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May 16, 2011

Attention: Rebekah L. Gewirtz
President

Somerville Board of Aldermen
131 Morrison Avenue, #1
Somerville, MA 02144

Dear Ms. Gewirtz,

My name is Brian Houghton and I am the Vice President of the Massachusetts Food Association. The Massachusetts Food Association is a trade organization that represents the Commonwealth's grocery and supermarket industry on all legislative and regulatory issues affecting the retail and non-retail segments of the industry.

On behalf of our retail food store members that operate in the City of Somerville with establishments that sell prescription drugs, the Association respectfully requests to be recorded in opposition to the proposed regulation restricting the sale of tobacco products at these establishments within the City of Somerville for the following reasons:

- This proposal unfairly targets a small percentage of outlets where legal tobacco products are sold. It does not do justice towards protecting, promoting and preserving the health and well-being of Somerville's citizens, but rather does an injustice to a small percentage of the city's retail food outlets that sell a legal product;
- Food retailers that presently sell prescriptions and legal tobacco products must adhere to some of the nation's most restrictive requirements with regards to the legal sale of tobacco products in the City of Somerville. For example, there are strict limitations placed upon businesses for the proper sale of legal tobacco products through the city's participation in the 5-City City Tobacco Control Collaborative;
- The MA Attorney General's Office also enforces 940 CMR 21.00 and 940 CMR 22.00 with regards to the Sales and Distribution of Cigarettes, Smokeless Tobacco and Cigars in Massachusetts;



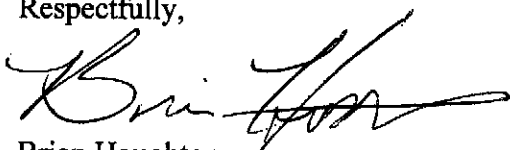
- Massachusetts General Laws Chapter 270 Sections 6 & 7 also restrict the sale of legal tobacco products.

The Massachusetts Food Association has worked cooperatively in the past to provide materials to its members to educate them on these restrictions and ensure compliance. We have worked in the past with local Tobacco Control Programs and the MA Attorney General's office to distribute Retailer Resource Kits for Merchants and annually provide information from the Coalition for Responsible Tobacco Retailing, Inc. on their "*We Card*" Program. This material is used to educate consumers *and patients who enter supermarkets that sell prescription drugs* on the harmful effects of using legal tobacco products.

This ordinance as proposed merely blocks legal trade of a legal product from a tiny proportion of all retail outlets that sell these products, and will only force consumers who wish to continue to purchase them to merely take their business elsewhere, perhaps in some instances simply across the street.

I thank you for the opportunity to provide comment and would be happy to answer any questions you or members of the Commission may have on this proposal.

Respectfully,

A handwritten signature in black ink, appearing to read "Brian Houghton", with a stylized flourish at the end.

Brian Houghton

Cc: Somerville Council of Aldermen
Somerville Board of Health