



DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Silver Spring, MD 20993

JUL 07 2010

The Honorable Judd Gregg
United States Senate
Washington, D.C. 20510-2904

Dear Senator Gregg:

Thank you for your letter of May 24, 2010, on behalf of your constituent, D.D. Bean & Sons Co. (D.D. Bean) of Jaffrey, New Hampshire, a matchbook manufacturer, regarding the applicability of a Food and Drug Administration (FDA or the Agency) regulation, 21 *Code of Federal Regulations* (CFR) 1140.34(b), to its business.

As D.D. Bean noted, there are indications that when Congress directed FDA to issue this rule, it contemplated that matchbooks of conventional size, containing not more than 20 paper matches, and which are customarily given away for free with the purchase of cigarettes, could continue to be given away for free with the purchase of cigarettes. FDA's initial interpretation of 21 CFR 1140.34(b), therefore, is that such distribution is not prohibited by the rule.

As with many issues raised by the new law and regulations promulgated under it, FDA may issue a guidance document to communicate its policies or interpretations to a broad public audience. Guidance documents are posted on the Agency's website.

Thank you again for contacting us concerning this matter. If you have further questions, please let us know.

Sincerely,

A handwritten signature in blue ink that reads "Karen G. Meister" with a small flourish below the name.

Jeanne Ireland
Assistant Commissioner
for Legislation