Facts for Consumers from the Federal Trade Commission
The Federal Trade Commission (FTC) has jurisdiction to enforce laws against false and deceptive advertising, including advertising for tobacco products.

The FTC also has responsibility under various federal laws to insure the proper display of health warnings in advertising and on packaging of tobacco products sold in the United States. Further, the agency collects and reports to Congress information concerning cigarette and smokeless tobacco advertising, sales expenditures, and the tar, nicotine, and carbon monoxide content of cigarettes. This brochure provides an overview of tobacco-product laws and explains the FTC's role in enforcement.

Warning Labels and Advertising for Cigarettes
The Federal Cigarette Labeling and Advertising Act was designed to make Americans more aware of the adverse health effects of smoking. As enacted in 1965, the law required health warnings only on cigarette packages. In 1984, the law was amended to require that one of the four warning labels listed below appears in a specific format on cigarette packages and in most related advertising.

- SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.
- SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.
- SURGEON GENERAL'S WARNING: Smoking By Pregnant Women May Result in Fetal Injury, Premature Birth, and Low Birth Weight.
- SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

There are a few exceptions in the Federal law on tobacco advertising and labeling:

Health warning labels on outdoor-billboard advertisements are allowed to be somewhat abbreviated from those appearing in newspaper, magazine, and product packaging.

Warning labels are not required on specialty advertising items (such as pens, pencils, clothing, and sporting goods) that carry cigarette company logos, brand names, or other promotional messages. These items must bear warning labels, however, if they promote smokeless tobacco products.

Warning labels are not required for cigars, pipe tobacco, and roll-your-own cigarette tobacco.

Warning Labels and Advertising for Smokeless Tobacco Products

The FTC also enforces regulations that require health warnings to appear on all packaging and in advertising for smokeless tobacco products. These requirements are authorized under the Comprehensive Smokeless Tobacco Health Education Act of 1986, enforced jointly by the FTC and the Department of Justice. Smokeless tobacco products such as chewing tobacco, moist snuff, and plug tobacco are used orally. The Act requires manufacturers, packagers, and importers to place one of the following warning labels on smokeless tobacco packages.

- WARNING: THIS PRODUCT MAY CAUSE MOUTH CANCER
- WARNING: THIS PRODUCT MAY CAUSE GUM DISEASE AND TOOTH LOSS
- WARNING: THIS PRODUCT IS NOT A SAFE ALTERNATIVE TO CIGARETTES

The Act requires that the respective warnings be placed in a circle and arrow format on all forms of advertisements except billboards. The FTC has issued regulations to determine the size and format of the health warning in relation to the size of the package.

FTC Responsibilities for the Cigarette and Smokeless Tobacco Acts
The Cigarette Act and the Smokeless Tobacco Act require manufacturers and importers to submit a packaging and advertising plan for FTC approval. The plan must provide for appropriate label rotation on packages and in advertising for each brand of cigarette or smokeless product, whether manufactured in the United States or imported here. The law requires that a health warning appear in a conspicuous location on advertisements and packaging, and the manufacturer's plan must assure an even distribution of the warning statements in all parts of the U.S. where the product is sold.

Both of these laws require the FTC to report to Congress. Under the Federal Cigarette Labeling and Advertising Act, the FTC reports annually the current practices and methods of cigarette advertising and promotion. The Comprehensive Smokeless Tobacco Health Education Act of 1986 contains the same reporting requirements -- but on a two-year basis. This Act also requires the FTC to compile for Congress current sales figures for smokeless tobacco products.

Amendments to the Federal Cigarette Labeling and Advertising Act in 1971 and 1973 banned advertisements for cigarette and little cigar products from radio and television. The Comprehensive Smokeless Tobacco Health Education Act of 1986 extended the broadcast advertising ban to smokeless tobacco products.

Disclosure of Tobacco Product Contents
For many years, the FTC has obtained and publicized information about the constituents of tobacco smoke, such as tar, nicotine, and carbon monoxide. Through these disclosures, consumers who smoke have been able to choose brands with tested lower concentrations

of such substances. In addition, since 1971, all manufacturers have been voluntarily disclosing the tar and nicotine content of cigarette brands in their advertisements.

FDA says ads for e-cigarettes, vapor products must carry warning

The U.S. Food and Drug Administration (FDA) is requiring a new warning statement be included on packaging and advertisements for electronic cigarettes, vapor products, cigarette tobacco, roll-your-own (RYO) tobacco, pipe tobacco, hookah tobacco and cigars.

The new health-warning statement requirements and compliance dates were announced in a guidance document issued by the FDA on May 10, 2018.

Beginning Aug. 10, 2018, advertisements for the covered tobacco products must bear the new addictiveness warning. The requirement applies to manufacturers, importers, distributors and retailers that create their own advertisements for covered tobacco products.

The required statement reads: "WARNING: This product contains nicotine. Nicotine is an addictive chemical."

For print advertisements the warning statement must comply with the following requirements:

- Appear in the upper portion of the advertisement within the trim around the edge.
- Occupy at least 20 percent of the area of the advertisement.
- Appear in at least 12-point font size that ensures that the required warning statement occupies the greatest possible proportion of the warning area set aside for the text required.
- Be in Helvetica bold or Arial bold type (or other similar sans serif fonts) in black text on a white background or white text on a black background in a manner that contrasts by typography, layout or color with all other material on the advertisement.
- Be capitalized and punctuated exactly as statements provided by the FDA.
- Be centered in the warning area in which the text is required to appear and positioned such that the text of the required warning statement and the other textual information in the advertisement have the same orientation.
- Be surrounded by a rectangular border that is the same color as the text of the required warning statement and that is not less than three millimeters or more than four millimeters.

In addition to newspaper ads, the rules apply to promotional materials (point-of-sale or non-point-of-sale), posters, placards, magazines, catalogues, leaflets, brochures, direct mail, display racks, websites, internet webpages, TV and email correspondence, as well as advertisements communicated via cellphone, social-media applications or other programs that allow for the sharing of audio, video or photography files.