

ELTON GALLEGLY  
23D DISTRICT, CALIFORNIA

[www.house.gov/gallegly/](http://www.house.gov/gallegly/)

2427 RAYBURN BUILDING  
WASHINGTON, DC 20515-0523  
(202) 225-5811

300 ESPLANADE DRIVE  
SUITE 1800  
OXNARD, CA 93030-1262  
(805) 485-2300  
(800) 423-0023

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0523**

COMMITTEES:  
INTERNATIONAL RELATIONS  
SUBCOMMITTEE:  
WESTERN HEMISPHERE AFFAIRS  
CHAIRMAN  
RESOURCES  
SUBCOMMITTEE:  
NATIONAL PARKS AND PUBLIC LANDS  
JUDICIARY  
SUBCOMMITTEES:  
IMMIGRATION AND CLAIMS  
COURTS AND INTELLECTUAL PROPERTY

July 12, 2000

Mr. Robert Pitofsky  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

16 CFR Part 307

Dear Chairman Pitofsky:

I am writing to request your consideration of my legislation, H.R. 1532, the Smokeless Tobacco Warning Label Act as the Federal Trade Commission (FTC) reviews comments on smokeless tobacco regulations -- 16 CFR Part 307.

I am pleased with the FTC's recent announcement regarding cigar labeling and support similar action on smokeless tobacco products. Specifically, I am requesting that your agency include provisions of H.R. 1532 in any final smokeless tobacco labeling regulations.

H.R. 1532, the Smokeless Tobacco Warning Label Act, would place stronger warning statements on both smokeless tobacco packages and ads, emphasizing the dangers of tobacco usage. It would also increase the visibility of the warning labels to consumers.

Under my legislation, these warning statements are more direct and hard-hitting, and closer to the statements found on cigarette packages and ads. For example, under current regulation, smokeless tobacco warning labels read "WARNING: This Product May Cause Mouth Cancer." H.R. 1532 would change labels to read "WARNING: This Product Can Cause Mouth Cancer." Furthermore, a new tougher warning label is added -- "WARNING: This Product Contains Cancer Causing Chemicals."

The bill also would increase the size and prominence of warning statements. It would require statements to be printed black text on white background or white text on black background, preventing the warnings from blending into the smokeless in

Mr. Robert Pitofsky  
July 12, 2000  
Pg. 2

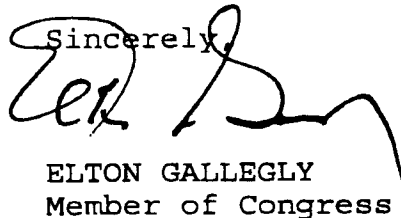
package or ad. H.R. 1532 also would require warning statements to be placed on each principal display panel of the package (not just on one display panel of the package). Additionally, the bill would increase the size of warning statements on both smokeless packages and advertisements.

Finally, the legislation would permit the Secretary of Health and Human Services to modify the warning labels if needed to promote awareness of the dangers of using smokeless tobacco products.

With over 800,000 adolescents experimenting with smokeless tobacco products and with over 300,000 becoming regular users each year, it is imperative we work to address this serious matter. H.R. 1532 would ensure consumers know the harmful effects of smokeless tobacco products.

As you review the smokeless tobacco warning labeling regulations, I hope you will incorporate aspects of my legislation. Enclosed please find a copy of the bill for your review. I look forward to working with you on this matter. If you have any questions or require additional information, please call me.

Sincerely,



ELTON GALLEGLY  
Member of Congress

EG:sdc  
enclosure

cc:Secretary, FTC

106TH CONGRESS  
1ST SESSION

# H. R. 1532

To strengthen warning labels on smokeless tobacco products.

---

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 1999

Mr. GALLEGLY introduced the following bill; which was referred to the  
Committee on 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 Dis-  
10 ease 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 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-

