

**§ 1335a. List of cigarette ingredients; annual submission to Secretary; transmittal to Congress; confidentiality**

(a) Each person who manufactures, packages, or imports cigarettes shall annually provide the Secretary with a list of the ingredients added to tobacco in the manufacture of cigarettes which does not identify the company which uses the ingredients or the brand of cigarettes which contain the ingredients. A person or group of persons required to provide a list by this subsection may designate an individual or entity to provide the list required by this subsection.

(b)(1) At such times as the Secretary considers appropriate, the Secretary shall transmit to the Congress a report, based on the information provided under subsection (a), respecting—

(A) a summary of research activities and proposed research activities on the health effects of ingredients added to tobacco in the manufacture of cigarettes and the findings of such research;

(B) information pertaining to any such ingredient which in the judgement of the Secretary poses a health risk to cigarette smokers; and

(C) any other information which the Secretary determines to be in the public interest.

(2)(A) Any information provided to the Secretary under subsection (a) shall be treated as trade secret or confidential information subject to section 552(b)(4) of title 5 and section 1905 of title 18 and shall not be revealed, except as provided in paragraph (1), to any person other than those authorized by the Secretary in carrying out their official duties under this section.

(B) Subparagraph (A) does not authorize the withholding of a list provided under subsection (a) from any duly authorized subcommittee or committee of the Congress. If a subcommittee or committee of the Congress requests the Secretary to provide it such a list, the Secretary shall make the list available to the subcommittee or committee and shall, at the same time, notify in writing the person who provided the list of such request.

(C) The Secretary shall establish written procedures to assure the confidentiality of information provided under subsection (a). Such procedures shall include the designation of a duly authorized agent to serve as custodian of such information. The agent—

(i) shall take physical possession of the information and, when not in use by a person authorized to have access to such information, shall store it in a locked cabinet or file, and

(ii) shall maintain a complete record of any person who inspects or uses the information.

Such procedures shall require that any person permitted access to the information shall be instructed in writing not to disclose the information to anyone who is not entitled to have access to the information.

(Pub. L. 89-92, §7, as added Pub. L. 98-474, §5(a), Oct. 12, 1984, 98 Stat. 2203.)

PRIOR PROVISIONS

A prior section 7 of Pub. L. 89-92 was renumbered section 8 and is classified to section 1336 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-474, §5(b), Oct. 12, 1984, 98 Stat. 2204, provided that: "Section 7 of the Federal Cigarette Labeling and Advertising Act [this section] added by subsection (a) shall take effect upon the expiration of the one-year period beginning on the date of the enactment of this Act [Oct. 12, 1984]."

**§ 1336. Authority of Federal Trade Commission; unfair or deceptive acts or practices**

Nothing in this chapter (other than the requirements of section 1333 of this title) shall be construed to limit, restrict, expand, or otherwise affect the authority of the Federal Trade Commission with respect to unfair or deceptive acts or practices in the advertising of cigarettes.

(Pub. L. 89-92, §8, formerly §7, July 27, 1965, 79 Stat. 283; Pub. L. 91-222, §2, Apr. 1, 1970, 84 Stat. 89; renumbered §8 and amended Pub. L. 98-474, §5(a), 6(c), Oct. 12, 1984, 98 Stat. 2203, 2204; Pub. L. 99-92, §12, Aug. 16, 1985, 99 Stat. 404.)

PRIOR PROVISIONS

A prior section 8 of Pub. L. 89-92 was renumbered section 9, classified to section 1337 of this title, and subsequently omitted from the Code.

AMENDMENTS

1985—Pub. L. 99-92 struck out "(b)" after "1333".

1984—Pub. L. 98-474 amended section generally, striking out subssecs. (a) and (c) which dealt with the authority of the Federal Trade Commission with respect to its pending trade regulation rule proceeding relating to cigarette advertising and its authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement, which left the provisions of former subsec. (b) to constitute this section.

1970—Pub. L. 91-222 substituted provisions concerning the action of the Federal Trade Commission with respect to its pending trade regulation rule proceeding relating to cigarette advertising, the Commission's authority with respect to unfair or deceptive cigarette advertising acts or practices, and its authority to issue trade regulation rules or to require an affirmative statement in any cigarette advertisement, for provisions investing the several district courts with jurisdiction, for cause shown, to prevent and restrain violations of this chapter upon proper application. See section 1339 of this title.

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.

