

CAMPAIGN For TOBACCO-FREE Kids[®]

COMPARISONS: JUNE 20, 1997 AGREEMENT VS. MCCAIN BILL (JUNE 1998) VS. MULTISTATE SETTLEMENT AGREEMENT (NOVEMBER 1998)

	JUNE 20, 1997 AGREEMENT	MCCAIN BILL (JUNE 1998) (MANAGERS AMENDMENT)	MULTISTATE SETTLEMENT AGREEMENT (NOVEMBER 1998)
AUTHORITY OF THE FDA	Authority of FDA to oversee the tobacco industry and tobacco products as Drugs/ Devices	Authority of FDA to oversee the tobacco industry and tobacco products in a separate tobacco chapter	Not Addressed
	Authority to regulate harmful constituents , including nicotine,	Authority to regulate harmful constituents , including nicotine,	Not Addressed
	Authority to require safety testing and disclosure of ingredients	Authority to require safety testing and disclosure of ingredients	Not Addressed
	Authority to Revise health warnings	Authority to Revise health warnings	Not Addressed
	Authority to require tobacco industry to disclose health research	Authority to require tobacco industry to disclose health research	Not Addressed
	Authority to restrict marketing and sales practices to protect children recognized	Authority to restrict marketing and sales practices to protect children recognized	Not Addressed
	Imposed Procedures Greater Than for Other Products	Did Not Impose Procedures Greater Than for Other Products	Not Addressed
HEALTH WARNINGS			
	New stronger health warnings on cigarette and smokeless tobacco packages and ads	New stronger health warnings on cigarette and smokeless tobacco packages and ads	Not Addressed
	New more visible warning format	New more visible warning format	Not Addressed
	Authority of FDA to revise warnings	Authority of FDA to revise warnings	Not Addressed
YOUTH ACCESS RESTRICTIONS			
	Comprehensive Enforcement plan	Comprehensive Enforcement plan	Not Required
	Requires proof of age	Requires proof of age	Not Required
	Limit Vending Machines to adult only facilities	Bans Vending machines	Not Required
	Bans self-service displays	Bans self-service displays	Not Required
	Free Sampling Banned	Free Sampling Banned	Free Sampling limited to adult only facilities
	License retailers	License retailers	Not Required

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	Minimum Pack Size	Minimum Pack Size	Minimum Pack Size
YOUTH TARGETS AND PENALTIES			
	Required youth tobacco use reduction targets	Required youth tobacco use reduction targets	None Set
	Industry Wide Penalties	Combination of Industry Wide and Company Based Penalties	None
FUNDS - TOBACCO CONTROL PROGRAMS OTHER THAN PUBLIC EDUCATION			
	Funds for Tobacco efforts at the federal level, i.e. Community Based Programs	Funds for Tobacco efforts at the federal level, i.e. Community Based Programs	None
	Funds for Tobacco Control efforts at the state level	Funds for Tobacco Control efforts at the state level	Agreement Does Not require that Funds States receive be used to reduce tobacco use
CESSATION	\$1 to 1.5 billion a year provided	Annual funding beginning at \$ 680 million	Not Addressed; No guaranteed funding
RESEARCH	\$25 billion trust fund, plus more than \$100 million annually	@ 850 million annually (@1/3 of total research allocation)	\$25 million annually to a National Foundation for both Tobacco and Substance Abuse
PUBLIC EDUCATION - COUNTER ADS			
	\$500 Million a year Indefinitely	\$500 Million a year Indefinitely	\$300 Million a year guaranteed for 5 years , with contingency for longer funding
	No Limit on content	No Limit on content	No Criticism of Tobacco Companies or Officials

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RESTRICTIONS ON MARKETING TO CHILDREN			
GENERAL PROHIBITION OF YOUTH TARGETING	Not Addressed	Not Addressed	General Prohibition of Youth Targeting
OUTDOOR ADS	Bans All Outdoor Ads	Bans All Outdoor Ads	Bans Billboards and Transit Ads, but permits small signs and Signs on Buildings where Tobacco is sold, including near schools
TRANSIT	Bans Transit Ads	Bans Transit Ads	Bans Transit Ads
CARTOONS/HUMAN IMAGES	Bans Cartoons and Human Images, like the Marlboro Man	Bans Cartoons and Human Images, like the Marlboro Man	Bans Cartoons, but not Human Images, like the Marlboro Man
PRINT MEDIA	Limits ads in Newspapers and magazines with large youth readership to black and white text only	Limits ads in Newspapers and magazines with large youth readership to black and white text only	Newspaper and magazine Ads not limited
BRAND NAME MERCHANDISE	Bans all tobacco brand name merchandise	Bans all tobacco brand name merchandise	Bans tobacco brand name merchandise, except at tobacco sponsored events
IN STORE ADVERTISING	Black and white text only; Limited number and size	Black and white text only; Limited number and size	No Limits
OFFERS OF NON TOBACCO ITEMS OR GIFTS BASED ON PROOF OF PURCHASE	Banned	Banned	Banned to children
USE OF NON-TOBACCO BRAND NAME ON TOBACCO PRODUCTS	Banned	Banned	Banned
INTERNET TOBACCO ADS	Banned	Banned	Not Addressed
TOBACCO PRODUCT PLACEMENT IN MOVIES AND ON TV	Banned	Banned	Banned
BRAND NAME SPONSORSHIPS	Banned	Banned	Prohibited for concerts, events in which any contestants are under 18, or in football, baseball, soccer or hockey; except for Kool Jazz Festival

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			or GPC Country Music Festival; Otherwise Limited to one event or series (like the Winston Cup Race Tour) Annually
TOBACCO INDUSTRY ORGANIZATIONS			
	Dissolves Tobacco Institute, Council on Tobacco Research; CTR may not be reconstituted	Dissolves Tobacco Institute, Council on Tobacco Research; CTR may not be reconstituted	Dissolves Tobacco Institute, Council on Tobacco Research and Center for Indoor Air Research; CTR may not be reconstituted
ENVIRONMENTAL TOBACCO SMOKE PROTECTIONS	Set Nation Wide Minimum Standards	Set Nation Wide Minimum Standards Subject to Right of a State to Disapprove	Not Addressed
FARMERS			
	Not Addressed	Conflicting provisions to fund and assist farmers	Not Addressed; except to Require Industry to Meet with farmers
PAYMENTS			
	\$368.5 billion over 25 years, of which \$196.5 billion was for the states	\$506 billion over 25 years, of which \$196.5 billion was for the states	\$206 billion over 25 years to settle state cases; Federal Gov't has a claim on a portion of These Funds
FEDERAL TAX RESTRICTIONS - OFFSET	None	None	Industry Gets deduction on payments to the states if Federal Gov't Imposes a Payment or a new Tax on the tobacco companies and returns the money to the states unrestricted, for health care or tobacco control
TOBACCO INDUSTRY LIABILITY			
	Limits on punitive damages for past wrongdoing and on class actions	No limits on punitive damages or class actions	No limits on punitive damages or class actions
	Annual Liability Cap	Annual Liability Cap	No Annual Liability Cap
	Settle state Medicaid cases and Addiction class actions	Settle state Medicaid cases and Addiction class actions	Settle state Medicaid cases, but not Addiction class actions. State settlement covers cities and counties and private attorneys general cases for all claims the states brought or could have brought

The Campaign for Tobacco Free Kids, December 18, 1998