

S-559

ENGROSSING COPY

Union Calendar No. 208

89TH CONGRESS
1ST SESSION

H. R. 3014

[Report No. 449]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 18, 1965

Mr. ROGERS of Texas introduced the following bill; which was referred to the

Amendment offered by Mr. *Harris, Ark.*

O. K.
ACCEPTED ✓
JUN 22 1965
PER <i>JLB</i>

Page _____, line _____

After _____

Strike out } *see after the enacting clause of S. 559 and*
 Insert } *the provisions of H.R. 3014 as passed.*

~~of the United States of America in Congress assembled,~~

That this Act may be cited as the "Federal Cigarette Labeling and Advertising Act".

FINDINGS

SEC. 2. The Congress hereby makes the following findings:

I

2
ENGROSSING COPY

1 (a) A Federal program dealing with cigarette labeling
2 and advertising is desirable to provide national uniformity
3 in labeling and advertising requirements for the cigarette
4 industry.

5 (b) The production, processing and distribution of ciga-
6 rettes, the employment directly and indirectly resulting there-
7 from, and the revenues derived from taxes imposed thereon,
8 affect commerce and the national economy.

9 DECLARATION OF POLICY

10 SEC. 3. It is the policy of the Congress, and the purpose
11 of this Act, to establish a comprehensive Federal program
12 to deal with cigarette labeling and advertising with respect
13 to any relationship between smoking and health, whereby---

14 (a) the public may be adequately informed that
15 cigarette smoking may be hazardous to health by inclu-
16 sion of a warning to that effect on each package of
17 cigarettes.

18 (b) Commerce and the national economy may be
19 (i) protected to the maximum extent consistent with
20 this declared policy and (ii) not impeded by diverse,
21 nonuniform, and confusing cigarette labeling and ad-
22 vertising regulations with respect to any relationship
23 between smoking and health.

O.K.
ACCEPTED
JUN 22 1962

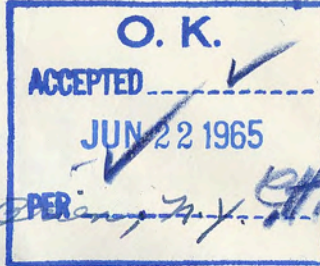
Amendments to H. R. 3014, as Reported
On page 3, strike out lines 6 through 14 and insert in
the blank space the following:
(b) "Commerce" means (1) commerce between any State, the
District of Columbia, the Commonwealth of Puerto Rico, Guam,
the Virgin Islands, American Samoa, Wake Island, Midway
Islands, Kingman Reef, or Johnson Island and any place out-
side thereof; (2) commerce between points in any State, the
District of Columbia, the Commonwealth of Puerto Rico, Guam,
the Virgin Islands, American Samoa, Wake Island, Midway
Islands, Kingman Reef, or Johnson Island, but through any
place outside thereof; or (3) commerce wholly within the
District of Columbia, Guam, the Virgin Islands, American
Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnson
Islands.
(c) "United States", when used in a geographical sense,
shall mean the several States, the District of Columbia, the
Commonwealth of Puerto Rico, Guam, the Virgin Islands,
American Samoa, Wake Island, Midway Islands, Kingman Reef,
and Johnson Island.

SEC. 4

Mr. O'Brien, N.Y.

Amendments to H. R. 3014, As Reported

Amendment offered by Mr. O'Brien, N.Y.



On page 3, strike out lines 6 through 14 and insert in lieu thereof the following:

(b) "Commerce" means (1) commerce between any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnson Island and any place outside thereof; (2) commerce between points in any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnson Island, but through any place outside thereof; or (3) commerce wholly within the District of Columbia, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Johnson Island.

(c) "United States", when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, and Johnson Island.

On page 3, strike out lines 20 through 22.

DEFINITIONS

SEC. 4. As used in this Act—

(a) "Cigarette" means any roll of tobacco or other substance wrapped in paper or in any substance other than tobacco, and intended for smoking.

^{adt.}
1 (b) ~~"Commerce" means commerce among the several States or with foreign nations, or in any territory of the United States or in the District of Columbia, or between any such territory and another, or between any such territory and any State or foreign nation, or between the District of Columbia and any State or territory or foreign nation.~~

(c) "Territory" means the insular possessions of the United States, the Commonwealth of Puerto Rico, and any territory of the United States.

(d) "Package" means a pack or box, carton, or container of any kind in which cigarettes are offered for sale, sold, or otherwise supplied to consumers.

(e) "Person" means an individual, partnership, corporation, or any other business or legal entity.

^{adt.}
1 (f) ~~"United States" means the States, the District of Columbia, and the territories and possessions of the United States.~~

adt. O.K.

adt. O.K.

SEC

1 (g) "Sale or distribution" includes sampling or any
2 other distribution not for sale.

