

106TH CONGRESS
2D SESSION

H. R. 4886

To amend the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986 to require warning labels for tobacco products.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2000

Mr. HANSEN introduced the following bill; which was referred to the
Committee on Commerce

A BILL

To amend the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986 to require warning labels for tobacco products.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stronger Tobacco
5 Warning Labels to Save Lives Act”.

1 **SEC. 2. AMENDMENT TO FEDERAL CIGARETTE AND LABEL-**
2 **ING ADVERTISING ACT.**

3 (a) AMENDMENT.—The Federal Cigarette Labeling
4 and Advertising Act (15 U.S.C. 1331 et seq.) is amended
5 by striking section 4 and inserting the following:

6 **“SEC. 4. LABELING.**

7 “(a) LABEL.—

8 “(1) IN GENERAL.—It shall be unlawful for any
9 person to manufacture, package, or import for sale
10 or distribution within the United States any ciga-
11 rettes the package of which fails to bear, in accord-
12 ance with the requirements of this section, a warn-
13 ing label.

14 “(2) REGULATIONS.—Not later than 1 year
15 after the date of enactment of this section, the Sec-
16 retary shall promulgate regulations describing the
17 warning label required by paragraph (1).

18 “(3) CONTENT OF LABEL.—The regulations
19 promulgated under paragraph (2) shall ensure that
20 the text of each warning label addresses one of the
21 following:

22 “(A) Diseases or fatal health conditions
23 caused by cigarette smoking.

24 “(B) Any physical addiction that results
25 from cigarette smoking.

1 “(C) The influence that cigarette smoking
2 by adults has on young children and teenagers
3 and the consequences of such use.

4 “(D) The health hazards of secondhand
5 smoke from cigarettes.

6 “(4) GRAPHICS.—

7 “(A) IN GENERAL.—The regulations pro-
8 mulgated under paragraph (2) shall ensure that
9 each warning label contains a color graphic or
10 picture that illustrates or emphasizes to the
11 greatest practicable extent the message of the
12 text of the corresponding warning label.

13 “(B) CONTENTS.—The graphics described
14 in subparagraph (A) shall enhance the message
15 of the text of the warning label and may include
16 a color picture of one of the following:

17 “(i) A diseased lung, heart, or mouth.

18 “(ii) An individual suffering from ad-
19 diction.

20 “(iii) Children watching an adult
21 smoke a cigarette.

22 “(iv) An individual adversely affected
23 by secondhand smoke from a cigarette, in-
24 cluding pregnant women or infants.

1 “(b) ADVERTISING.—It shall be unlawful for any
2 manufacturer or importer of cigarettes to advertise or
3 cause to be advertised within the United States any ciga-
4 rette unless the advertising bears, in accordance with the
5 requirements of this section, one of the warning label
6 statements required by subsection (a).

7 “(c) REQUIREMENTS FOR LABELING.—

8 “(1) LOCATION.—Each label statement re-
9 quired by subsection (a) shall be located on the
10 upper portion of the front panel of the cigarette
11 package (or carton) and occupy not less than 50
12 percent of such front panel.

13 “(2) TYPE AND COLOR.—Each label statement
14 required by subsection (a) shall be printed in at
15 least 17 point type with adjustments as determined
16 appropriate by the Secretary. All the letters in the
17 label shall appear in conspicuous and legible type, in
18 contrast by typography, layout, or color with all
19 other printed material on the package, and be print-
20 ed in a black-on-white or white-on-black format as
21 determined appropriate by the Secretary.

22 “(d) REQUIREMENTS FOR ADVERTISING.—

23 “(1) LOCATION.—Each label statement re-
24 quired by subsection (b) shall occupy not less than
25 50 percent of the area of the advertisement involved.

1 “(2) TYPE AND COLOR.—

2 “(A) TYPE.—Each label statement re-
3 quired by subsection (b) shall be printed in a
4 point type that is not less than the following
5 types:

6 “(i) With respect to whole page adver-
7 tisements on broadsheet newspaper—45
8 point type.

9 “(ii) With respect to half page adver-
10 tisements on broadsheet newspaper—39
11 point type.

12 “(iii) With respect to whole page ad-
13 vertisements on tabloid newspaper—39
14 point type.

15 “(iv) With respect to half page adver-
16 tisements on tabloid newspaper—27 point
17 type.

18 “(v) With respect to DPS magazine
19 advertisements—31.5 point type.

20 “(vi) With respect to whole page mag-
21 azine advertisements—31.5 point type.

22 “(vii) With respect to 28cm x 3 col-
23 umn advertisements—22.5 point type.

