



**“LIGHT”, “LOW-TAR” & “MILD”:
WHY THE FCTC MUST BAN MISLEADING DESCRIPTORS
(February 2003)**

The FCTC must ban misleading cigarette descriptors such as “light”, “low tar”, and “mild”. These terms have been used by the industry to convince smokers that there is a safe alternative to quitting. The use of such terms represents one of the deadliest consumer frauds of the 20th century, and one that the FCTC must address. The FCTC must also ensure that the flawed ISO “tar and nicotine” testing method not be used by Parties to indicate to consumers the relative risk of different tobacco products.

Unfortunately, the revised Chair’s text does not adequately address these issues, particularly given the overwhelming scientific evidence that “light” and “low tar” cigarettes have had no measurable health benefit and have been used by the tobacco industry to keep smokers addicted (see below). Article 11.1.a -- by merely listing “light”, “low tar” etc. as terms that MAY be included as terms that are false and misleading -- would open the door for unreasonable and burdensome legal challenges from the tobacco industry. Given the evidence about these products, this would place an intolerable regulatory burden on many Parties, especially developing countries: requiring that they prove in each instance that these products are a health fraud and that the terms create a false impression among consumers. The following changes should be made to the revised Chair’s text:

Recommended changes to Article 11.1(a):

- (i) “The terms “low tar”, “light”, “ultra light”, “mild” and similar terms [detailed in Annex X] are not used on any unit packet or package of tobacco products;
- (ii) “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;
- (iii) “An exception to part ii would only apply where governmental agencies with full regulatory authority explicitly authorize their use.”

Recommended addition to Article 9:

“The Parties recognize that: the ISO machine-measured tar and nicotine yield measurements do not meaningfully reflect the exposure experienced by smokers; that such measurements, inappropriately use, may provide false reassurance; and that these measurements should not be used to regulate risk or to communicate risk to consumers.”

“Light” and “Low”: Consumer Fraud on a Massive (and Deadly) Scale

The first scientific studies linking cigarette smoking with lung cancer appeared in the early 1950s and culminated with the publication in 1962 with the Royal College of Physicians report on “Smoking in Relation to Cancer of the Lung and Other Diseases” and the 1964 U.S. Surgeon General’s report on smoking and health. As the public began to understand the link between smoking and disease, cigarette companies, fearing a massive loss in sales, scrambled to develop products that would ease consumers’ fears about the health effects of smoking. This quote from the internal files of BAT’s American subsidiary in 1977 illustrates the industry’s approach:

“All work in this area should be directed towards providing consumer reassurance about cigarettes and the smoking habit. This can be provided in different ways, e.g. by claimed low deliveries, by the perception of low deliveries and by the perception of ‘mildness’. Furthermore, advertising for low delivery or traditional brands should be constructed in ways so as not to provoke anxiety about health, but to alleviate it, and enable the smoker to feel assured about the habit and confident in maintaining it over time.”¹

To reassure consumers, the companies introduced “low-tar” and “light” cigarettes, which took their name from the fact that when measured by smoking machines, these cigarettes delivered less tar and nicotine. Internal tobacco industry documents show the industry deliberately designed these cigarettes to produce low yields of tar when tested by machines, knowing full well that they would be smoked differently by actual smokers seeking to maintain nicotine levels. Despite knowing this, the cigarette companies marketed them as safer products. For health-conscious adults who wanted to quit smoking but were unable to do so because they were addicted, switching to cigarettes with lower tar and nicotine yields seemed to be an attractive alternative. Industry advertising reinforced this belief.

As a result, over the past twenty years, a majority of consumers in developed countries now smoke “light” and “low-tar” products, believing that they are reducing or avoiding the health risks from smoking.¹¹ In the United States, for example, 87 percent of cigarettes currently sold are low-tar brands marketed with descriptions such as “light” and “ultra-light”. And, as concerns about smoking have risen in developing countries, the industry has begun to aggressively market these brands in poorer countries..

Yet recent research has revealed that these cigarettes are a fraud. In November 2001, the U.S. National Cancer Institute (NCI) released a landmark study on the subject. The report found that while changes in cigarette design have reduced the amount of tar and nicotine measured by smoking machines, these machine measurements do not accurately show how much tar and nicotine is actually received by the smoker. There is in fact no meaningful difference in exposure from smoking low-tar and regular brands, and therefore no difference in disease risk. That is because smokers smoke low-tar brands differently to obtain the same amount of nicotine. Smokers block ventilation holes; inhale more deeply; take larger, more rapid, or more frequent puffs; or increase the number of cigarettes smoked per day.

