



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration
Center for Tobacco Products
9200 Corporate Boulevard
Rockville, MD 20850-3229

OCT 22 2010

LaToya D. Rembert-Lang
General Counsel
The Marketing Research Association
1111 16th Street, NW
Suite 120
Washington, DC 20036

Dear Ms. Rembert-Lang:

Thank you for your letter on behalf of the Marketing Research Association (MRA) regarding concerns about the Food and Drug Administration's (FDA) request to Philip Morris USA, Incorporated (Philip Morris) for the production of documents related to marketing research. According to your letter, MRA is concerned about implications of the document requests on the privacy of participants in the marketing research, as well as on confidential proprietary and trade secret information in the possession of research firms that may have done work on behalf of Philip Morris.

FDA appreciates the concerns raised by MRA, and agrees with the importance of protecting the confidentiality of personal privacy information, including personally identifiable information, of those persons who participate in consumer surveys or other marketing research. Similarly, FDA understands the importance of protecting confidential commercial information, including trade secret and proprietary information. In fact, the laws, regulations and policies governing FDA prohibit the disclosure of personal privacy information and confidential commercial information, except under narrow circumstances authorized by law and then, only after all procedural safeguards have been met. Thus, to the extent any personal privacy information or confidential commercial information is provided to FDA, the information is subject to strict protections.

MRA also expressed concern that FDA's request to Philip Morris should be limited to information within the control of that company in order to protect the proprietary or trade secret information of independent marketing research firms. FDA's request to Philip Morris is limited to documents that are within that company's possession, custody, or control.

FDA recognizes the importance of balancing privacy concerns and the needs of protecting confidential commercial information with its responsibilities to ensure that companies comply with the laws and regulations it enforces. In drafting any information requests, these concerns are carefully considered.

I hope this addresses your concerns. If you have further questions, please let us know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Simoneau".

Ann Simoneau, J.D.
Acting Director, Office of Compliance and
Enforcement
Center for Tobacco Products