

REPORT BRIEF • MAY 2007

# THE ROLE OF THE FEDERAL GOVERNMENT IN REDUCING TOBACCO USE

The campaign to decrease the rate of smoking in the United States has been one of the most important public-health successes of the past several decades. Since 1964 the prevalence of smoking among U.S. adults has dropped by 58 percent, saving hundreds of thousands of men and women from developing lung cancer, heart disease, and other smoking-related maladies.

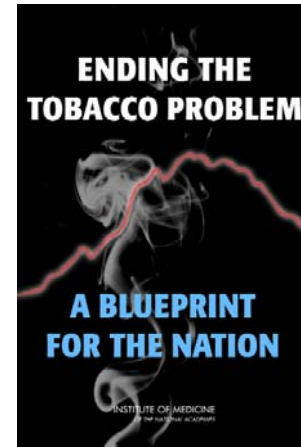
But the news is not all good: There are signs that the decline in the rate of smoking is leveling off, and this has led many to conclude that a whole new set of strategies and approaches will be needed if the momentum is to be continued. In light of this situation, the American Legacy Foundation asked the Institute of Medicine (IOM) to conduct a major study of tobacco policy in the United States with a particular focus on the health benefits of reduced tobacco use and on the most effective approaches to further cutting the rate of smoking in this country. The resulting study, *Ending the Tobacco Problem: A Blueprint for the Nation*, lays out a long-term blueprint for the nation to use in the fight against smoking.

The IOM committee recommends that the nation adopt a broad set of programs and interventions that would be put into place by using a two-pronged strategy aiming to substantially reduce tobacco use over the next twenty years. The first prong would consist mainly of strengthening and extending those existing policies that have already proved effective. But ramping up existing measures will not be enough, the committee warns. A variety of factors, such as the difficulty that some individuals continue to face in quitting and the way that members of certain groups are still starting to smoke in large numbers, implies that the traditional approaches are insufficient. Thus the report outlines a second prong of initiatives that would change the regulatory framework of tobacco control.

This report brief describes the role that the blueprint lays out for the federal government; complementary briefs cover the roles that are to be played by the health care industry and by state and local governments.

## STRENGTHENING TRADITIONAL MEASURES

Congress's first step should be to up the ante on existing policies that discourage smoking. For instance, research has shown that increasing taxes on



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cigarettes is one of the most effective ways to decrease smoking, particularly among adolescents. The current federal excise tax on a pack of cigarettes is 39 cents. Congress should increase that by at least \$1 a pack and index the tax to inflation.

Congress should also consider various initiatives aimed at preventing youths from starting to smoke. Despite previous efforts, there are still too many young people smoking, so the report urges the federal government to fund a national youth-oriented media campaign to reduce smoking. Furthermore, the Department of Education should provide funding for local smoking-prevention programs in middle and high schools through the Safe and Drug-Free Schools and Communities Act.

The committee also urges Congress to loosen the reins on state governments. Historically the federal government has reserved for itself a number of regulatory activities, such as the restriction of advertising, and has not allowed individual states to go beyond what the federal government decides. This should change, the committee says. In particular, Congress should repeal the existing statute that reserves for the federal government the exclusive authority to regulate the advertising and promotion of tobacco. In its place, the committee recommends a new provision that precludes state regulation only of the characteristics of tobacco products and their packaging, while allowing the states to regulate tobacco in all other domains, including its marketing and distribution. The goal would be to have federal regulations act as a floor upon which the states could build by adding restrictions if they choose.

### **A LARGER FEDERAL ROLE**

If the report's recommendations are adopted, the federal government would play a much larger role in antismoking efforts, and the legal structure surrounding the regulation of cigarettes and smoking would be fundamentally transformed. A new generation of laws would deploy a whole new set of tools to use in the fight against smoking.

When the Federal Food, Drug, and Cosmetic Act was passed in 1938, it made no mention of tobacco as one of the products that the Food and Drug Administration (FDA) could regulate, and when the FDA claimed the authority to regulate tobacco in the mid-1990s, the Supreme Court eventually decided the FDA indeed did not have that power. The committee says that Congress should give the FDA broad regulatory authority over the manufacture, distribution, marketing, and use of tobacco products.

A particularly important area of regulation is the labeling of cigarettes. The committee finds that current warning labels on cigarette packages are insufficient for two reasons. First, the labels do not provide enough information to enable consumers to make a true "informed choice" whether to smoke. And second, even if the labels did provide sufficient information for informed choice, the real purpose of the labels should be something other than promoting informed choice—it should be to discourage cigarette smoking outright, particularly among children and youth. In other words, the labels should be thought of as a public health tool rather than a tool for promoting informed choice, and since the overarching public health goal is to reduce the number of people who smoke, cigarette labels should be designed with this end in mind.

The committee thus recommends that Congress immediately strengthen federally mandated warning labels for tobacco products and then delegate authority to a regulatory agency to update and revise these warnings on a regular basis. In particular, the warnings need to move beyond today's discrete text boxes and become more eye-catching and dramatic. The committee suggests having rotating series of graphic, full-color warnings that cover 50 percent of the package, equivalent to what is already required in Canada. Finally, the committee calls for banning the use of such terms as "mild" or "light" to describe cigarettes, as they can give consumers the mistaken impression that such cigarettes are relatively safe.

Another strategy for reducing smoking is to make it less easy and convenient to buy cigarettes. To this end, the committee recommends that Congress, along with the states, pass laws regulating the retail points of sale for tobacco products. Specific measures should include the licensing and monitoring of all outlets that sell cigarettes, banning any sort of advertising that encourages the purchase of cigarettes in these outlets, requiring warnings about smoking to be displayed, and mandating that the outlets carry products aimed at helping people quit smoking. Congress should also give the FDA the power to regulate and restrict the types of outlets that are allowed to sell cigarettes.

In conjunction with that, Congress should limit all forms of cigarette advertising to black-and-white, text-only forms. Furthermore, Congress and the state legislatures should prohibit tobacco companies from aiming any sort of ads at youth under 18, including ads whose ostensible purpose is to discourage smoking. If a tobacco company wishes to contribute to smoking-prevention programs targeting youths, the report says, it should contribute funds to independent nonprofit organizations to carry out such programs.

Finally, concluding that not enough money is being spent on antismoking programs, the committee calls for Congress to enact a National Tobacco Control Funding Plan. By raising money through a per-pack remedial assessment against the tobacco manufacturers for tobacco-related harm, the plan would fund national tobacco-control programs and also subsidize state tobacco-control programs.

It will not be an easy process or a quick one, but by following the blueprint the IOM provides, it should be possible over the next two decades to cut the rate of smoking significantly and reap the positive health benefits that result.

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### **FOR MORE INFORMATION...**

Copies of *Ending the Tobacco Problem: A Blueprint for the Nation*, are available from the National Academies Press, 500 Fifth Street, N.W., Lockbox 285, Washington, DC 20055; (800) 624-6242 or (202) 334-3313 (in the Washington metropolitan area); Internet, <http://www.nap.edu>. The full text of this report is available at <http://www.nap.edu>.

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