

# Overview of the Family Smoking Prevention and Tobacco Control Act



CENTER FOR  
TOBACCO  
PRODUCTS

To protect the public and create a healthier future for all Americans, the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act, or TCA) gives FDA authority to regulate the manufacture, distribution, and marketing of tobacco products. FDA regulation of tobacco products is funded through a user fee on the manufacturers of certain tobacco products sold in the United States, based on their U.S. market share. (Sec. 919 of the Federal Food, Drug, and Cosmetic Act [FD&C Act])

## What the Tobacco Control Act Does:

### Restricts Tobacco Marketing and Sales to Youth (TCA, Sec. 102)

The Tobacco Control Act puts in place specific restrictions on marketing tobacco products to children and gives FDA authority to take further action in the future to protect public health. These provisions:

- Ban sales to minors.
- Restrict vending machine sales, with exceptions in adult-only facilities.
- Ban the sale of packages of fewer than 20 cigarettes.
- Ban tobacco-brand sponsorships of sports and entertainment events or other social or cultural events.
- Ban free giveaways of sample cigarettes and brand-name non-tobacco promotional items.
- Restrict free samples of smokeless tobacco, with exceptions in qualifying adult-only facilities.

### Requires Warning Labels on Smokeless Tobacco Products (TCA, Sec. 204)

The Tobacco Control Act requires that smokeless tobacco packages and advertisements have larger and more visible warnings. Smokeless tobacco products include moist snuff, chewing tobacco, and snus.

Every smokeless tobacco package and advertisement will include one of four warning label statements. The warning label statement must be located on the two principal sides of the package and cover at least 30 percent of each side. For advertisements, the warning label statement must cover at least 20 percent of the area of the ad.

### Requires FDA Review and Verification of Modified Risk Tobacco Product Claims (TCA, Sec. 101)

The law prohibits tobacco companies from making claims of reduced harm, including "light," "low," or "mild," without filing an application for a modified risk tobacco product and obtaining an order from FDA to market as such.

## Consider the staggering facts:

- Each year, tobacco use kills more than 480,000 people in the United States, making it the leading cause of preventable death.<sup>1</sup>
- Each day, more than 2,600 youth under age 18 smoke their first cigarette, and nearly 600 become daily smokers.<sup>2</sup>
- An estimated 42.1 million Americans—nearly one in five adults—currently smoke cigarettes.<sup>3</sup>



### **Requires Disclosure of Ingredients in Tobacco Products (TCA, Sec. 101)**

Tobacco companies are now required to provide FDA with detailed information about the ingredients in their products.

### **Preserves State and Local Authority (TCA, Sec. 101)**

The Tobacco Control Act preserves the authority of state, local, and tribal governments to regulate tobacco products in certain specific respects.

### **Requires Premarket Review of New Tobacco Products (TCA, Sec. 101)**

The law requires manufacturers that wish to market a new tobacco product to obtain a marketing order from FDA prior to marketing that new product.

The Tobacco Control Act also gives FDA authority to help protect the public and create a healthier future for all Americans by:

- Requiring tobacco company owners and operators to register annually and open their manufacturing and processing facilities to be subject to inspection every 2 years. (FD&C Act, Sec. 905)
- Allowing FDA to require standards for tobacco products (for example, carbon monoxide and nicotine levels) to reduce the toxicity, addictiveness, or appeal of tobacco products, as appropriate to protect public health. (FD&C Act, Sec. 907)
- Banning cigarettes with characterizing flavors, except menthol and tobacco. (FD&C Act, Sec. 907)

### ***Creating Powerful Change for a Healthier Future***

Last Updated November 2015  
CTP-02-R1

NOTE: This overview highlights some of the provisions of the Tobacco Control Act and is not intended to be a comprehensive guide or to reflect FDA's interpretation of the Tobacco Control Act. For complete information, please read the full Tobacco Control Act.

#### **References**

1. US Department of Health and Human Services. *The Health Consequences of Smoking—50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: US Dept of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2014. Printed with corrections, January 2014.
2. Substance Abuse and Mental Health Services Administration. *Results from the 2014 National Survey on Drug Use and Health: Detailed Tables*. Rockville, MD: U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Behavioral Health Statistics and Quality; 2015.
3. Centers for Disease Control and Prevention. Current Cigarette Smoking Among Adults - United States, 2005-2013. (MMWR. 2014;63:1108-1112.)

#### **Contact Us**

1.877.CTP.1373  
AskCTP@FDA.hhs.gov  
FDA.gov/tobacco

FDA Center for Tobacco Products  
10903 New Hampshire Avenue  
Silver Spring, MD 20993-0002