



July 20, 2000

Secretary, Federal Trade Commission
600 Pennsylvania Avenue, NW
Room H-159
Washington, D.C. 20580
RE: 16 CFR Part 307

To the Secretary:

This letter is in response to your Request for Comments Concerning Regulations Implementing the Comprehensive Smokeless Tobacco Health Education Act of 1986.

Smokeless tobacco is a serious public health problem in Tennessee. In our state, 10% of middle school males and 23% of high school males currently use smokeless tobacco. Clearly, consumers are not receiving sufficient warnings about the health risks associated with smokeless tobacco use.

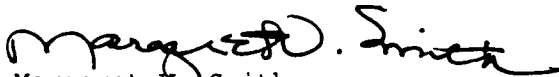
At the very least, the labels on smokeless tobacco products should be made much more prominent. Labels should cover at least 50% of the package's main and side panels and possibly be required as a package insert as well. Additionally warnings should be printed in a larger type than presently is deemed acceptable and the precise requirements should be specified by the FTC. Additionally, the FTC should specify in regulations the format and colors of the warning to ensure appropriate contrast with the rest of the product package. Research and evidence from other countries suggest that black type on a white background is most effective. It is crucial that the present safe harbor approach to compliance be abandoned and that details of the warning labels -- such as type size, color, and placement -- be mandated by regulation and not left to the manufacturers of this product. Citizens of this country deserve at least as much protection as is mandated by law and regulation in Canada and Australia.

The warnings should be rotated often to maintain their effectiveness, and, although we are aware that new Congressional authority would be required for this, health messages should give the consumer important and graphic information about the addictive properties of smokeless tobacco, the immediate and long-term, disease specific health effects of smokeless tobacco use, and all ingredients, or at the very least, the hazardous ones, included in the product.

It is important that warning labels correspond to the grave dangers presented by smokeless tobacco. The FTC has long advocated stronger labeling than is currently required by law. The Commission should be allowed to pursue these stronger labeling requirements to adequately protect the current users of smokeless tobacco and the potential users of the product, who are mostly minors. It is important that this product be labeled with warnings that are more likely to be seen, understood, and incorporated into decisions by consumers about whether or not to use it. Ideally, these more adequate health messages would be developed the same way that advertisements are -- based on information gleaned through research and testing involving users and potential users.

Thank you for considering these comments. I look forward to seeing the FTC take action on this important health issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret V. Smith". The signature is written in a cursive style with a large initial "M".

Margaret V. Smith
Tennessee Advocacy Director
American Cancer Society