

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1453

To strengthen warning labels on smokeless tobacco products.

---

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. GALLEGLY introduced the following bill; which was referred to the  
Committee on Energy and Commerce

---

## A BILL

To strengthen warning labels on smokeless 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 “Smokeless Tobacco  
5       Warning Label Act”.

6       **SEC. 2. SMOKELESS TOBACCO LABELS AND ADVERTISING**

7                       **WARNINGS.**

8       Section 3 of the Comprehensive Smokeless Tobacco  
9       Health Education Act of 1986 (15 U.S.C. 4402) is amend-  
10      ed to read as follows:

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

12      “(a) PACKAGING.—

1           “(1) WARNING STATEMENTS.—It shall be un-  
2 lawful for any person to manufacture, package, or  
3 import for sale or distribution within the United  
4 States any smokeless tobacco product unless the  
5 product package bears, in accordance with the re-  
6 quirements of this Act, one of the following labels:  
7 ‘WARNING: This Product Can Cause Mouth Can-  
8 cer’  
9 ‘WARNING: This Product Can Cause Gum Disease  
10 And Tooth Loss’  
11 ‘WARNING: This Product Is Not A Safe Alter-  
12 native To Cigarettes’  
13 ‘WARNING: Smokeless Tobacco Is Addictive’.  
14 ‘WARNING: This Product Contains Cancer Causing  
15 Chemicals’.

16           “(2) LOCATION AND SIZE.—Each label state-  
17 ment required by paragraph (1) shall—

18                   “(A) comprise 20 percent of the area of  
19 each principal display panel of the package;

20                   “(B) have the word ‘WARNING’ appear in  
21 capital letters; and

22                   “(C) as determined appropriate by the Sec-  
23 retary of Health and Human Services in con-  
24 junction with the Federal Trade Commission,  
25 have all other words in the statement appear in

1 clear and conspicuous and legible type, in black  
2 text on a white background, or white text on a  
3 black background, and in a manner that con-  
4 trasts by typography, layout, or color, with all  
5 other printed material on the package.

6 “(3) RESPONSIBILITY.—The label statements  
7 required by paragraph (1) shall be introduced by  
8 each tobacco product manufacturer, packager, im-  
9 porter, distributor, or retailer of smokeless tobacco  
10 products concurrently into the distribution chain of  
11 such products.

12 “(4) EXEMPTION.—This subsection does not  
13 apply to a tobacco product manufacturer or dis-  
14 tributor of any smokeless tobacco product that does  
15 not manufacture, package, or import smokeless to-  
16 bacco products for sale or distribution within the  
17 United States.

18 “(b) ADVERTISING.—

19 “(1) ILLEGAL ACT.—It shall be unlawful for  
20 any tobacco product manufacturer, packager, im-  
21 porter, distributor, or retailer of smokeless tobacco  
22 products to advertise or cause to be advertised with-  
23 in the United States any smokeless tobacco product  
24 unless its advertising bears, in accordance with the

1 requirements of this section, one of the label state-  
2 ments specified in subsection (a).

3 “(2) STANDARDS FOR STATEMENTS.—Each  
4 label statement required by subsection (a) in smoke-  
5 less tobacco advertising shall comply with the stand-  
6 ards set forth in this paragraph. For press and post-  
7 er advertisements, each such statement shall—

8 “(A) comprise at least 15 percent of the  
9 area of the advertisement;

10 “(B) have the word ‘WARNING’ appear in  
11 capital letters; and

12 “(C) as determined appropriate by the Sec-  
13 retary of Health and Human Services in con-  
14 junction with the Federal Trade Commission,  
15 have all other words appear in the statement in  
16 clear and conspicuous and legible type, in black  
17 text on a white background, or white text on a  
18 black background, and in a manner that con-  
19 trasts by typography, layout, or color, with all  
20 other printed material on the advertisement.

21 “(c) ROTATION AND DISPLAY OF WARNING STATE-  
22 MENTS.—

23 “(1) PACKAGING.—The label statements re-  
24 quired under subsection (a) shall be randomly dis-  
25 played in each 12-month period, in as equal a num-

1 ber of times as is possible on each brand of the  
2 product and be randomly distributed in all areas of  
3 the United States in which the product is marketed  
4 in accordance with a plan submitted by the tobacco  
5 product manufacturer, importer, distributor, or re-  
6 tailer and approved by the Secretary of Health and  
7 Human Services.

8 “(2) ADVERTISING.—The label statements re-  
9 quired under subsection (a) shall be rotated quar-  
10 terly in alternating sequence in advertisements for  
11 each brand of smokeless tobacco product in accord-  
12 ance with a plan submitted by the tobacco product  
13 manufacturer, importer, distributor, or retailer to,  
14 and approved by, the Secretary.

15 “(3) SECRETARIAL REVIEW.—The Secretary, in  
16 conjunction with the Federal Trade Commission,  
17 shall review each plan submitted under paragraphs  
18 (1) and (2) and approve it if the plan—

19 “(i) in the case of a plan submitted under  
20 paragraph (1), assures that all of the labels re-  
21 quired under this section will be displayed by  
22 the tobacco product manufacturer, importer,  
23 distributor, or retailer at the same time; and

24 “(ii) in the case of a plan submitted under  
25 paragraph (2), will provide for the equal dis-

1           tribution and display on packaging and the ro-  
2           tation required in advertising under this sub-  
3           section.”.

4           “(d) ELECTRONIC MEDIA.—It is unlawful to adver-  
5           tise smokeless tobacco on any medium of electronic com-  
6           munications subject to the jurisdiction of the Federal  
7           Communications Commission.”.

8           **SEC. 3. AUTHORITY TO REVISE SMOKELESS TOBACCO**  
9                                   **PRODUCT WARNING LABEL STATEMENTS.**

10          Section 3 of the Comprehensive Smokeless Tobacco  
11          Health Education Act of 1986 (15 U.S.C. 4402), as  
12          amended by section 2, is further amended by adding at  
13          the end the following:

14          “(e) AUTHORITY TO REVISE LABEL STATEMENTS.—  
15          The Secretary of Health and Human Services may, by a  
16          rulemaking conducted under section 553 of title 5, United  
17          States Code, adjust the format, type size, and text of any  
18          of the label statements required by subsection (a) if the  
19          Secretary finds that such a change would promote greater  
20          public understanding of the risks associated with the use  
21          of smokeless tobacco products.”.

○