

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3907

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2002

Mr. HANSEN (for himself, Mr. MEEHAN, Mr. BROWN of Ohio, Mr. DOGGETT, Mr. FALCOMA, Mr. FRANK, Mr. HINCHEY, Mr. HOLT, Mr. LANGEVIN, Mr. LANTOS, Mr. LIPINSKI, Ms. LOFGREN, Mr. McDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mrs. MORELLA, Mr. PALLONE, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. WAXMAN, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Energy and Commerce.

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## 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 and back panels of the  
11 cigarette package (or carton) and occupy not less  
12 than 50 percent of each 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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