



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Utah Department of Public Safety

KEITH D. SQUIRES
Commissioner

Utah State Fire Marshal

COY D. PORTER
State Fire Marshal

Memorandum

To: Whom it May Concern

From: Oliver C. Moore
Deputy State Fire Marshal, RCIP Coordinator

Date: May 05, 2010

RE: Changes to Cigarette Labeling per the Federal Family Smoking Prevention & Tobacco Act.

Dear Sir or Madam:

On June 22, 2009, the President signed the Family Smoking Prevention and Tobacco Control Act into Law. The Tobacco Control Act granted FDA new authority to regulate the manufacture, marketing and distribution of tobacco products. Among its many provisions, the Tobacco Control Act added Section 911(b) to the Federal Food, Drug and Cosmetic Act, which prohibits the manufacture of any tobacco product "the label, labeling or advertising of which uses the descriptors "light", "mild", or "low" or similar descriptors," as of June 22, 2010. The Act allows manufacturers to sell products with the old descriptors to the trade through July 22, 2010. Therefore, to provide a procedural guideline to assist manufacturers in facilitating the change, under umbrella of the Reduced Cigarette Ignition Propensity and Firefighter Protection Act, please follow the directives below:

- > All cigarettes or RYO must be previously certified with the Utah State Fire Marshal's Office to be approved for change.
- > Cigarettes that are in any way changed from their original certification and testing criteria 53-7-404, are required to be tested as per 53-7-403 and a new fee as per 53-7-404(5) levied.
- > Any modification to cigarette packaging, e.g., packaging design, hard pack to soft pack, safety disclaimers, UPC code or FSC location must be identified by design model, picture, or packaging examples 53-7-4105 and will require a fee.

To facilitate the name change:

1. Send a letter of request to the Office of the State Fire Marshal, and specify that this change is facilitated by the new Tobacco Control Act (FDA Label Change), with the name comparison lists and the labeling evidence included.
2. The brand names must be specifically identified with the brand/style changes.
3. The new brand/style name change must be specifically and clearly associated with the old descriptor. Example: "Current brand style descriptors" – "New FDA required brand style descriptors". Format: We would be pleased if the name comparisons were charted or in a table format.
4. Star or clearly mark those Styles that will be discontinued after the Current Package is sold through or that will be permanently discontinued.
5. A design sheet, picture photocopy, or packaging example for each name change must accompany the change request. (Packaging Clarification: FDA name change on packaging = no fee, however, cigarette packaging style change, hard to soft pack with name change, = a fee charge is required as per 53-7-404(5).)

Should you require additional information or if you prefer this information in hard copy, please do not hesitate to contact Oliver C. Moore at 801-284-6349 or omoores@utah.gov