



NATIONAL CENTER FOR TOBACCO-FREE KIDS

July 21, 2000

Secretary
Federal Trade Commission
Room H-159
600 Pennsylvania Avenue, NW
Washington, DC 20580

**Comments of the Campaign for Tobacco-Free Kids
To the Federal Trade Commission on
Proposal Regarding Smokeless Tobacco Warning Labels
16 CFR Part 307**

These comments are being filed on behalf of the National Center for Tobacco-Free Kids. The Campaign supports increasing both the size and background shading on smokeless tobacco product packages and advertisements to make them more noticeable and to increase the frequency with which consumers can recall the warning.

Warning labels can have a positive impact on consumer knowledge and can serve as a consciousness raiser under appropriate circumstances. To be effective, warning labels must be seen and read. This is not always easy because they must compete with the other material in the ad and on the package.

We agree the current warning labels for smokeless tobacco products are less effective than they should be because they are too small and lack sufficient color contrast to stand out. New labels should be carefully researched. As a standard, the efficacy of new labels should be measured against the other key messages in the ad or on the package. By that we mean that the warning should be noticed and recalled with the same or similar frequency as the brand name itself and/or the primary selling message in the ad or on the package.

The Federal Trade Commission has been a leader in recognizing the importance of warning labels. Research done by the Federal Trade Commission for its 1981 Report to Congress on the cigarette warning labels documented clearly the importance of size and color contrast to the effectiveness of warning labels on tobacco products. It was research for the FTC's 1981 report that led to the adoption of the circle and arrow format for smokeless tobacco products.

However, the warnings that scored well in the FTC's own tests twenty years ago stood out in part because they used a more dramatic contrast than the FTC later adopted for the current smokeless tobacco packages and ads. They were also proportionately larger. The current warning labels are not consistent with the findings and recommendations of the research conducted by the Federal Trade Commission for that report nearly 20 years ago.

The United States can look to a number of other countries for guidance and empirical scientific support for the conclusion that our warnings are too small and do not stand out adequately to be noticed.

The Canadian government has carefully examined the role of warning labels on tobacco products. Health Canada's Bureau of Tobacco Control has extensive information about its new labeling system on its website. Since 1994 Canada has required that health warnings on tobacco products occupy 25 percent of the top of the principal package display panel and that the warning be printed in black on a white background for contrast. In Canada, the movement of Canada's warning from the bottom of the cigarette package to the top, the change from permitting background colors to a black and white format, and increased print size improved the recall of one warning from 20 percent to 95 percent.¹ Last June Canada took another step to improve its warning label system by, inter alia, requiring that the warnings be even larger and in more bold type.

Health Canada's current tobacco research webpage includes several reports on focus group testing and other studies that were conducted in developing its new system. These studies support the scientific conclusion that size and color contrast are important considerations in developing effective health warnings. They also support the conclusion that the larger the warning, the more effective it is as a communication tool and as a factor in encouraging smokers to quit. We include by reference these materials in support of our comments.

There is also evidence about the value of warnings from Australia.² Australia improved its health warnings in 1995 after conducting extensive research, which is relevant to the FTC's considerations. The research found that warnings that occupied 25 percent of a package's primary surface were more noticeable and more attractive than warnings that occupied only 15 percent of the package's primary surface.³ Subsequent research verified that the new warnings increased awareness.⁴

¹ Health Canada, Proposed New Labeling Requirements for Tobacco Products. Consultation paper. Ottawa: Health Canada, 1999.

² Aftab et al, "International Cigarette Labeling Practices," Tobacco Control, Winter 1999, 368-372.

³ Centre for Behavioural Research in Cancer, "Health Warnings and Content Labeling on Tobacco Products," Melbourne, Australia; 1992 (Papers 9,10,13).

⁴ Borland, R, Hill, D. "Initial Impact of New Australian Tobacco Health Warnings on Knowledge and Beliefs," Tobacco Control, 1997a; 6:317-325.

We are aware that the Massachusetts Tobacco Control Program has conducted two new studies in response to the FTC's proposal to review the current Smokeless Tobacco warnings and has submitted the results of these new studies with its comments. The first study compares the effectiveness of smokeless tobacco package labels between Canada and United States. The results are startling. The results demonstrate that for the Skoal brand smokeless tobacco product, the Canadian warning label is recalled (unaided) 59 percent of the time while the current U.S. version is recalled only 34 percent of the time. Even when respondents' recall was aided, the Canadian version scored better. Significantly, the results showed that for the tested US brand, consumers had a much higher unaided recall of both the product and brand name than they did the health warning. These data demonstrate that the tobacco company is doing a far better job getting the consumer's attention than the government is doing in warning the consumer.

When Massachusetts conducted the same test for Red Man chewing tobacco the results were equally strong. 70 percent of respondents (unaided) recalled the Canadian warning while only 38 percent recalled the U.S. warning. The results were no better when aided recall was tested. In contrast, 82 percent of those tested recalled the U.S. product's identity and 59 percent recalled the brand name, figures that far exceeded the recall for the health warning.

The Canadian package warning tested in the study was both larger than the current U.S. warning and was in a black and white format. While the Canadian warning was not recalled with quite the same frequency as the product or the brand name tested, recall of the Canadian health warning more closely approximated the level of recall of the product brand name. Therefore, the Canadian warning comes far closer to achieving its educational and public health goals than the U.S. warning.

Consequently, we recommend that the warning on smokeless tobacco packages be increased to take up 25 percent of the primary display panel as did the Canadian labels tested. We also recommend that the warning appear in either a black background with white print or in a white background with black print. Support for this conclusion comes from every major study ever conducted of health warnings and would bring the U.S. into line with what other countries already require.

Massachusetts also studied the effectiveness of health warning messages in smokeless tobacco print advertisements. The study tested warning messages in different font sizes and in different color contrasts. The study provides support for the conclusion that both size and color contrast make a difference in smokeless tobacco advertisement warnings. In every case the study found that there was greater recall of a warning that was black on white rather than when the background with shaded or colored. The study also found that recall

improved in most circumstances when font size increased and that size was even more important when the background was shaded or colored.

Massachusetts only specifically tested warnings in 8 point, 10 point, 14 point and 18 point font sizes. However, Massachusetts did a statistical analysis that also examined the impact of larger font in the required format. Massachusetts estimated that recall would be dramatically improved if the font size were increased to 24 point font but also concluded that a 30 point font taking up approximately 20 percent of the space in an 8 x 10 inch ad would bring about a much greater recall of the warning. The specifics of these exact recommendations should be examined carefully, but the Massachusetts study and its accompanying analysis provides solid reason for the FTC to consider increasing the size of the health warning in smokeless tobacco ads to 24 point font if the background is black on white or larger if it is shaded.

We believe that the overall scientific evidence in support of making meaningful changes in the health warnings in tobacco advertisements is solid. At a minimum, we recommend that the warnings in smokeless tobacco advertisements: 1) appear in black print on a white background or white print on a black background, and 2) use a font size that will result in unaided recall of the warning that is comparable to the unaided recall of the brand name or primary selling message. If the Massachusetts analysis is accurate, the font size should be at least 24 point in an 8 x 10 inch ad and proportionately larger or smaller in other ads.

Respectfully submitted,

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National Center for Tobacco-Free Kids