The NCI report concluded that “Epidemiological and other scientific evidence, including patterns of mortality from smoking-caused diseases, does not indicate a benefit to public health from changes in cigarette design and manufacturing over the last fifty years.” The report concluded that while “many smokers switch to lower yield cigarettes out of concerns for their health believing these cigarettes to be less risky or to be a step towards quitting...current evidence does not support either claims of reduced harm or policy recommendations to switch to these products.”ⁱⁱⁱ

Why the FTC/ISO Testing Method is Flawed and Should Not Be Endorsed in the FCTC

In the mid-1960s, a standardized smoking-machine test method was established to measure the amounts of tar and nicotine in cigarette smoke. This testing method was pioneered by the U.S. Federal Trade Commission (FTC), and was later adopted by International Organization for Standardization (ISO). However, the FTC/ISO method did not accurately measure the behavior of actual smokers, something the tobacco industry was aware of early on. As a 1974 internal document from Philip Morris put it, “People do not smoke like the machine. People smoke cigarettes differently....Generally people smoke in such a way that they get much more than predicted by machine.”^{iv} Despite this knowledge, cigarette companies agreed to put FTC/ISO tar and nicotine ratings in their advertisements. As a result, the smoking-machine testing method “provided the cigarette industry with a very powerful and persuasive selling message in which the industry's own documents show was deliberately used to 'reassure smokers' and to provide an alternative to quitting.”^v

Some Countries Have Already Moved to Ban Misleading Descriptors

Several government entities and states have already taken steps towards banning deceptive labeling on tobacco products:

- In November 2001, Brazil issued prohibited the use of any descriptor on tobacco products that could lead consumers to misinterpret the amount of tar, including a ban on terms such as "light", "low tar", or "smooth" on tobacco products.
- After September 2003, the packaging of tobacco products marketed or manufactured in the European Union cannot have any texts, names, trademarks and figurative or other signs that suggest a particular tobacco product is less harmful than another. Because terms such as “light”, “mild” and “low-tar” have the potential to undermine this requirement, EU Member States will be obligated to prohibit their use. However the EU law also sets permissible levels of tar in cigarettes at 10mg and imposes a limit for carbon monoxide of 10mg and 1mg for nicotine. These provisions are counterproductive as they act as an implicit endorsement of the flawed FTC/ISO numbers.

Tobacco Industry Adaptation to Bans on Misleading Descriptors

Descriptive words are just one of the methods employed by the tobacco industry to convey the “lightness” of products. Cigarette companies are devising ways of getting around bans on misleading descriptors. Alternative marketing is already being practiced in some countries; for

example, particular colors are used in cigarette packaging and advertising to denote “light” from regular brands. Blue and white are the most common colors of choice for “light” products. Therefore, the FCA recommends that, in addition to banning phrases such as “light”, “low”, and “mild”, language be put in the FTC that would prohibit “texts names, trade marks and figurative or other signs suggesting that a particular tobacco product is less harmful than others” from being used on tobacco products, unless governmental agencies with full regulatory authority have explicitly authorized their use.

Resources on the Web:

U.S. National Cancer Institute, “Monograph 13: Risks Associated with Smoking Cigarettes with Low Machine-Measured Yields of Tar and Nicotine,” November 2001.

<http://cancercontrol.cancer.gov/tcrb/monographs/13/>

Health Canada’s Expert Panel Report on Deceptive Light & Mild Cigarette Descriptors

http://www.hc-sc.gc.ca/english/media/releases/2001/2001_117e.htm

Information from the Campaign for Tobacco Free Kids on “The Low Tar Lie”

<http://tobaccofreekids.org/reports/lowtar/>

Action on Smoking & Health London, “Why Low Tar Cigarettes Don’t Work and How the Tobacco Industry Has Fooled the Smoking Public,” 1999.

<http://www.ash.org.uk/html/regulation/html/big-one.html>

ⁱ Short, P. "Smoking & Health Item 7: The Effect on Marketing" (1977), Brown and Williamson 170041126

ⁱⁱ e.g., Kozlowski, L.T., et al., “Smokers’ Misperceptions of Light and Ultra-Light Cigarettes May Keep Them Smoking,” *American Journal of Preventive Medicine* 15(1): 9-16 (July 1998); *Smoking and Tobacco Control Monograph 13*, ch. 1 “Conclusions”, National Cancer Institute (2001).

ⁱⁱⁱ U.S. National Cancer Institute, “Monograph 13: Risks Associated with Smoking Cigarettes with Low Machine-Measured Yields of Tar and Nicotine,” November 2001.

^{iv} "Some Unexpected Observations on Tar and Nicotine and Smoker Behavior" (1974). Philip Morris Tobacco Company 2047031987-2047031992

^v Wilkenfeld, Judith, et al. "It's Time for a Change: Cigarette Smokers Deserve Meaningful Information About Their Cigarettes", *Journal of the National Cancer Institute*, Vol. 92, No. 2, January 19, 2000