



Hope. Progress. Answers.

July 21, 2000

Secretary, Federal Trade Commission
Room H-159
600 Pennsylvania Avenue, N.W.
Washington, DC 20680

**RE: 16 CFR Part 307
Smokeless Tobacco Product Warning Labels**

On behalf of our more than two million volunteers and 16 million supporters, the American Cancer Society (ACS) appreciates the opportunity to file its views with the Federal Trade Commission (FTC) on smokeless tobacco product warning label regulations, 16 CFR Part 307, pursuant to the Request for Comments originally published in the Federal Register March 7, 2000 (FR 11944). The American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service.

The American Cancer Society has set ambitious goals for reducing the rate of age-adjusted cancer mortality by 50 percent and age-adjusted incidence by 25 percent by the year 2015. We know that 30 percent of all cancer deaths are associated with tobacco-use. While a majority of these deaths are attributable to cigarette smoking, we have evidence linking a significant number of these tobacco-related cancer deaths to the use of smokeless tobacco products. We know that, unless we adequately address the problem of tobacco use in our nation, we will not succeed in having the impact necessary to reduce cancer incidence and mortality.

As part of the fulfillment of our mission, the Society supports policies to increase cancer awareness and reduce risks associated with cancer. Warning labels on tobacco products are one weapon in the on-going fight against tobacco-related cancers.

1. Overview

Current smokeless tobacco product warning labels do not reflect the best and most recent research and experience with warning labels in the United States and other nations. As a result, the labels are far less effective than they could be. Research consistently shows that type size is directly related to the effectiveness of warning labels. Therefore, we strongly recommend that FTC

substantially increase the type size of all smokeless tobacco product warning labels.

In order to determine the appropriate type size, we believe FTC should establish a performance standard that reflects the fact that the potentially life-saving warning information is the most important information on the package or advertisement. Therefore, type sizes should be set at a level that will ensure recall rates for the warning information that is at least as large as recall rates for the “selling message,” including the brand name of the product. The Massachusetts Tobacco Control Program has commissioned studies demonstrating the magnitude of type size increase that would be required to reach this performance standard for smokeless tobacco advertising, as discussed in greater detail below. We urge FTC to adopt this performance standard approach and to dramatically increase the type size used in smokeless tobacco product warning labels.

2. The importance of smokeless tobacco product warning labels

ACS believes that smokeless tobacco products should carry the most effective labels possible due to the serious risk of disease and addiction they pose, and because smokeless tobacco use is most prevalent among children and adolescents. Smokeless tobacco products, including moist oral snuff and chewing tobacco, are strongly associated with oral cancer, precancerous oral lesions, gum recession, elevated blood pressure and increased risk for cardiovascular disease.¹ More than twice as much nicotine is absorbed per unit of smokeless tobacco as from cigarettes.² Smokeless tobacco use is highest among hard-to-reach populations for rural white males, Native Americans, and Alaska Natives.³ Bruerd (1990) found that among 9th and 10th grade Native American male schoolchildren in Western States, 82 percent experimented with smokeless tobacco and 56 percent were regular users.⁴ Stronger warning labels on smokeless products will help to provide additional cancer risk information to those communities in which smokeless tobacco use is most prevalent.

3. The importance of revising current standards to reflect sound science

The research base on tobacco product warning labels in general, and smokeless tobacco product warning labels in particular, has grown substantially over the past decade and now provides a solid basis for FTC to strengthen its currently modest regulations. Two highly relevant studies have just been completed. One

¹ U.S. Department of Health and Human Service (1998). *Tobacco Use Among U.S. Racial/Ethnic Minority Groups: A Report of the Surgeon General 1998*. Rockville, MD: Centers for Disease Control and Prevention.

² *Ibid.*

³ Centers for Disease Control and Prevention (1993). “Use of smokeless tobacco among adults – United States, 1991.” *Morbidity and Mortality Weekly Report*, 42(14), 263-266.