LABELING

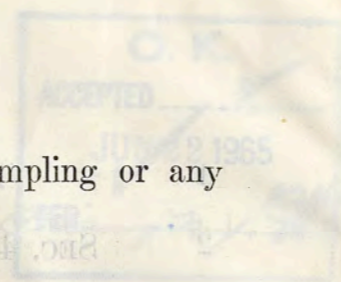
3
4 SEC. 5. It shall be unlawful for any person to manufac-
5 ture, import, or package for sale or distribution within the
6 United States any cigarettes the package of which fails to
7 bear the following statement: "Caution: Cigarette Smoking
8 May be Hazardous to Your Health." The foregoing state-
9 ment shall appear *in print contrasting to the back-*
10 *ground* on either of the two side panels of the pack, or in
11 the case of a cylindrical pack on the side thereof, in not less
12 than ten-point type on a twelve-point body. In the case of
13 boxes, cartons, or containers of any kind, other than the
14 individual pack, containing cigarettes, the statement shall
15 be printed *in print contrasting to the background* on
16 a side in not less than twelve-point type on a fourteen-point
17 base.

ADVERTISING

18
19 SEC. 6. Nothing herein contained shall be construed to
20 limit or to expand the authority of the Federal Trade Com-
21 mission with respect to the dissemination in commerce of
22 any false or misleading advertisement of cigarettes, provided
23 that the Commission shall not have authority in any pro-
24 ceeding under any statute administered by the Commission

O.K. ✓

O.K. ✓



1 to require the inclusion in any advertisement of any state-
2 ment ~~concerning any hazard to health involved in smoking~~
3 ~~cigarettes with respect to smoking and health~~ where the ad-
4 vertised cigarettes have been packaged in conformity with
5 the labeling provisions of this Act. No Federal agency shall
6 require any additional caution statement *with respect to smok-*
7 *ing and health* on any package labeled in conformity with
8 this Act.

PREEMPTION

9
10 SEC. 7. No caution statement with respect to smoking
11 and health other than specified herein shall be required on
12 any package. No caution statement with respect to smoking
13 and health shall be required in advertising for cigarettes
14 packaged in conformity with the labeling provisions of this
15 Act.

CRIMINAL PENALTY

16
17 SEC. 8. Any person who violates the provisions of this
18 Act shall be guilty of a misdemeanor and shall on conviction
19 thereof be subject to a fine of not more than \$10,000.

INJUNCTION PROCEEDINGS

20
21 SEC. 9. The several district courts of the United States
22 are invested with jurisdiction, for cause shown, ~~and subject~~
23 ~~to the provisions of section 381 (relating to notice to the~~
24 ~~opposite party) of title 28,~~ to prevent and restrain violations

✓ O.K.

✓ O.K.

✓ O.K.

SEC

of this Act upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

CIGARETTES FOR EXPORT

SEC. 10. Cigarettes manufactured, imported or packaged (a) for export from the United States or (b) for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the requirements of this Act: Provided, That such exemptions shall not extend to cigarettes manufactured, imported or packaged for shipment to United States military vessels or shore-based activities wherever such vessels or activities may be located.

SEPARABILITY

SEC. 11. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the other provisions of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 12. This Act shall take effect one hundred and twenty eight days after the date of its enactment.

O.K. ✓

O.K. ✓

O.K. ✓

O.K. ✓

O.K. ✓

ENGROSSING COPY

Calendar No. 181

S. 559

[Report No. 199]

IN THE SENATE OF THE UNITED STATES

Mr. [Name] (the sponsor), Mr. [Name], Mr. Clark, and Mr. [Name] introduced this bill on [Date] and referred to the Committee on [Committee Name]

REPORT

H. R. 3014

Union Calendar No. 308

[Report No. 199]

A BILL

To regulate the labeling and advertisement of

the [Name of Legislation]

introduced in the Committee on [Committee Name]

reported with amendments, committed to the Committee on [Committee Name]

and ordered to be printed

HOUSE stamp with date JUN 28 1892 and other markings.

O.K.

SEC

of this Act upon the application of the Attorney General of the United States acting through the several United States attorneys in their several districts.

CIGARETTES FOR EXPORT

Sec. 10. Cigarettes manufactured, imported or packaged (a) for export from the United States or (b) for delivery to a vessel or aircraft, as supplies, for consumption beyond the jurisdiction of the internal revenue laws of the United States shall be exempt from the tax imposed by such laws.

Provided, That such exemption shall not apply to cigarettes reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Union Calendar No. 208

89th CONGRESS
1st Session

H. R. 3014

[Report No. 449]

A BILL

To regulate the labeling and advertising of cigarettes, and for other purposes.

By Mr. ROGERS of Texas

JANUARY 18, 1965

Referred to the Committee on Interstate and Foreign Commerce

JUNE 8, 1965

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed



OK ✓

thereof to any person... other provisions of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

Sec. 13. This Act shall take effect one hundred and twenty days after the date of its enactment.