

NATO *E-News*

An Electronic Newsletter of the National Association of Tobacco Outlets

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Summary of FDA Regulations Effective June 22, 2010

The FDA Center for Tobacco Products has republished a rule which becomes effective June 22, 2010. This rule imposes certain restrictions on the sale, distribution, advertising and marketing of cigarettes, roll-your-own tobacco and smokeless tobacco. The regulations in this rule ***do not*** apply to pipe tobacco and cigars. Also, accompanying this NATO *E-News* bulletin is an FDA “Frequently Asked Questions” document which answers other questions about the regulations. Below is a brief summary of the FDA regulations:

Retail Sale and Distribution Regulations:

- Prohibits the sale of cigarettes, roll-your own cigarette tobacco and smokeless tobacco products to a person younger than 18 years old (19 years old in Alabama, Alaska, New Jersey and Utah).
- Requires retailers to obtain photo identification of any customer that appears to be younger than 27 years old to verify that the customer is at least 18 years old.
- Prohibits the sale of cigarette packages with fewer than 20 cigarettes.
- Requires that cigarettes, roll-your-own tobacco and smokeless tobacco products be sold in a direct, face-to-face exchange between the retailer and the customer.
- Prohibits the sale of cigarettes, roll-your-own tobacco, and smokeless tobacco products in vending machines, self-service displays, or other impersonal modes of sales, except that vending machines and self-service displays may be located in facilities where the retailer ensures that no one younger than 18 years of age is present, or permitted to enter, at any time.
- Prohibits free samples of cigarettes and allows free samples of smokeless tobacco products only in qualified adult facilities.
- While cigarette manufacturers can no longer include words such as “light”, “mild” or “low” on their packaging after June 22, 2010, the FDA law ***does not*** prohibit wholesalers and retailers from selling through their cigarette inventory which has these descriptive words. NATO is waiting for FDA confirmation regarding the ability to sell through existing inventory after June 22, 2010.

Marketing Regulations:

- Prohibits manufacturers, distributors and retailers from sponsoring any athletic, musical, artistic, or other social or cultural event, or any team or entry in those events, in the brand name, logo, symbol or recognizable color of any cigarette, roll-your-own tobacco or smokeless tobacco product.
- Prohibits gifts or other items in exchange for buying cigarettes or smokeless tobacco products (for example, prohibits giving a customer a free lighter with the purchase of cigarettes).
- Prohibits the sale or distribution of promotional items, such as hats, t-shirts, ashtrays, etc. which have a cigarette, roll-your-own or smokeless product brand name, logo, symbol, or recognizable color.

Advertising Regulations:

- The republished FDA rule states that any advertising of cigarettes, roll-your-own or smokeless tobacco products by a manufacturer, wholesaler or retailer shall use only black text on a white background. With a January, 2010 United States District Court decision declaring this ban on color advertising of cigarettes, roll-your-own and smokeless tobacco products to be unconstitutional, the FDA has appealed this part of the decision. The FDA has issued a guidance document which indicates that the agency ***will not*** enforce the ban on color advertising while this appeal is pending.
- Requires that audio advertisements use only words with no music or sound effects.

Support the NATO Trade Show, the Show that Supports the Tobacco Industry