⁴ Bruerd, B. (1990). Smokeless tobacco use among Native American children. *Public Health Reports*, 105(2), 196-201.

study focuses on “Recall of Health Warning Messages in Smokeless Tobacco Print Ads,” and was conducted by Abt Associates on behalf of the Massachusetts Tobacco Control Program⁵; the other is entitled “Summary of Findings: Smokeless Tobacco Packaging Label Research,” and was conducted by Critical Insights for the Massachusetts Tobacco Control Program.⁶ We understand that both of these studies have been submitted to FTC by the Massachusetts Tobacco Control Program and are a part of this record. We incorporate these studies into our comments by reference and strongly urge FTC to carefully consider them as it revises its regulations.

In addition to these studies, substantial research has been conducted, and experience gained, in other countries. The government of Canada, in particular, has conducted extensive focus group testing of tobacco product warning labels,⁷ leading to Health Canada’s decision to mandate, among other things, much larger warning labels on cigarettes and smokeless tobacco products than those in use in the United States.

4. Recommendations for health warning labels on smokeless tobacco products

Substantial research consistently shows larger warning labels with larger type size to be more effective. In particular, the recently completed study conducted on behalf of the Massachusetts Tobacco Control Program tested U.S. smokeless tobacco warning labels against Canadian smokeless tobacco product labels that take up 25 percent of the primary display panel and are in black and white. The Canadian labels achieved 51 percent higher total recall rates for oral snuff packaging, and 65 percent higher total recall rates for chewing tobacco packaging.⁸ We believe these sharply higher recall rates justify requiring labels that are at least as large as those in Canada. Therefore, to ensure these recall rates, the Society urges you to consider requiring health warning labels to occupy a minimum of 25 to 30 percent of the primary display panel of the package. We also urge you to limit color choices to black and white in order to achieve maximum contrast. Data suggest that this also will enhance recall. Revised regulations should be based on performance standards designed to ensure that consumers achieve recall rates of the health warning information comparable to recall rates for other aspects of the package, including brand name.

5. Recommendations for health warning labels on smokeless tobacco advertising

⁵ Abt Associates, Inc. (July 2000) “Recall of Health Warning Messages in Smokeless Tobacco Print Ads (Draft).” Available from the Massachusetts Tobacco Control Program, Boston, Massachusetts.

⁶ Critical Insights and Arnold Communications (July 2000). “Summary of Research Findings – Smokeless Tobacco Packaging Label Research (Draft).” Available from the Massachusetts Tobacco Control Program, Boston, Massachusetts.

⁷ Health Canada maintains an up-to-date Website on tobacco product labeling issues that includes full-text links to extensive research at: http://www.hc-sc.gc.ca/hppb/tobacco/bureau/current_research/index.html.

⁸ Critical Insights, *Id.*

As with packaging labels, the size of health warning labels in advertising has been consistently identified by research as the most important variable in determining effectiveness. The recent study commissioned by the Massachusetts Tobacco Control Program concluded that limiting colors to black and white and doubling the size of the warning label to 20-point type for a standard magazine page would boost the aided recall rate from 61 to 74 percent, a 21 percent gain in effectiveness; a 24-point type size would boost recall to approximately 78 percent, which approaches the 84-percent recall rate for the brand name of the product.⁹ We believe the strong public interest in warning consumers of the dangers of smokeless tobacco use justifies an increase in warning size of this magnitude, and that larger increases should be considered, as suggested by the Abt Associates study. Further, we encourage FTC to adopt the performance standard approach, and to set type size at a level that will ensure that consumers have recall rates for health warning information that is comparable to the “selling message” of the advertisement, including the brand name.

In addition to careful review of studies produced for Health Canada and the Massachusetts Tobacco Control Program, we urge FTC to commission research when appropriate to ensure the effectiveness of U.S. smokeless tobacco product warning labels on an ongoing basis.

Respectfully submitted,

A handwritten signature in black ink, reading "John R. Seffrin". The signature is written in a cursive style with a large initial "J" and "S".

John R. Seffrin, PhD.
Chief Executive Officer

⁹ Abt Associates, *Id.*