

“LIGHT” AND “LOW-TAR” CIGARETTES

Major scientific findings and public health statements

The marketing of “light” and “low-tar” cigarettes has resulted in hundreds of billions of dollars in sales for the tobacco industry, and tragic results for smokers. International evidence conclusively shows that these products are not less harmful than regular cigarettes, and smoking “low-tar” cigarettes is not a healthier alternative to quitting. Key public health organizations and other entities have exposed the “light” and “low-tar” fraud calling for the ban of misleading terms such as “light,” “low-tar” and “mild.”

World Health Organization (WHO) Framework Convention on Tobacco Control¹

Adopted in 2003, the WHO Framework Convention on Tobacco Control (FCTC) is the world’s first public health treaty designed to reduce the devastating health and economic impacts of tobacco.

In Article 11, the FCTC recognizes that the explosive increase in “light” and “low-tar” cigarette use is facilitated in part through the use of misleading descriptors such as “light” and “low-tar” on cigarette packaging and labeling. Thus, the FCTC requires nations that have ratified the FCTC to ban misleading descriptors such as “light” and “low-tar” on cigarette packaging and labeling.

The debate is over

“By engaging in this deception, (the tobacco companies) dramatically increased their sales of low tar/light cigarettes, assuaged the fears of smokers about the health risks of smoking, and sustained corporate revenues in the face of mounting evidence about the health effects of smoking...”

Judge Gladys Kessler in U.S. v. Phillips Morris, 2006

WHO Scientific Advisory Committee on tobacco product regulation²

In 2003, the WHO Scientific Advisory Committee on Tobacco Product Regulation (SACTob) recommended that:

- Tar, nicotine, and CO numerical ratings based upon current ISO/FTC methods and presented on cigarette packages and in advertising as single numerical values are misleading and should not be displayed.
- All misleading health and exposure claims should be banned.
- The ban should apply to packaging, brand names, advertising and other promotional activities. Banned terms should include “light,” “ultra-light,” “mild” and “low-tar”, and may be extended to other misleading terms. The ban should include not only misleading terms and claims but also names, trademarks, imagery and other means to convey the impression that the product provides a health benefit.

WHO International Agency for Research on Cancer’s (IARC) Monograph 83³

In 2002, the IARC released a report on tobacco smoke and involuntary smoking which concluded the following:

- Analysis of the ways in which people smoke modern cigarettes shows that actual doses of nicotine, carcinogens and toxins depend on the intensity and method of smoking and have little relation to stated tar yields.
- All presently available tobacco products that are smoked deliver substantial amounts of established carcinogens to their users.
- The tar and nicotine yields as currently measured by ISO/FTC methods are misleading and have little value in the assessment of human exposure to carcinogens.

European Parliament and Council of the European Union⁴

In 2001, the European Parliament and Council of the European Union issued a directive on the manufacturing, presentation, and sale of tobacco products. Article 7 of the directive states:

- Terms such as “low-tar,” “light,” “ultra-light,” and “mild” mislead consumers into believing these products are less harmful to their health.
- Actual levels of inhaled substances are determined not only by the content of substances in a product prior to consumption, but also by smoking behavior and addiction.
- Effective 30 September 2003, “...texts, names, trade marks and figurative or other signs suggesting that a particular tobacco product is less harmful than others shall not be used on the packaging of tobacco products” in the European Union.

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Because the directive also bans “trademarked” terms, the brand “Mild Seven” produced by Japan Tobacco Inc., for example, can no longer be sold in the European Union.⁵

The directive was challenged by Japan Tobacco Inc. and JT International. The case was dismissed on grounds of admissibility by the Court of First Instance, and Europe’s ban on misleading and deceptive terms remains in effect.⁶

United States National Cancer Institute’s Monograph¹³

In 2001, the National Cancer Institute released a comprehensive report on the impact of “light” and “low-tar” marketing, which concluded the following:

- Epidemiological and other scientific evidence do not indicate a benefit to public health from changes in cigarette design and manufacturing over the last fifty years.
- Advertising for light and low-tar cigarettes may promote smoking initiation and impede cessation, important determining factors in smoking-related diseases.
- Marketing of light and low-tar cigarettes as delivering less tar and reducing smokers’ health risks is “deceptive”, and the choice of these products by smokers as an alternative to quitting makes this deception an “urgent public health issue.”

