



## Legislation Text

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**File #:** Res 0861-2005, **Version:** \*

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### Res. No. 861

Resolution calling upon the United States Congress to tighten advertising restrictions in the federal Cigarette Labeling and Advertising Act and to allow localities to legislate in this area, in order to reduce the exposure of youth to tobacco advertising.

By Council Members Fidler, Liu, Quinn, Gennaro, James, Nelson, Foster, Reyna, Gentile, Recchia Jr., Barron, Boyland, Brewer, Comrie, Gerson, Gonzalez, Koppell, Palma, Perkins, Sanders Jr., Seabrook, Sears, Vallone Jr. and Weprin

Whereas, The National Center for Chronic Disease and Prevention reported in 2003 that 21.9 percent of high school students smoked cigarettes; and

Whereas, The “Youth Tobacco Survey” issued in 2000, by the Centers for Disease Control, found that 49.5 percent of surveyed students had smoked at one point in their lives, 23.1 percent were currently using a tobacco product and 14.5 percent used tobacco products other than cigarettes; and

Whereas, According to testimony delivered to the City Council Committee on Youth Services by the Kings County Reality Check Organization (“Reality Check”), 90 percent of all current adult smokers began using tobacco as teens; and

Whereas, According to a 2002 article authored by K.M. Cummings in Tobacco Control magazine (the “Tobacco Control” article), cigarette manufacturers are in the business of making a profit, and such profits depend on the ability to recruit new smokers; and

Whereas, The Tobacco Control article also states that in a market where brand loyalties are shaped at an early age, there is a strong incentive for tobacco companies to target young beginning smokers, and such companies have routinely researched the smoking habits of teenagers and competed vigorously to capture a share of the youth smoking market; and

Whereas, In an effort to reduce youth exposure to cigarette advertising, the federal Cigarette Labeling and Advertising Act (the “CLAA”), which prescribes mandatory health warnings for cigarette packaging and advertising and pre-empts similar state regulations, was enacted; and

Whereas, The United States Supreme Court in Lorillard Tobacco Co. et al. v. Reilly, Attorney General of Massachusetts et al. (2001), held that pursuant to §1333 and § 1334(b) of the CLAA, states and localities cannot legislate additional requirements or prohibitions based on smoking and health with respect to the advertising or promotion of cigarettes; and

Whereas, Other initiatives aimed at reducing youth exposure to tobacco advertising include the prohibition of tobacco product advertisements from television and radio during the 1970s and the implementation of the Master Settlement Agreement in 1998, which prohibited the use of cartoon characters, in cigarette advertising, cigarette oriented “gear” for children and tobacco advertising in magazines with youth readership of 15 percent or greater; and

Whereas, Despite the above-mentioned initiatives to curb tobacco use by youth, evidence described in the Tobacco Control article demonstrates that the tobacco industry has continued to market and “subtly” advertise its products to youth, and has a strategic interest in placing youth oriented brands, promotions and advertising in locations where young people congregate; and

Whereas, The continued advertising efforts of tobacco companies, along with the current levels of tobacco use among youth, present compelling evidence that the federal government should take additional steps to restrict cigarette advertising aimed at young people; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to tighten advertising restrictions in the federal Cigarette Labeling and Advertising Act and to allow localities to legislate in this area, in order to reduce the exposure of youth to tobacco advertising.

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