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MCDERMOTT, WILL & EMERY

July 24, 2002

VIA HAND DELIVERY

Arthur J. Lawrence, M.D.
Assistant Surgeon General & Deputy
Assistant Secretary for Health
United States Department of Health
and Human Services
200 Independence Avenue, S.W., Room 716G
Washington, D.C. 20201

Re: Star Scientific, Inc.'s Filing of Comments
Concerning Citizen Petitions Docket Nos. 01P-0572 and 02P-0075

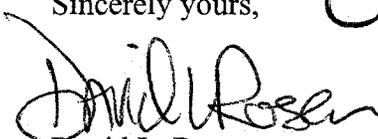
Dear Dr. Lawrence:

On behalf of our client Star Scientific, Inc., we filed the attached response to comments on the Citizen Petitions referenced above filed by Ropes & Gray (formerly Bennett, Turner and Coleman) on behalf of GlaxoSmithKline Consumer Health Care LP, concerning Star Scientific's compressed powdered hard tobacco product, Ariva™ Cigalett™ pieces. Enclosed is a courtesy copy of the response for your review.

Star Scientific has monitored the sale of Ariva™ and has attempted to persuade Internet retailers that have chosen to sell Ariva™ to discontinue such sales. Star Scientific has acted reasonably in marketing and distributing Ariva™ as a smokeless tobacco product and will continue to do so. However, the fact that tobacco products are available over the Internet does not provide a basis for the Food and Drug Administration ("FDA") to regulate tobacco products, in general, or Ariva™, in particular. Because the additional comments of GSK state no basis upon which jurisdiction can be assumed by FDA, the comments should not be accorded any weight in considering GSK's Citizen Petitions.

We maintain the firm belief that Star Scientific's compressed powdered hard tobacco product Ariva™ falls outside of FDA's jurisdiction pursuant to the Supreme Court decision in FDA v. Brown & Williamson Tobacco Corporation, 529 U.S. 120 (2000) and that the Petitions are without merit and should be denied.

Sincerely yours,


David L. Rosen

OIP-0572

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TRACER

cc: Charles Fried, Esq.

Ambassador Gerald P. Carmen
The Carmen Group, Inc.

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Star Scientific, Inc.

Robert E. Pokusa, Esq.
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