

**The Need for  
Government-Sponsored Scientific Studies of  
The Adverse Health Effects of Counterfeit Cigarettes**

The purpose of the Office of Justice Programs' Science Advisory Board (OJP SAB) is, as Assistant Attorney General Robinson explained, a "means of bridging the divide between research and practice in criminal justice fields."<sup>1</sup>

**Problem:      The Growing Plague of Counterfeit Cigarettes Undermines Public Health and Tobacco Control Efforts**

**Solution:      Assess the Adverse Health of Counterfeit Cigarettes Seized by Law Enforcement**

The problem of counterfeit and other contraband cigarettes is growing. On this point CRE notes that United States Attorney Patrick J. Fitzgerald announced on June 7<sup>th</sup> of this year the indictment of ten persons who "allegedly brought millions of dollars in cash, firearms, narcotics, and counterfeit cigarette tax stamps to purchase millions of unstamped, untaxed cigarettes from two cooperating individuals working undercover with federal agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives."<sup>2</sup> Unfortunately, the indicted suspects "included a veteran Cook County sheriff's police officer" – an indication of the broad social harm from cigarette trafficking.

In a Fact Sheet released by ATF last year, the agency stated that "Organized criminal groups, including those with ties to terrorist organizations, have increasingly engaged in the illegal trafficking of tobacco products, particularly counterfeit and lawfully manufactured cigarettes." With respect to the health effects of counterfeit cigarettes, the ATF Fact Sheet stated:

*The trade of counterfeit tobacco products is also a rapidly growing global problem. Smokers who are tricked into buying fake cigarettes don't get the product they're expecting. While all cigarettes are dangerous and cause disease, it has been reported that counterfeit cigarettes have been found to contain higher levels of tar, nicotine and carbon monoxide than genuine cigarettes. Furthermore, many are even contaminated with sand and other packaging materials such as bits of plastic. Since these are illegally manufactured and imported cigarettes, consumers do not know what ingredients are used to manufacturer these cigarettes. Counterfeit cigarettes pose a greater health risk to consumers because of this reason.<sup>3</sup>*

CRE notes that the consumers of counterfeit cigarettes often include children – cigarette traffickers don't check age restrictions.<sup>4</sup>

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<sup>1</sup> <http://www.ojp.usdoj.gov/sabrelease.htm>.

<sup>2</sup> <http://www.atf.gov/press/releases/2012/06/060712-chi-us-indicts-10-defendants-arrested-for-allegedly-trafficking-millions-of-unstamped-untaxed-cigarettes-in-undercover-sting.html>

<sup>3</sup> <http://www.atf.gov/publications/factsheets/factsheet-tobacco-diversion.html>. [Emphasis added]

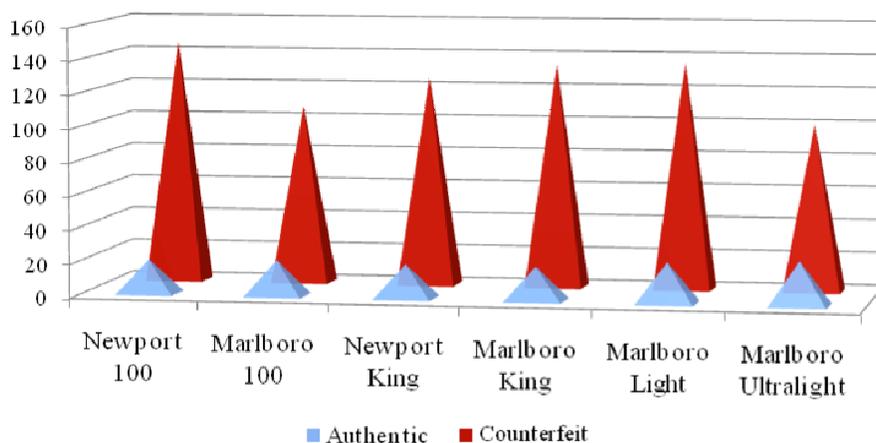
<sup>4</sup> <http://www.thecre.com/ccsf/?p=165>.

CRE's study *An Inquiry into the Nature, Causes and Impacts of Contraband Cigarettes* (<http://www.thecre.com/ccsf/wp-content/uploads/2011/06/AnInquiryIntoContrabandCigarettes.pdf>) relied on peer review studies for its discussion of the health effects of counterfeit cigarettes. The CRE study is included, by reference, as an integral part of these comments.

The chart reprinted below from the CRE study illustrates why we believe that the adverse health effects specific to counterfeit cigarettes need further study:

## Lead Levels Authentic and Counterfeit Cigarettes

(ng/ mg of nicotine: mainstream smoke)



Source: Pappas (2007), Figure 4

There is still a tremendous amount that has yet to be studied regarding counterfeit cigarettes including thorough analysis of the illegal products that children and other Americans are smoking.

The OJP SAB is uniquely situated to assist in the law enforcement effort against counterfeit cigarettes. Additional scientific analysis of counterfeit cigarettes is needed and law enforcement agencies are the only domestic source of the source material.

**RECOMMENDATION:** The DOJ SAB should recommend that DOJ agencies analyze the content of counterfeit cigarettes, particularly with regard to toxic metals such as lead, cadmium, and arsenic. The analysis should be carried out either by DOJ laboratories and/or through assistance to qualified independent researchers in obtaining supplies of counterfeit cigarettes for analysis.