**§ 1337. Omitted**

CODIFICATION

Section, Pub. L. 89-92, §9, formerly §8, July 27, 1965, 79 Stat. 283; Pub. L. 91-222, §2, Apr. 1, 1970, 84 Stat. 89; renumbered §9 and amended Pub. L. 98-474, §5(a), 6(d), Oct. 12, 1984, 98 Stat. 2203, 2205, which required the Secretary of Health and Human Services to transmit an annual report to Congress concerning health consequences of smoking and recommendations for legislation, and which required the Federal Trade Commission to transmit an annual report to Congress concerning practices and methods of cigarette advertising and promotion and recommendations for legislation, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, pages 95 and 172 of House Document No. 103-7.

A prior section 9 of Pub. L. 89-92 was renumbered section 10 and is classified to section 1338 of this title.

**§ 1338. Criminal penalty**

Any person who violates the provisions of this chapter shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than \$10,000.

(Pub. L. 89-92, §10, formerly §9, July 27, 1965, 79 Stat. 284; Pub. L. 91-222, §2, Apr. 1, 1970, 84 Stat. 89; renumbered §10, Pub. L. 98-474, §5(a), Oct. 12, 1984, 98 Stat. 2203.)

## PRIOR PROVISIONS

A prior section 10 of Pub. L. 89-92 was renumbered section 11 and is classified to section 1339 of this title.

## AMENDMENTS

1970—Pub. L. 91-222 substituted provisions that violators shall be guilty of a misdemeanor and subject to fine, for provision that if any part of this chapter be held invalid, other provisions thereof shall not be affected. See Separability note set out under section 1331 of this title.

## 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.

**§ 1339. Injunction proceedings**

The several district courts of the United States are invested with jurisdiction, for cause shown, to prevent and restrain violations of this chapter upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

(Pub. L. 89-92, §11, formerly §10, July 27, 1965, 79 Stat. 284; Pub. L. 91-222, §2, Apr. 1, 1970, 84 Stat. 89; renumbered §11, Pub. L. 98-474, §5(a), Oct. 12, 1984, 98 Stat. 2203.)

## PRIOR PROVISIONS

Two prior sections 11 of Pub. L. 89-92 were renumbered section 12 by section 5(a) of Pub. L. 98-474 and are classified to section 1340 of this title and as an Effective Date note under section 1331 of this title.

## AMENDMENTS

1970—Pub. L. 91-222 substituted provision that the several district courts are invested with jurisdiction in injunction proceedings, for provisions that regulation of advertising terminate on July 1, 1969, but that such termination shall not be construed as limiting, expanding or otherwise affecting such jurisdiction which Federal Trade Commission or other federal agencies had prior to July 27, 1965.

## 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.

**§ 1340. Cigarettes for export**

Packages of cigarettes manufactured, imported, or packaged (1) for export from the United States or (2) for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this chapter, but such exemptions shall not apply to cigarettes manufactured, im-

ported, or packaged for sale or distribution to members or units of the Armed Forces of the United States located outside of the United States.

(Pub. L. 89-92, §12, formerly §11, as added Pub. L. 91-222, §2, Apr. 1, 1970, 84 Stat. 89; renumbered §12, Pub. L. 98-474, §5(a), Oct. 12, 1984, 98 Stat. 2203.)

## CODIFICATION

Another section 12 of Pub. L. 89-92, July 27, 1965, 79 Stat. 284, is set out as an Effective Date note under section 1331 of this title.

## PRIOR PROVISIONS

A prior section 12 of Pub. L. 89-92 was renumbered section 13 and is set out as a Separability note under section 1331 of this title.

## EFFECTIVE DATE

Section effective Jan. 1, 1970, see section 3 of Pub. L. 91-222, set out in part as a note under section 1331 of this title.

**§ 1341. Smoking, research, education and information****(a) Establishment of program; Secretary; functions**

The Secretary of Health and Human Services (hereinafter in this section referred to as the "Secretary") shall establish and carry out a program to inform the public of any dangers to human health presented by cigarette smoking. In carrying out such program, the Secretary shall—

(1) conduct and support research on the effect of cigarette smoking on human health and develop materials for informing the public of such effect;

(2) coordinate all research and educational programs and other activities within the Department of Health and Human Services (hereinafter in this section referred to as the "Department") which relate to the effect of cigarette smoking on human health and coordinate, through the Interagency Committee on Smoking and Health (established under subsection (b)), such activities with similar activities of other Federal agencies and of private agencies;

(3) establish and maintain a liaison with appropriate private entities, other Federal agencies, and State and local public agencies respecting activities relating to the effect of cigarette smoking on human health;

(4) collect, analyze, and disseminate (through publications, bibliographies, and otherwise) information, studies, and other data relating to the effect of cigarette smoking on human health, and develop standards, criteria, and methodologies for improved information programs related to smoking and health;

(5) compile and make available information on State and local laws relating to the use and consumption of cigarettes; and

(6) undertake any other additional information and research activities which the Secretary determines necessary and appropriate to carry out this section.