

June 16, 1965

MEMORANDUM

TO: Senator

FROM: Legislative Department (CFN)

SUBJECT: S. 559, Cigarette Labeling Act

A. Summary of Bill as Reported by Commerce Committee

Purpose of the bill is to provide warning to the public of the potential hazards of cigarette smoking. It would require the following:

1. Every package and carton of cigarettes must carry a printed label stating "Caution: cigarette smoking may be hazardous to your health." The original phrase in the bill read: "Warning: continual cigarette smoking may be hazardous to your health."
2. \$100,000 fine for a violation.
3. Prohibits federal, state or local authorities from requiring any other warning on the package.
4. Prohibits for 3 years any requirement that cigarette advertising include any statement on the relationship of health to smoking.
5. Requires the ~~FTC~~ to report to Congress in 18 months, and annually thereafter, ~~only~~ the question of smoking and health.

B. Proposed Neuberger Amendments

Senator Neuberger has proposed four amendments which will, no doubt, be brought up on the floor:

1. The required statement on the package would be changed to read: "Caution: cigarette smoking is hazardous to health."
2. Section 4(e) would be changed by shortening the period from 3 years to 1 year before there could be any regulation of cigarette advertising regarding health. Mrs. Neuberger believes that a 3-year period is too long a delay and the FTC has agreed and recommends only 1 year. From the grapevine, I have heard that Senator Magnuson would not object to the 1 year change.

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3. The wording of Section 4(b) would be changed to permit state and local governments to regulate advertising of cigarettes. The section now reads: "No statement relating to smoking and health shall be required in the advertising of any cigarettes, the packages of which are labeled in conformity with the provisions of this Act." Senator Neuberger would limit this to apply only to regulation by the FTC. She does not believe the federal government should prohibit state and local authorities from acting under their police power to protect their citizens by requiring warnings in advertising.
4. This proposes a new section which would give the Secretary of HEW power to require a label on cigarettes, disclosing the average yield of their components. This is the "tar and nicotine" content amendment which would let people know what was the amount of hazardous substances contained in the cigarettes.

C. Recommendation

Amendment No. 1 would make little change in the label except it's more positive and shorter. Retaining the word "may" does soften its impact somewhat.

Amendment No. 2 appears to me to have the best chance of adoption and probably would be the most justified. There does not seem to be any good reason for delaying regulation over health hazard warnings in cigarette advertising for three years. One year should be ample time to make the adjustments. Actually, since the Act would not become effective for four months after passage, this would provide a 16-month moratorium.

Amendment No. 3. Although state and local powers are important to preserve, it might be chaotic if each state and city could impose different regulations for cigarette advertising. So much advertising now is done on a national basis that there probably will be much opposition to this change.

Amendment No. 4. It seems to me that a statement on the package of the tar and nicotine contents of cigarettes would be perfectly logical and consistent with the purposes of the Act. The effect of such a requirement, however, is doubtful.

CFN:egm