

Fact Sheet 4

Tobacco Product Labeling and Advertising Warnings

Proposed Regulation of Tobacco Products by the U.S. Food and Drug Administration

S. 625/H.R. 1108

The FDA legislation prescribes stronger health warning labels on tobacco product packages and advertisements. Currently, the warning labels for cigarettes read as follows:

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, and May Complicate Pregnancy

SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health

SURGEON GENERAL'S WARNING: Smoking by Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide

Under the legislation, the warnings for cigarettes would be changed to read as follows:

WARNING: Cigarettes are addictive

WARNING: Tobacco smoke can harm your children

WARNING: Cigarettes cause fatal lung disease

WARNING: Cigarettes cause cancer

WARNING: Cigarettes cause strokes and heart disease

WARNING: Smoking during pregnancy can harm your baby

WARNING: Smoking can kill you

WARNING: Tobacco smoke causes fatal lung disease in non-smokers

WARNING: Quitting smoking now greatly reduces serious risks to your health

The legislation would mandate that the warnings cover at least the top 30 percent (House version) or cover the top 50 percent (Senate version) of the front and rear panels of the package and that the word "WARNING" appear in 17-point type in black and white text only. The House version would allow smaller warnings on packages of cigarette brands that have used hinged lid boxes for at least ten years. On these packages, the House version would require only that warnings occupy the hinged lid area. The Senate version also directs the FDA to initiate rulemaking to require warning labels with graphic images. Warnings would be randomly displayed in each 12-month period and rotated quarterly.





Currently, the warning labels for smokeless tobacco products read as follows:

WARNING: This product may cause mouth cancer

WARNING: This product may cause gum disease and tooth loss

WARNING: This product is not a safe alternative to cigarettes

Under the legislation, the warnings for smokeless tobacco products would be changed to read as follows:

WARNING: This product can cause mouth cancer

WARNING: This product can cause gum disease and tooth loss

WARNING: This product is not a safe alternative to cigarettes

WARNING: Smokeless tobacco is addictive

Like the requirements for cigarette packages, the smokeless tobacco warnings would comprise at least 30 percent of the two principal display panels of the package and the word "WARNING" would appear in 17-point type in black and white text only. Warnings would be randomly displayed in each 12-month period and rotated quarterly. The legislation would require the placement of the same cigarette and smokeless tobacco product warning labels in advertisements, rotated at random and in equal proportion in each 12-month period. The warnings would comprise 20 percent of the entire area of the advertisement and appear in black and white text only.

The FDA also would be authorized to further revise the labeling requirements for cigarettes and smokeless tobacco products, including changing the text, format and type size, as well as adding color graphics. The agency could, for example, require the inclusion of graphic pictures of smoking-caused harms as currently required in many countries. The Senate version requires the FDA to develop rules requiring graphic images.

Through an amendment to the Federal Cigarette Labeling and Advertising Act, the legislation also would grant the FDA authority to require the posting of information concerning tar and nicotine yields on cigarette packages or advertisements. The FDA could, moreover, require disclosure of information relating to other tobacco product constituents—in package or advertising inserts, or in other ways—if the agency determined that such disclosure would benefit public health or otherwise increase consumer awareness of the health consequences of tobacco use.

The legislation also authorizes the FDA to establish warning labels on other tobacco products.

Unrelated to warning labels per se, but likewise affecting the messages to which consumers would be exposed, the legislation would prohibit the use of such terms as "light," "mild" and "low-tar" on tobacco product packages and in advertisements because of existing evidence that such terms mislead consumers into believing that certain cigarettes are safer than others.