United States Federal Trade Commission (FTC)⁸

- “Light” and “low-tar” cigarettes take their name from the fact that, when measured by a standardized smoking machine test developed almost 40 years ago, they deliver less tar and nicotine than regular cigarettes.
- In the United States, the standardized test is known as the Cambridge Filter Method or FTC Method. Elsewhere it is known as the ISO Method.
- In 2008, the FTC revoked guidance issued in 1966 that permitted statements concerning tar and nicotine yields if they were based on the FTC method.
- Now, tobacco companies in the U.S. market risk legal action by the FTC if they use the tar and nicotine ratings as measured by the FTC method in a way the FTC finds false or misleading.
- The scientific consensus is that machine-based measurements of tar and nicotine yields based on the Cambridge Filter Method (e.g. ISO method) do not provide meaningful information on the amounts of tar and nicotine smokers receive from cigarettes, and that tar and nicotine yields based on the flawed test method is unlikely to help consumers make informed decisions.

United States Government’s Landmark Lawsuit Against the Tobacco Industry

On August 17, 2006, U.S. District Judge Gladys Kessler issued a definitive ruling in the U.S. government’s landmark lawsuit against the major tobacco companies which concluded the following:

- The tobacco companies “falsely marketed and promoted low-tar/light cigarettes as less harmful than full-flavor cigarettes in order to keep people smoking and sustain corporate revenues.”⁹
- The tobacco companies have known for decades that “light” cigarettes offer no clear health benefit, and are continuing to make false and misleading claims in order to reassure smokers and dissuade them from quitting.¹⁰

As part of her ruling against the U.S. cigarette companies, Judge Kessler banned the cigarette companies “from using any descriptors indicating lower tar delivery...that convey the false impression that such cigarettes are less harmful.”⁹

The companies appealed Judge Kessler’s verdict in 2007. In 2009, the US Court of Appeals upheld Judge Kessler’s final opinions.¹¹ The US banned misleading terms under the Family Smoking Prevention and Tobacco Control Act effective June 22, 2010.¹²

1. World Health Organization (WHO). Framework Convention on Tobacco Control (FCTC). Geneva: WHO; 2003. Available from: <http://www.who.int/fctc/en/>. 2. World Health Organization (WHO). Scientific Advisory Committee on Tobacco Product Regulation. SACTob conclusions on health claims derived from ISO/FTC method to measure cigarette yield. Geneva: WHO; 2003. Available from: http://www.who.int/tobacco/sactob/recommendations/en/iso_ftc_en.pdf. 3. International Agency for Research on Cancer (WHO IARC). Tobacco and involuntary smoking. Lyon; 2002. Available from: <http://monographs.iarc.fr/ENG/Monographs/vol83/volume83.pdf>. 4. Directive 2001/37/EC Of the European Parliament and of the Council of 5 June 2001. Official Journal for the European Communities. 2001 July 11. 5. The Queen v. Secretary of State for Health, ex parte British American Tobacco (Investments) Ltd. and Imperial Tobacco Ltd, (2002). 6. The ASPECT Consortium. Tobacco or health in the European Union: Past, present and future. Luxembourg: European Commission; 2004; Available from: http://ec.europa.eu/health/ph_determinants/life_style/Tobacco/Documents/tobacco_fr_en.pdf. 7. National Cancer Institute. Risks associated with smoking cigarettes with low machine-measured yields of tar and nicotine. Smoking and Tobacco Control Monograph no. 13. Bethesda, MD: National Cancer Institute; 2001 October Contract No.: NIH Pub. No. 02-5074. Available from: http://dceps.nci.nih.gov/tcrb/monographs/13/m13_5.pdf. 8. Federal Trade Commission (FTC). Press Release: FTC rescinds guidance from 1966 on statements concerning tar and nicotine yields. FTC; 2008 [cited 2008 November 26]; Available from: www.ftc.gov/opa/2008/11/cigarette_testing.shtm. 9. Judge Kessler Final Opinion. United States v. Philip Morris, Civil Action Number 99-2496 (GK) (2006). Available from: <http://www.tobaccofreekids.org/reports/doj/FinalOpinion.pdf>. 10. Tobacco Control Legal Consortium. Light cigarettes-The verdict is in: Findings from United States v. Philip Morris. St. Paul, MN: Tobacco Control Legal Consortium; 2006. Available from: <http://www.tobaccolawcenter.org/documents/lightcigarettes.pdf>. 11. US Court of Appeals. Case No. 06-5267. United States v. Philip Morris, BAT, Council for Tobacco Research-USA. [May 22, 2009]. 12. Family Smoking Prevention and Tobacco Control Act, Pub. L. 111-31, 123 Stat. 1776 (2009)