

sive Federal Program to deal with cigarette labeling and advertising with respect to any relationship between smoking and health, whereby—

(1) the public may be adequately informed about any adverse health effects of cigarette smoking by inclusion of warning notices on each package of cigarettes and in each advertisement of cigarettes; and

(2) commerce and the national economy may be (A) protected to the maximum extent consistent with this declared policy and (B) not impeded by diverse, nonuniform, and confusing cigarette labeling and advertising regulations with respect to any relationship between smoking and health.

(Pub. L. 89-92, § 2, July 27, 1965, 79 Stat. 282; Pub. L. 91-222, § 2, Apr. 1, 1970, 84 Stat. 87; Pub. L. 98-474, § 6(a), Oct. 12, 1984, 98 Stat. 2204.)

AMENDMENTS

1984—Par. (1). Pub. L. 98-474 substituted “about any adverse health effects of cigarette smoking by inclusion of warning notices on each package of cigarettes and in each advertisement;” for “that cigarette smoking may be hazardous to health by inclusion of a warning to that effect on each package of cigarettes;”.

1970—Pub. L. 91-222 reenacted section without change.

EFFECTIVE DATE OF 1970 AMENDMENT

Pub. L. 91-222, § 3, Apr. 1, 1970, 84 Stat. 90, provided in part that: “All other provisions of the amendment made by this Act [enacting section 1340 of this title, amending this section and sections 1332 and 1335 to 1339 of this title, and enacting provisions set out as notes under this section] except where otherwise specified shall take effect on January 1, 1970.”

EFFECTIVE DATE

Pub. L. 89-92, § 12, formerly § 11, July 27, 1965, 79 Stat. 284, as renumbered by Pub. L. 98-474, § 5(a), Oct. 12, 1984, 98 Stat. 2203, provided that: “This Act [this chapter] shall take effect on January 1, 1966.”

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-474, § 1, Oct. 12, 1984, 98 Stat. 2200, provided that: “This Act [enacting sections 1335a and 1341 of this title, amending this section and sections 1332, 1333, 1336, and 1337 of this title, and enacting provisions set out as notes under this section and sections 1333 and 1335a of this title] may be cited as the ‘Comprehensive Smoking Education Act.’”

SHORT TITLE OF 1973 AMENDMENT

Pub. L. 93-109, § 1, Sept. 21, 1973, 87 Stat. 352, provided: “That this Act [amending sections 1332 and 1335 of this title] may be cited as the ‘Little Cigar Act of 1973.’”

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-222, § 1, Apr. 1, 1970, 84 Stat. 87, provided: “That this Act [enacting section 1340 of this title, amending this section and sections 1332 to 1339 of this title, and enacting provisions set out as notes under this section and sections 1333 and 1334 of this title] may be cited as the ‘Public Health Cigarette Smoking Act of 1969.’”

SHORT TITLE

Pub. L. 89-92, § 1, July 27, 1965, 79 Stat. 282, provided: “This Act [enacting this chapter] may be cited as the ‘Federal Cigarette Labeling and Advertising Act.’”

SEPARABILITY

Pub. L. 89-92, § 13, formerly § 12, as added by Pub. L. 91-222, § 2, Apr. 1, 1970, 84 Stat. 90, and renumbered Pub.

L. 98-474, § 5(a), Oct. 12, 1984, 98 Stat. 2203, provided that: “If any provision of this Act [this chapter] or the application thereof to any person or circumstances is held invalid, the other provisions of this Act [this chapter] and the application of such provisions to other persons or circumstances shall not be affected thereby.”

CONGRESSIONAL STATEMENT OF PURPOSE

Pub. L. 98-474, § 2, Oct. 12, 1984, 98 Stat. 2200, provided that: “It is the purpose of this Act [see Short Title of 1984 Amendment note above] to provide a new strategy for making Americans more aware of any adverse health effects of smoking, to assure the timely and widespread dissemination of research findings and to enable individuals to make informed decisions about smoking.”

§ 1332. Definitions

As used in this chapter—

(1) The term “cigarette” means—

(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subparagraph (A).

(2) The term “commerce” means (A) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island and any place outside thereof; (B) commerce between points in any state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island, but through any place outside thereof; or (C) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnston Island.

(3) The term “United States”, when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, and Johnston Island. The term “State” includes any political division of any State.

(4) The term “package” means a pack, box, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise distributed to consumers.

(5) The term “person” means an individual, partnership, corporation, or any other business or legal entity.

(6) The term “sale or distribution” includes sampling or any other distribution not for sale.

(7) The term “little cigar” means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than any roll of tobacco which is a cigarette within the meaning of subsection (1)) and as to which one thousand units weigh not more than three pounds.

(8) The term “brand style” means a variety of cigarettes distinguished by the tobacco

used, tar and nicotine content, flavoring used, size of the cigarette, filtration on the cigarette, or packaging.

(9) The term "Secretary" means the Secretary of Health and Human Services.

(Pub. L. 89-92, § 3, July 27, 1965, 79 Stat. 282; Pub. L. 91-222, § 2, Apr. 1, 1970, 84 Stat. 88; Pub. L. 93-109, § 2, Sept. 21, 1973, 87 Stat. 352; Pub. L. 98-474, § 6(b), Oct. 12, 1984, 98 Stat. 2204; Pub. L. 99-92, § 11(b), Aug. 16, 1985, 99 Stat. 403.)

AMENDMENTS

1985—Pars. (8), (9). Pub. L. 99-92 added par. (8) and re-designated former par. (8) as (9).

1984—Par. (8). Pub. L. 98-474 added par. (8).

1973—Subsec. (7). Pub. L. 93-109 added subsec. (7).

1970—Subsec. (3). Pub. L. 91-222 inserted provisions defining "State".

EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-109, § 4, Sept. 21, 1973, 87 Stat. 352, provided that: "The amendment made by this Act [amending this section and section 1335 of this title] shall become effective thirty days after the date of enactment [Sept. 21, 1973]."

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-222 effective Jan. 1, 1970, except where otherwise specified, see section 3 of Pub. L. 91-222, set out in part as a note under section 1331 of this title.

§ 1333. Labeling

(a) Label requirements

(1) In general

It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

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 nonsmokers.

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

(2) Placement; typography; etc.

Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise the top 50 percent of the front and rear panels of the package. The word "WARNING" shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size,

provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c).

(3) Does not apply to foreign distribution

The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

(4) Applicability to retailers

A retailer of cigarettes shall not be in violation of this subsection for packaging that—

(A) contains a warning label;

(B) is supplied to the retailer by a licensee or permit-holding tobacco product manufacturer, importer, or distributor; and

(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

(b) Advertising requirements

(1) In general

It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

(2) Typography, etc.

Each label statement required by subsection (a) in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word "WARNING" shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under subsection (c). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital "W" of the word "WARNING" in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double