

American Medical Association

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February 28, 1964

Chief, Division of Trade Regulation Rules
Bureau of Industry Guidance
Federal Trade Commission
6th Street at Pennsylvania Avenue
Washington, D. C.

Dear Sir:

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The American Medical Association is appreciative of the invitation received from George Dobbs, M.D., Associate Chief of your Division of Scientific Opinions, to express its views with respect to the "Proposed Trade Regulation Rules for the Advertising and Labeling of Cigarettes". These proposed rules were published in the Federal Register of January 22, 1964.

At the outset, we should like to state that the AMA has, historically, endorsed and promoted federal and state legislation containing labeling requirements with respect to the sale of drugs, cosmetics and hazardous household products to consumers.

Ordinarily, the labeling of drugs, cosmetics, and hazardous household products will protect the public by calling its attention to the need for careful handling, as in the case of hazardous household products, or by alerting the consumer to possible allergic reactions, as in the case of hair dyes. Where labeling requirements now exist, the consumer may be influenced in his choice of the numerous products which are available to him for purchase. Here, labeling serves to convey information to a consumer who might otherwise be uninformed as to the risks inherent in a particular product. He may choose the product and exercise the caution called for by its label, or purchase another product for the same purpose which may involve a lesser or no risk.

With respect to cigarettes, cautionary labeling cannot be anticipated to serve the public interest with any particular degree of success. The health hazards of excessive smoking have been well-publicized for more than ten years and are common knowledge.

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Labeling will not alert even the young cigarette smoker to any risks of which he is not already aware. While labeling may influence the purchaser in the choice he makes in the purchase of many products, it will not, in our opinion, do so in the purchase of cigarettes. At the present time, whether the habitual smoker selects the product of one manufacturer or another, appears to be relatively immaterial. The health hazard involved is substantially the same.

We do not believe that the answer to the cigarette problem lies in cautionary labeling requirements. Experience in other countries indicates that the effect of such labeling at best is only to reduce temporarily the consumption of cigarettes. After a while the habitual smoker ignores the cautions expressed on the label.

Since it is evident that cigarette smoking will continue despite any restrictive labeling that might be imposed, it is our opinion that the answer which will do most to protect the public health lies not in labeling (which is likely to be ignored), but in research. The AMA House of Delegates stated this when it approved, on December 4, 1963, a proposal to inaugurate an AMA intensive research program. The action of the House of Delegates included this description of the program:

"The proposed research projects would be designated to probe beyond statistical evidence, to search for answers not now available to such questions as which disease in man may be caused or induced by the use of tobacco. Determination needs to be made whether some element or elements in smoke may be a direct or aggravating cause of cancer and other diseases and to identify these substances chemically. Questions of constitutional and physiologic factors, of physiological dependence, and of habituation require answers. Continuing and further clinical and pathologic studies need to be made along with collection and correlation of statistical data as it is collected to establish what relationships exist between the use of tobacco and disease. Since smoking may produce a tranquilizing effect as well as other favorable psychic reactions not so well identified, these factors need further study in evaluating the whole matter of the relationship of tobacco and disease.

Implementation of the December action of the AMA House of Delegates was undertaken a little more than a month later. By mid-January, the American Medical Association Educational and Research

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Foundation appointed a five-member committee of distinguished scientists to direct the Foundation's long-range program of basic research of tobacco and health. Shortly thereafter, the Committee had its initial meeting and began to develop a series of recommendations for an extensive, objective, and hopefully effective research program. It is the thinking of the Committee for Research on Tobacco that grants will be made soon to proven investigators who have time and facilities available to begin promptly on studies that are needed and which appear to be productive of helpful information. The American Medical Association hopes to be instrumental in obtaining many of the facts which are necessary to an intelligent and useful understanding of this subject.

We have already indicated our belief that the most rewarding approach to the problem of relating cigarette smoking to diseases will be by way of productive research. In addition to this substantive recommendation, we should like to express our opinion that regulatory action in this matter should be instituted by the Congress rather than by the Federal Trade Commission. More than 90 million persons in the United States use tobacco in some form; and, of these, 72 million use cigarettes. Long standing social customs and practices are established in the use of tobacco; the economic lives of tobacco growers, processors, and merchants are entwined in the industry; and local, state, and the federal governments are the recipients of and dependent upon many millions of dollars of tax revenue. For these reasons, it is most appropriate that a subject of this magnitude, regarding the labeling and advertising of tobacco, be controlled by the Congress of the United States in the form of enacted legislation, if any, rather than by promulgated administrative regulations.

The notice contained in the January 22nd issue of the Federal Register invited "written data, views or argument concerning the proposed rules and the subject matter of this proceeding". We believe that our remarks respond to this invitation and wish to express once again our appreciation for the opportunity to comment and express our views.

Sincerely,

F. J. L. Blasingame
F. J. L. Blasingame, M.D.

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