24 “(viii) With respect to 20cm x 2 col-
25 umn advertisements—15 point type.

1 The Secretary may revise the required type
2 sizes as the Secretary determines appropriate
3 within the 50 percent requirement.

4 “(B) COLOR.—All the letters in the label
5 under this paragraph shall appear in con-
6 spicuous and legible type, in contrast by typog-
7 raphy, layout, or color with all other printed
8 material and be printed in an alternating black-
9 on-white and white-on-black format as deter-
10 mined appropriate by the Secretary.

11 “(e) ROTATION OF LABEL STATEMENTS.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), the label statements specified in sub-
14 sections (a) and (b) shall be rotated by each manu-
15 facturer or importer of cigarettes quarterly in alter-
16 nating sequence on packages of each brand of ciga-
17 rettes manufactured by the manufacturer or im-
18 porter and in the advertisements for each such
19 brand of cigarettes in accordance with a plan sub-
20 mitted by the manufacturer or importer and ap-
21 proved by the Federal Trade Commission. The Fed-
22 eral Trade Commission shall approve a plan sub-
23 mitted by a manufacturer or importer of cigarettes
24 which will provide the rotation required by this sub-
25 section and which assures that all of the labels re-

1 quired by subsections (a) and (b) will be displayed
2 by the manufacturer or importer at the same time.

3 “(2) APPLICATION OF OTHER ROTATION RE-
4 QUIREMENTS.—

5 “(A) IN GENERAL.—A manufacturer or
6 importer of cigarettes may apply to the Federal
7 Trade Commission to have the label rotation
8 described in subparagraph (C) apply with re-
9 spect to a brand style of cigarettes manufac-
10 tured or imported by such manufacturer or im-
11 porter if—

12 “(i) the number of cigarettes of such
13 brand style sold in the fiscal year by the
14 manufacturer or importer preceding the
15 submission of the application is less than
16 $\frac{1}{4}$ of 1 percent of all the cigarettes sold in
17 the United States in such year; and

18 “(ii) more than $\frac{1}{2}$ of the cigarettes
19 manufactured or imported by such manu-
20 facturer or importer for sale in the United
21 States are packaged into brand styles
22 which meet the requirements of clause (i).

23 If an application is approved by the Commis-
24 sion, the label rotation described in subpara-
25 graph (C) shall apply with respect to the appli-

1 cant during the 1-year period beginning on the
2 date of the application approval.

3 “(B) PLAN.—An applicant under subpara-
4 graph (A) shall include in its application a plan
5 under which the label statements specified in
6 subsection (a) will be rotated by the applicant
7 manufacturer or importer in accordance with
8 the label rotation described in subparagraph
9 (C).

10 “(C) OTHER ROTATION REQUIREMENTS.—
11 Under the label rotation which the manufac-
12 turer or importer with an approved application
13 may put into effect, each of the labels specified
14 in subsection (a) shall appear on the packages
15 of each brand style of cigarettes with respect to
16 which the application was approved an equal
17 number of times within the 12-month period be-
18 ginning on the date of the approval by the
19 Commission of the application.

20 “(f) APPLICATION OF REQUIREMENT.—Subsection
21 (a) does not apply to a distributor or a retailer of ciga-
22 rettes who does not manufacture, package, or import ciga-
23 rettes for sale or distribution within the United States.

24 “(g) CIGARS; PIPE TOBACCO.—

1 “(1) IN GENERAL.—The Secretary shall pro-
2 mulgate such regulations as may be necessary to es-
3 tablish warning labels for cigars and pipe tobacco.
4 Such regulations shall require content-specific mes-
5 sages regarding health hazards posed by cigars and
6 pipe tobacco, include graphic illustrations of such
7 content messages, as is required under subsection
8 (a), and be formatted in a clear and unambiguous
9 manner, as is required under subsection (a).

10 “(2) DEFINITIONS.—In this subsection:

11 “(A) CIGAR.—The term ‘cigar’ means any
12 roll of tobacco wrapped in leaf tobacco or in any
13 substance containing tobacco (other than any
14 roll of tobacco that is a cigarette or cigarillo).

15 “(B) PIPE TOBACCO.—The term ‘pipe to-
16 bacco’ means any loose tobacco that, because of
17 the appearance, type, packaging or labeling of
18 such tobacco, is likely to be offered to, or pur-
19 chased by, consumers as a tobacco to be
20 smoked in a pipe.”

21 (b) EFFECTIVE DATE.—The amendment made by
22 this section shall take effect 1 year after the date of enact-
23 ment of this section.

