



National Association of County & City Health Officials

The National Connection for Local Public Health

October 15, 2019

Ned Sharpless  
Acting Commissioner  
Food and Drug Administration  
10903 New Hampshire Ave.  
Silver Spring, MD 20993

Re: Comments on Tobacco Products; Required Warnings for Cigarette Packages and Advertisements (Docket ID No. FDA-2019-N-3065)

Dear Dr. Sharpless:

On behalf of the nearly 3,000 city and county health departments across the country responsible for safeguarding the health of millions of Americans, the National Association of County and City Health Officials (NACCHO) provides the following comments on the Food and Drug Administration's (FDA) proposed rule to establish new required health warnings for cigarette packages and advertisements, "Tobacco Products; Required Warnings for Cigarette Packages and Advertisements" (Docket ID No. FDA-2019-N-3065). Smoking is an urgent health hazard, and NACCHO applauds the Administration for proposing new required health warnings for cigarette packages and advertisements in an effort to take action against this public health threat.

Currently, there are about 34 million adults and nearly 1.4 million U.S. youth smoking traditional cigarettes. Tobacco use is the leading cause of preventable death in the United States, killing more than 480,000 Americans each year—more than the total number killed by AIDS, alcohol, motor vehicles, homicide, illegal drugs and suicide combined.<sup>1</sup> Despite tremendous progress in reducing smoking, there are still approximately 34.3 million adult smokers in the United States today, about half of whom will die prematurely as a result of their addiction.<sup>2</sup> Each day, more than 300 children under the age of 18 become regular, daily smokers and almost one-third will eventually die from smoking.<sup>3</sup> The 2014 Report of the Surgeon General projected that, if current trends continue, 5.6 million of today's youth will die prematurely from a smoking-related illness.<sup>4</sup> Tobacco use also costs more than \$300 billion a year in direct healthcare costs and lost productivity.<sup>1</sup>

Local health departments are key partners with the healthcare system and non-governmental organizations to protect the health and well-being of their community and are instrumental in ensuring public awareness about the dangers of tobacco use, particularly among youth. Local health departments have long supported community smoking cessation efforts, through efforts such as supporting local smoke-free air laws and implementing laws that reduce the sale of cigarettes to minors. According to a recent NACCHO report [Tobacco Control Efforts in Rural America: Perspectives from Local Health Departments](#), over 90% of rural health departments reported they have engaged in tobacco prevention and cessation methods and 75% have dealt with the issue of smoke-free air.



It has been over ten years since the Family Smoking Prevention and Tobacco Control Act of 2009 (Tobacco Control Act) required FDA to issue a final rule mandating color graphic health warnings on cigarette packages and ads. In enacting that landmark legislation, Congress determined that the current Surgeon General warnings on the sides of cigarette packages were largely ignored and ineffective in communicating the health hazards of cigarettes to the public. Those warnings remain just as ineffective today. Over 120 countries have adopted graphic health warnings; 81 in the ten years since enactment of the Tobacco Control Act. The evidence is overwhelming that such warnings substantially increase public understanding of the dangers of smoking.<sup>5</sup> Yet, in the U.S., cigarette packages and advertising today remain devoid of effective health warnings. Given the length of time that the Congressional mandate of graphic health warnings has remained unfulfilled, and the strong support for the proposed warnings in the administrative record, FDA must ensure that a final rule is issued by the March 15, 2020 deadline established by order of the United States District Court for the District of Massachusetts in *Am. Acad. of Pediatrics v. FDA*, No. 1:16-cv-11985-IT, Dkt. No. 56 (March 5, 2019).

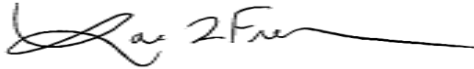
The proposed rule builds on other successful efforts such as the Centers for Disease Control and Prevention (CDC) *Tips from Former Smokers*<sup>®</sup> program, which has been an effective advertising campaign that accurately depicts that harmful effects of cigarettes. According to CDC, regarding the impacts of the *Tips*<sup>®</sup> campaign, “(s)cientific studies have shown that hard-hitting media campaigns are effective in helping people quit smoking. Study results suggest that emotionally evocative tobacco education media campaigns featuring graphic images of the health effects of smoking can increase quitline calls and website visits, and that these campaigns’ effects decrease rapidly once they are discontinued.”<sup>6</sup> During 2012–2018, CDC estimates that more than 16.4 million people who smoke have attempted to quit and approximately one million have quit for good because of the *Tips*<sup>®</sup> campaign.<sup>6</sup> Like the *Tips*<sup>®</sup> Campaign, new graphic warning labels on cigarette packages will further reinforce what smokers already know, that cigarettes are harmful to their health.

NACCHO supports national, state, and local policies and regulations that will enhance the ability of local health departments to effectively promote safe, healthy, and productive living in all communities. Local health departments support cessation programs, regulations on tobacco products, and reducing the tobacco sales to minors. They also engage in community education about the health effects of smoking, something that would be complimented by these new graphic warnings, that could persuade smokers to kick the habit or enter a cessation program and prevent new smokers from starting.

NACCHO supports the Administration’s proposed graphic warnings for cigarette packages and advertisements that will educate the public about the dangers of tobacco use. New warning labels on packages and advertisements with graphic depictions of the harmful effects of smoking will bolster the efforts of local health departments and are likely to impact youth smoking and introduction rates and promote increased quit attempts by existing smokers, thereby prolonging lives and improving health. Cigarette package warnings have not been updated in 35 years, and NACCHO thanks the Administration for the updated effort to warn about the dangers of cigarettes.

Thank you for your leadership on this issue. For more information, please contact Adriane Casalotti, NACCHO's Chief of Government and Public Affairs at [acasalotti@naccho.org](mailto:acasalotti@naccho.org).

Sincerely,

A handwritten signature in black ink that reads "Lori Tremmel Freeman". The signature is fluid and cursive, with the first name "Lori" being the most prominent.

Lori Tremmel Freeman, MBA  
CEO

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<sup>1</sup> U.S. Department of Health and Human Services (HHS), The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General (2014 SG Report), 2014, Retrieved October 11, 2019 from <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/>.

<sup>2</sup> Centers for Disease Control and Prevention (CDC), "Tobacco Product Use Among Adults — United States, 2017," MMWR 67(44):1221-1232, November 9, 2018. <https://www.cdc.gov/mmwr/volumes/67/wr/pdfs/mm6744a2-H.pdf>.; HHS, The Health Consequences of Smoking. A Report of the Surgeon General (2004 SG Report), 2004, Retrieved October 11, 2019 from [http://www.cdc.gov/tobacco/data\\_statistics/sgr/2001/index.htm](http://www.cdc.gov/tobacco/data_statistics/sgr/2001/index.htm)

<sup>3</sup> Derived from HHS, "Results from the 2017 National Survey on Drug Use and Health: Detailed Tables," Retrieved October 11, 2019 from <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHDetailedTabs2017/NSDUHDetailedTabs2017.pdf> ); HHS Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General, Fact Sheet, A13.

<sup>4</sup> HHS, The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General (2014), at 1 (Executive Summary) (2014 SG Report). Retrieved October 11, 2019 from <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf>.

<sup>5</sup> World Health Organization. Report on the Global Tobacco Epidemic, Geneva: World Health Organization; 2019.

<sup>6</sup> CDC. Tips<sup>®</sup> Impact and Results. Retrieved on October 11, 2019 from <https://www.cdc.gov/tobacco/campaign/tips/about/impact/campaign-impact-results.html>.