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## Description of the Laws

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# The Federal Cigarette Labeling and Advertising Act (FCLAA) and Comprehensive Smokeless Tobacco Health Education Act (CSTHEA)

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## Cigarettes

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The Federal Cigarette Labeling and Advertising Act (FCLAA), 15 U.S.C. §1335a(a), Public Law 89–92, in part requires that each person who manufactures, packages, or imports cigarettes annually submit to the Department of Health and Human Services (HHS) a list of ingredients added to tobacco in the manufacture of cigarettes (Ingredient Report). The Centers for Disease Control and Prevention (CDC), Office on Smoking and Health (OSH), has been delegated the responsibility of implementing these provisions. The Ingredient Report must include all additives and flavors. Submissions are due to CDC, OSH by March 31; and for importers, the Ingredient Report is also due upon initial importation into the United States. The report submitted by March 31st each year must represent the ingredients added to tobacco in the manufacture of cigarettes during the previous calendar year.

Under FCLAA, one may submit information which does not identify the company that uses the ingredients or the brand of cigarettes that contain the ingredients. A person or group of persons required to provide the ingredient list may designate an individual or entity to provide the list. In the event that another individual or entity, such as an attorney or counsel, is designated to submit this information on your behalf, this individual or entity should clearly state the name(s) of the importer(s) or company(ies) for whom they are submitting the information.

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## Smokeless Tobacco

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The Comprehensive Smokeless Tobacco Health Education Act (CSTHEA), 15 U.S.C. §4403(a) (A), Public Law 99–252, in part requires each manufacturer, packager, or importer of smokeless tobacco products to annually submit to HHS the list of ingredients added to tobacco in the manufacture of smokeless tobacco products (Ingredient Report). CSTHEA, 15 U.S.C.

§4403(a)(1)(B), further requires the submission of the quantity of nicotine contained in each smokeless tobacco product (Nicotine Report). CDC, OSH has been delegated the responsibility of implementing these provisions. Submissions are due to CDC, OSH by March 31; and for importers, the Ingredient Report is also due upon initial importation into the United States. The reports submitted by March 31st each year must represent the ingredients added to tobacco in the manufacture of smokeless tobacco during the previous calendar year; and the specification of the quantity of nicotine contained in smokeless tobacco products manufactured or imported during the previous calendar year.

Under CSTHEA, one may submit information which does not identify the company that uses the ingredients or the brand of smokeless tobacco that contains the ingredients. A person or group of persons required to provide the nicotine data and ingredient list may designate an individual or entity to provide the list. In the event that you designate another individual or entity, such as an attorney or counsel, to submit this information on your behalf, this individual or entity should clearly state the name(s) of the company(ies) for whom they are submitting the information.

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