

Cigarettes Must Carry Warning Tag, FTC Says

JUN 24

WASHINGTON (AP) — The Federal Trade Commission issued a rule today requiring that by next year all cigarette labels and advertising inform the public "that cigarette smoking is dangerous to health and may cause death from cancer and other diseases."

The commission rule says that it is an unfair or deceptive practice for a manufacturer "to fail to disclose, clearly and prominently, in all advertising and on every pack, box, carton or other container in which cigarettes are sold" that smoking is a health hazard.

The commission ruled that the cigarette package labels should have this warning by Jan. 1, 1965, and that advertising should include the warning by July 1, 1965.

The commission, however, did not state the exact language that cigarette manufacturers would have to use in their advertising and labeling warnings.

Words Not Prescribed

In a 300-page statement that accompanied the ruling, the commission said it was leaving the individual cigarette companies and advertisers "free to formulate the required disclosure in any manner that intelligently conveys the sense of the required disclosure in a fully conspicuous fashion."

The announcement of the FTC rule came during the testimony of FTC Chairman Paul Rand Dixon before the House Commerce Committee, which is conducting a broad investigation into smoking and health.

The tobacco industry strongly opposes any such action, and the head of the Public Health Service questioned Tuesday whether the FTC now has sufficient authority to act.

In testimony before the committee Tuesday, Surgeon General Luther L. Terry told the committee that the Department of Health, Education and Welfare believes that more legislation would be required before any federal rules could be issued.

The FTC recently completed a series of hearings started last March on its proposal to issue rules on labeling and advertising of cigarettes.

Commission's Conclusion

Dixon told the committee: "The commission has completed its consideration of the record in this proceeding, and has determined that the public interest requires the promulgation of a trade regulation rule for the prevention of unfair or deceptive advertising or labeling of cigarettes in relation to the health hazards of smoking."

He did not rule out the possibility that new laws may be needed for regulation, despite the FTC rule.

But, he told the committee, "The commission's report would, I believe, be of great assistance to the committee and the Congress in determining what, if any, additional legislation is needed on this subject."

Dixon urged the committee to withhold action on all bills before it until the FTC report can be studied.

The rules were proposed by the FTC after the U.S. Public Health Service's special advisory committee issued a report

in January that concluded that cigarette smoking causes lung cancer and other diseases.

But Terry told the committee Tuesday that the Department of Health, Education, and Welfare believed that its food and drug administration, not the FTC — should have the authority to require manufacturers to label

cigarettes with a health hazard warning.

The FDA, unlike the independent FTC, is a branch of the department and is clearly under the supervision of the Johnson administration.

Terry also testified that while the FTC should have the authority to regulate cigarette advertising, it needed new legislation to do so.

This meant that the Department of Health, Education, and Welfare believed Congress should pass laws (1) to give the FDA authority to regulate cigarette labels and (2) to give the FTC authority to regulate cigarette advertising.

At the same time, Terry testified, HEW had not decided exactly what kind of laws it wanted. When asked how soon he expected the department to bring proposed legislation to Congress, Terry replied:

"We are not on the brink, and I do not expect to have them in the immediate future."