

# CRITICAL ELEMENTS OF FDA TOBACCO LAW GRANTING FDA AUTHORITY OVER TOBACCO PRODUCTS



Tobacco is responsible for killing more than 490,000 Americans every year and is the leading preventable cause of death in the United States, resulting in over \$241 billion in health care costs every year. Yet, until now, tobacco products have escaped common-sense regulations that apply to every other product we consume, from food to drugs to cosmetics. The law:

## **Restricts Marketing and Sales of Tobacco Products to Children**

The law includes specific restrictions on tobacco marketing and promotions restricts sales to children by limiting self-service displays and requiring age verification.

## **Requires Detailed Tobacco Product Disclosure**

Consumers will now have access to information about the contents of tobacco products, including the additives that manufacturers put in the products and the constituents of tobacco smoke that result from burning the product, as well as research about the health effects of tobacco products.

## **Provides Access to Tobacco Manufacturers Research**

FDA and the public will have access to information the tobacco industry has on the health effects of their products, on nicotine and its addictiveness, on marketing to children, along with other information that would protect public health.

## **Strengthens Tobacco Product Warning Labels**

The new law strengthens warning labels and gives FDA the authority to require manufacturers to make further changes to the content and format of warning labels to make them more effective.

## **Allows FDA to Require Changes to Tobacco Products to Reduce Risk Where Technologically Feasible**

FDA will have authority to require manufacturers to reduce or eliminate harmful ingredients and/or smoke constituents where technologically feasible.

## **Regulates Health Claims For Scientific Accuracy And Public Health Impact**

The FDA will have the authority to require tobacco manufacturers to prove any claims they make about the health risks (or alleged benefits) posed by their products (for example, statements that suggest lower risk of cancer, heart disease, etc.), regarding both their scientific accuracy and their impact on public health. Misleading descriptors such as “light,” “mild” and “low” are prohibited.

## **Evaluates Reduced Risk Health Claims For New Products**

FDA has the authority to prohibit reduced risk health claims that are not scientifically proven or that would discourage tobacco users from quitting or encourage new users to start. In evaluating reduced risk claims for new tobacco products, the FDA will calculate whether or not the introduction of such a new tobacco product would reduce harm and protect the public health.

## **Regulates Only Manufacturers, Not Farmers**

FDA authority is limited to tobacco manufacturers and their products and does not include tobacco farmers.