

FDA Regulation of Tobacco Products

Please refer to the [Food and Drug Administration](#)'s website for further information regarding its regulation of tobacco products.

Effective September 22, 2009, pursuant to [Section 907\(a\)\(1\)\(A\)](#) of the Federal Food, Drug, and Cosmetic Act, as amended by Section 101 of the Family Smoking Prevention and Tobacco Control Act, a cigarette or any of its component parts (including the tobacco, filter or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. According to the FDA, cigarettes and their component parts that fail to comply with the special rule established under Section 907 are deemed adulterated under Section 902 and as such are subject to seizure under Section 304 as well as other enforcement action under the Federal Food, Drug, and Cosmetic Act.

Effective July 22, 2010, pursuant to [Section 911](#) of the Federal Food, Drug, and Cosmetic Act, as amended by Section 101 of the FSPTCA, cigarette manufacturers may no longer introduce into domestic commerce cigarettes which suggest a lower risk of the harm from using the tobacco product as compared to other commercially available tobacco products, unless it has been specifically approved by the Secretary of Health and Human Services. This includes products that contain descriptors such as “light”, “low”, “mild” or other similar terms. However, cigarettes that were introduced into domestic commerce prior to July 22, 2010 may remain on retail shelves after that date.