levels of some toxins than combustible cigarettes.”

Though only recently available in the United States, IQOS is available in over 50 countries today, and now has nearly 14 million users worldwide, with conversion rates of approximately 71%<sup>2</sup>. For example, in Japan, the first IQOS market, IQOS “has led to an extremely rapid decline in cigarette sales” and “is very strongly connected to smokers switching entirely to” IQOS. IQOS “went from 2.2% of the total Japanese market in the 2nd quarter of 2016, to 10% just a year later. Combustible cigarette sales fell as smokers switched to IQOS, with IQOS already outselling Marlboro.”<sup>3</sup>

In addition to limiting consumer choices, the exclusion of IQOS also threatens American agriculture and jobs. Tobacco growers rely on products like IQOS to support their families and communities, especially as the new industry evolves.

As the ITC reviews this matter, I urge a careful evaluation of these and other effects exclusion of IQOS would have on the public health and welfare, in addition to the economic implications in my state.

Thank you for the important work that you do.

Sincerely,



George Holding  
Member of Congress

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<sup>2</sup> PMI's Fourth Quarter Earnings Presentation: <https://phillipmorrisinternational.gcs-web.com/static-files/156f7310-3ff7-4a6d-890f-3a7f663fee81>

<sup>3</sup> Multiple Submitters Ltr., FDA at 11, 13 (Dec. 14, 2017), <https://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/ucm593112.htm>