

SHADOW REPORT TO THE PERIODIC REPORT BY THE GOVERNMENT OF  
BRAZIL

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**PREVENTING AND REDUCING TOBACCO USE IN BRAZIL:  
PENDING TASKS**

**ADDENDUM REGARDING METHODS  
FOR TAR AND NICOTINE MEASUREMENT**

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**ADDENDUM ON THE REPORT FILED BY THE FOLLOWING ORGANIZATIONS:**

THE O'NEILL INSTITUTE FOR NATIONAL AND GLOBAL HEALTH LAW

THE CAMPAIGN FOR TOBACCO-FREE KIDS

THE ALLIANCE FOR TOBACCO CONTROL (*ALIANÇA DE CONTROLE DO TABAGISMO*)

In 1966, the United States Federal Trade Commission (FTC) adopted a standardizing testing method, known as the Cambridge Filter Method or FTC method, for the measurement of tar and nicotine yields of cigarette smoke. Under the International Organization for Standardisation (ISO), similar testing methods were adopted for use around the world.

There are two major weaknesses built into health claims based on the ISO/FTC methods: (1) machine-measurements of tar and nicotine are not valid estimates of the amounts of tar or nicotine received by smokers; and (2) many smokers mistakenly believe that lower yield or light cigarettes deliver less tar, produce lower rates of disease and are therefore 'safer'.<sup>1</sup>

In 2008, the FTC rescinded its guidance regarding the FTC machine-based testing stating that “machine-based measurements of tar and nicotine yields based on the Cambridge Filter Method do not provide meaningful information on the amounts of tar and nicotine smokers receive from cigarettes or on the relative amounts of tar and nicotine they are likely to receive from smoking different brands of cigarettes.”<sup>2</sup> They found the machine-based testing to be “poor predictors of tar and nicotine exposure [...] primarily due to smoker compensation – i.e., the tendency of smokers of lower-rated cigarettes to

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<sup>1</sup> World Health Organization—Scientific Advisory Committee on Tobacco Product Regulation. SACTob Conclusions on Health Claims Derived from ISO/FTC Method to Measure Cigarette Yield. Geneva: WHO; 2003. Available from: [http://www.who.int/tobacco/sactob/recommendations/en/iso\\_ftc\\_en.pdf](http://www.who.int/tobacco/sactob/recommendations/en/iso_ftc_en.pdf).

<sup>2</sup> United States Federal Trade Commission (FTC). FTC Proposes Rescinding 40-Year Guidance on Statements Concerning Tar and Nicotine Yields [press release]. 2008 Jul 8. Available from: <http://www.ftc.gov/opa/2008/07/cigarettefyi.shtm>

take bigger, deeper, or more frequent puffs, or to otherwise alter their smoking behavior in order to obtain the dosage of nicotine they need.”<sup>3</sup>

Studies have revealed that the tar and nicotine ratings as they are displayed by the industry mislead consumers. Tobacco industry marketing directly and indirectly promotes the health benefits of ‘light’ and ‘low’ tar cigarettes with the result that many smokers mistakenly believe ‘low’ tar cigarettes are healthier than higher tar level cigarettes. These advertising and marketing approaches have contributed to consumers’ using low yield cigarettes in an attempt to reduce their health risks, or as a step towards or an alternative to smoking cessation.<sup>4</sup>

Today, the consensus within the scientific community is that the ISO/FTC methods are flawed and that tar, nicotine, and carbon monoxide numerical ratings based upon current ISO/FTC methods and presented on cigarette packages and in advertising as single numerical values are misleading and should not be displayed.<sup>5</sup> Any effort to provide consumers information about tar and nicotine content must take these deficiencies in existing technology into account.

### **WHO Scientific Advisory Committee on Tobacco Product Regulation** (now known as TobReg, the WHO Study Group on Tobacco Product Regulation)

Based on the existing science, WHO’s Scientific Advisory Committee on Tobacco Product Regulation makes the following conclusions and recommendations:

1. Tar, nicotine, and CO numerical ratings based upon current ISO/FTC methods and presented on cigarette packages and in advertising as single numerical values are misleading and should not be displayed.
2. All misleading health and exposure claims should be banned.
3. The ban should apply to packaging, brand names, advertising and other promotional activities.
4. Banned terms should include light, ultra-light, mild and low tar, and may be extended to other misleading terms. The ban should include not only misleading terms and claims but also, names, trademarks, imagery and other means to conveying the impression that the product provides a health benefit.<sup>6</sup>

Therefore, recommendation number 4 of our Shadow Report should read as follows:

*The government should continue to require that tobacco companies include ingredient and constituent information on the package label and forbid the disclosures of levels of nicotine, tar and carbon monoxide and other ingredients and constituents found in tobacco smoke until methods for evaluating exposure and the health impact of such exposure are developed that provide meaningful, non-misleading information to consumers.*

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<sup>3</sup> FTC. Rescission of FTC Guidance Concerning the Cambridge Filter Method. Washington, DC: FTC; 2008. Available from: <http://www.ftc.gov/os/2008/11/P944509cambridgefiltermethodfrn.pdf>

<sup>4</sup> World Health Organization—Scientific Advisory Committee on Tobacco Product Regulation. SACTob Conclusions on Health Claims Derived from ISO/FTC Method to Measure Cigarette Yield. Geneva: WHO; 2003. Available from: [http://www.who.int/tobacco/sactob/recommendations/en/iso\\_ftc\\_en.pdf](http://www.who.int/tobacco/sactob/recommendations/en/iso_ftc_en.pdf).

<sup>5</sup> World Health Organization—Scientific Advisory Committee on Tobacco Product Regulation. SACTob Conclusions on Health Claims Derived from ISO/FTC Method to Measure Cigarette Yield. Geneva: WHO; 2003. Available from: [http://www.who.int/tobacco/sactob/recommendations/en/iso\\_ftc\\_en.pdf](http://www.who.int/tobacco/sactob/recommendations/en/iso_ftc_en.pdf).

<sup>6</sup> WHO Scientific Advisory Committee on Tobacco Product Regulation [http://www.who.int/tobacco/sactob/recommendations/en/iso\\_ftc\\_en.pdf](http://www.who.int/tobacco/sactob/recommendations/en/iso_ftc_en.pdf)