1 **SEC. 3. AMENDMENT TO THE COMPREHENSIVE SMOKELESS**
2 **TOBACCO HEALTH EDUCATION ACT OF 1986.**

3 (a) AMENDMENT.—The Comprehensive Smokeless
4 Tobacco Health Education Act of 1986 (15 U.S.C. 4401
5 et seq.) is amended by striking section 3 and inserting
6 the following:

7 **“SEC. 3. SMOKELESS TOBACCO WARNING.**

8 “(a) GENERAL RULE.—

9 “(1) LABEL ON PACKAGE.—It shall be unlawful
10 for any person to manufacture, package, or import
11 for sale or distribution within the United States any
12 smokeless tobacco product unless the product pack-
13 age bears, in accordance with the requirements of
14 this section, a warning label.

15 “(2) LABEL IN ADVERTISEMENTS.—It shall be
16 unlawful for any manufacturer, packager, or im-
17 porter of smokeless tobacco products to advertise or
18 cause to be advertised within the United States any
19 smokeless tobacco product unless the advertising
20 bears, in accordance with the requirements of this
21 Act, one of the labels required by paragraph (1).

22 “(b) REGULATIONS.—Not later than 1 year after the
23 date of enactment of this section, the Secretary shall pro-
24 mulgate regulations describing the warning labels required
25 under subsection (a).

1 “(c) CONTENT OF LABEL.—The regulations promul-
2 gated under subsection (b) shall ensure that the text of
3 each warning label addresses one of the following:

4 “(1) Diseases resulting from use of smokeless
5 tobacco products.

6 “(2) Any physical addiction that results from
7 using smokeless tobacco products.

8 “(3) The influence that use of smokeless to-
9 bacco products by adults has on young children and
10 teenagers and the consequences of such use.

11 “(d) NUMBER OF LABELS.—The regulations promul-
12 gated under subsection (b) shall ensure that not less than
13 2 warning labels are created for each subject matter de-
14 scribed in paragraphs (1), (2), and (3) of subsection (c).
15 Such regulations shall also require that each package of
16 smokeless tobacco bear 1 warning label that shall be ro-
17 tated in accordance with subsection (g).

18 “(e) GRAPHICS.—

19 “(1) IN GENERAL.—The regulations promul-
20 gated under subsection (b) shall ensure that each
21 warning label required by subsection (a) contains a
22 color graphic or picture that illustrates or empha-
23 sizes to the greatest practicable extent the message
24 of the text of the corresponding warning label.

1 “(2) CONTENTS.—The graphics described in
2 paragraph (1) shall enhance the message of the text
3 of the warning label and may include a color picture
4 of one of the following:

5 “(A) A diseased mouth or other physical
6 effect of using smokeless tobacco products.

7 “(B) An individual using a smokeless to-
8 bacco product.

9 “(C) Children watching an adult use a
10 smokeless tobacco product.

11 “(f) FORMAT.—

12 “(1) LOCATION.—Each label statement re-
13 quired by subsection (a)(1) shall be located on the
14 principal display panel of the product and occupy
15 not less than 50 percent of such panel.

16 “(2) TYPE AND COLOR.—Each label statement
17 required by subsection (a)(1) shall be printed in 17
18 point type with adjustments as determined appro-
19 priate by the Secretary to reflect the length of the
20 required statement. All the letters in the label shall
21 appear in conspicuous and legible type in contrast by
22 typography, layout, or color with all other printed
23 material on the package and be printed in an alter-
24 nating black on white and white on black format as
25 determined appropriate by the Secretary.

1 “(g) ADVERTISING AND ROTATION.—The provisions
2 of sections (d) and (e)(1) of the Federal Cigarette Label-
3 ing and Advertising Act (as amended by the Stronger To-
4 bacco Warning Labels to Save Lives Act) shall apply to
5 advertisements for smokeless tobacco products required
6 under subsection (a)(2) and the rotation of the label state-
7 ments required under subsection (a)(1) on such products.

8 “(h) APPLICATION OF REQUIREMENT.—Subsection
9 (a) does not apply to a distributor or a retailer of smoke-
10 less tobacco products who does not manufacture, package,
11 or import such products for sale or distribution within the
12 United States.

13 “(i) TELEVISION AND RADIO ADVERTISING.—It shall
14 be unlawful to advertise smokeless tobacco or cigars on
15 any medium of electronic communications subject to the
16 jurisdiction of the Federal Communications Commis-
17 sion.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall take effect 1 year after the date of enact-
20 ment of this section.

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