

109TH CONGRESS
2D SESSION

S. _____

To prohibit cigarette manufacturers from making claims regarding tar or nicotine yield levels of cigarettes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LAUTENBERG (for himself, Mrs. CLINTON, Mr. HARKIN, Mr. MENENDEZ, and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prohibit cigarette manufacturers from making claims regarding tar or nicotine yield levels of cigarettes, and for other purposes.

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 “Truth in Cigarette La-
5 beling Act of 2006”.

6 **SEC. 2. PROHIBITION ON CLAIMS REGARDING TAR OR NIC-**
7 **OTINE YIELD LEVELS OF CIGARETTES.**

8 (a) FINDINGS.—Congress finds the following:

1 (1) Cigarette manufacturers (through use of
2 words, graphics, and color) have sold, distributed,
3 and falsely marketed brands of cigarettes to con-
4 sumers as “light”, “low-tar”, “ultra light”, “mild”,
5 “natural”, and “low-nicotine” cigarettes, implying
6 that the cigarettes are less harmful than other
7 brands of cigarettes.

8 (2) The National Cancer Institute has found
9 that many smokers mistakenly believe that cigarettes
10 with the labels described in paragraph (1) cause
11 fewer health problems than other cigarettes, and this
12 belief misleads smokers who may choose these ciga-
13 rettes as an alternative to not smoking.

14 (3) The Federal Trade Commission has con-
15 cluded that “cigarette tar and nicotine ratings can-
16 not predict the amount of tar and nicotine [a per-
17 son] get[s] from any particular cigarette.”

18 (4) Recent studies have demonstrated that
19 there has been no reduction in risk on a population-
20 wide basis from the cigarettes described in para-
21 graph (1), and such cigarettes may actually increase
22 the risk of tobacco use.

23 (5) The dangers of marketing one brand of
24 cigarettes as less harmful than another brand of
25 cigarettes when in fact there are no reduced risks,

1 is a compelling reason for the Government to ensure
2 statements, claims, or other representations about
3 cigarettes are truthful and not deceptive.

4 (b) DEFINITIONS.—In this section:

5 (1) HEALTH DESCRIPTOR.—The term “health
6 descriptor” includes the words “light”, “low”, “low
7 tar”, “ultralight”, “mild”, “natural”, or any other
8 word, or any graphic or color, which reasonably
9 could be expected to result in a consumer believing
10 that smoking such brand may result in a lower risk
11 of disease or be less hazardous to health than smok-
12 ing another brand of cigarette.

13 (2) BRAND.—The term “brand” means a vari-
14 ety of tobacco product distinguished by the type of
15 tobacco used, tar content, nicotine content, the fla-
16 voring used, size, filtration, packaging, logo, reg-
17 istered trademark or brand name, identifiable pat-
18 tern of colors, or any combination thereof.

19 (3) CIGARETTE.—The term “cigarette” has the
20 meaning given such term in section 3(1) of the Fed-
21 eral Cigarette Labeling and Advertising Act (15
22 U.S.C. 1332(1)), but also includes tobacco, in any
23 form, that is functional in the product, which, be-
24 cause of its appearance, the type of tobacco used in
25 the filler, or its packaging and labeling, is likely to

1 be offered to, or purchased by, consumers as a ciga-
2 rette or as roll-your-own tobacco.

3 (4) ROLL-YOUR-OWN TOBACCO.—The term
4 “roll-your-own tobacco” means any tobacco which,
5 because of its appearance, type, packaging, or label-
6 ing, is suitable for use and likely to be offered to,
7 or purchased by, consumers as tobacco for making
8 cigarettes.

9 (c) PROHIBITION ON USE OF HEALTH DESCRIPTORS
10 AND FEDERAL TRADE COMMISSION TESTING METHOD.—

11 (1) IN GENERAL.—Notwithstanding any other
12 provision of law, effective 120 days after the date of
13 the enactment of this Act, a cigarette manufacturer
14 may not use a health descriptor on the label or the
15 advertising of any brand of cigarette.

16 (2) PROHIBITION ON USE OF FEDERAL TRADE
17 COMMISSION TESTING METHOD.—Notwithstanding
18 any other provision of law, effective 120 days after
19 the date of the enactment of this Act, a cigarette
20 manufacturer may not make any claims or any other
21 representations based on data derived from the ciga-
22 rette testing method established by the Federal
23 Trade Commission in effect on the day before the
24 date of the enactment of this Act.

25 (3) ENFORCEMENT.—

1 (A) UNFAIR OR DECEPTIVE ACT OR PRAC-
2 TICE.—A violation of the prohibition described
3 in paragraphs (1) or (2) shall be treated as a
4 violation of a rule defining an unfair or decep-
5 tive act or practice prescribed under section
6 18(a)(1)(B) of the Federal Trade Commission
7 Act (15 U.S.C. 57a(a)(1)(B)).

8 (B) ACTIONS BY THE COMMISSION.—The
9 Federal Trade Commission shall enforce this
10 section in the same manner, by the same
11 means, and with the same jurisdiction, powers,
12 and duties as though all applicable terms and
13 provisions of the Federal Trade Commission
14 Act (15 U.S.C. 41 et seq.) were incorporated
15 into and made a part of this section.