

sions of this chapter, or upon any constitutional or other legal right or privilege of such person.

**(c) Petition for order modifying or setting aside demand for production of product of discovery; grounds for relief; stay of compliance with demand and of running of time allowed for compliance with demand**

Whenever any such demand is an express demand for any product of discovery, the person from whom such discovery was obtained may file, at any time prior to compliance with such express demand, in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending, and serve upon any antitrust investigator named in the demand and upon the recipient of the demand, a petition for an order of such court modifying or setting aside those portions of the demand requiring production of any such product of discovery. Such petition shall specify each ground upon which the petitioner relies in seeking such relief and may be based upon any failure of such portions of the demand to comply with the provisions of this chapter, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of such petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand.

**(d) Petition for order requiring performance by custodian of duties; venue**

At any time during which any custodian is in custody or control of any documentary material or answers to interrogatories delivered, or transcripts of oral testimony given by any person in compliance with any such demand, such person, and, in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian a petition for an order of such court requiring the performance by such custodian of any duty imposed upon him by this chapter.

**(e) Jurisdiction; appeal; contempt**

Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this chapter. Any final order so entered shall be subject to appeal pursuant to section 1291 of title 28. Any disobedience of any final order entered under this section by any court shall be punished as a contempt thereof.

**(f) Applicability of Federal Rules of Civil Procedure**

To the extent that such rules may have application and are not inconsistent with the provisions of this chapter, the Federal Rules of Civil Procedure shall apply to any petition under this chapter.

**(g) Disclosure exemption**

Any documentary material, answers to written interrogatories, or transcripts of oral testi-

mony provided pursuant to any demand issued under this chapter shall be exempt from disclosure under section 552 of title 5.

(Pub. L. 87-664, §5, Sept. 19, 1962, 76 Stat. 551; Pub. L. 94-435, title I, §104, Sept. 30, 1976, 90 Stat. 1389; Pub. L. 96-349, §2(b)(5), Sept. 12, 1980, 94 Stat. 1155.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 87-664, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1311 of this title and Tables.

The Federal Rules of Civil Procedure, referred to in subsec. (f), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-349, §2(b)(5)(A), designated existing provisions as par. (1), provided for filing and serving a petition for an order modifying or setting aside a demand in the case of an express demand for any product of discovery upon the person from whom the discovery was obtained, incorporated existing provision in cl. (A), added cl. (B), and designated existing provisions as par. (2).

Subsecs. (c), (d). Pub. L. 96-349, §2(b)(5)(B) to (D), added subsec. (c), redesignated former subsec. (c) as (d) and authorized petition, in the case of an express demand for any product of discovery, by the person from whom the discovery was obtained, for an order requiring performance by the custodian of his duties. Former subsec. (d) redesignated (e).

Subsecs. (e) to (g). Pub. L. 96-349, §2(b)(5)(B), redesignated former subsecs. (d) to (f) as (e) to (g), respectively.

1976—Subsec. (a). Pub. L. 94-435, §104(a), struck out provision which permitted a petition for an enforcement order to be filed in the judicial district where a person who had failed to comply with a demand and who transacted business in one or more districts, maintained his principal place of business, or in such other district, in which such person transacted business, as was agreed upon by the parties to the petition.

Subsec. (b). Pub. L. 94-435, §104(b), (c), inserted "or within such period exceeding twenty days after service or in excess of such return date as may be prescribed in writing, subsequent to service, by any antitrust investigator named in the demand," after "whichever period is shorter", substituted "antitrust investigator" for "custodian" before "a petition for an order", and inserted proviso that petitioner should comply with portions of a contested demand which are not being challenged.

Subsec. (c). Pub. L. 94-435, §104(d), substituted "or answers to interrogatories delivered, or transcripts of oral testimony given" for "delivered".

Subsec. (f). Pub. L. 94-435, §104(e), added subsec. (f).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-435 effective Sept. 30, 1976, see section 106 of Pub. L. 94-435, set out as a note under section 1311 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1312, 1313 of this title.

CHAPTER 35—SEAT BELT REGULATION

**§§ 1321 to 1323. Repealed. Pub. L. 89-563, title I, § 117(a), Sept. 9, 1966, 80 Stat. 727**

Sections, Pub. L. 88-201, §§1-3, Dec. 13, 1963, 77 Stat. 361, provided for the promulgation of standards for seat belts in motor vehicles and set the penalty for the unlawful sale, importation, or introduction into com-

merce of seat belts not meeting the published standards. For savings provision, see section 117(b) to (e) of Pub. L. 89-563, formerly set out as a note under section 1301 of this title.

### CHAPTER 36—CIGARETTE LABELING AND ADVERTISING

- Sec.
1331. Congressional declaration of policy and purpose.
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1333. Labeling; requirements; conspicuous statement.
- (a) Required warnings; packages; advertisements; billboards.
- (b) Conspicuous statement; label statement format; outdoor billboard statement format.
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1334. Preemption.
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1336. Authority of Federal Trade Commission; unfair or deceptive acts or practices.
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- (a) Establishment of program; Secretary; functions.
- (b) Interagency Committee on Smoking and Health; composition; chairman; compensation; staffing and other assistance.
- (c) Report to Congress; contents.

#### § 1331. Congressional declaration of policy and purpose

It is the policy of the Congress, and the purpose of this chapter, to establish a comprehensive Federal Program to deal with cigarette labeling and advertising with respect to any relationship between smoking and health, whereby—

(1) the public may be adequately informed about any adverse health effects of cigarette smoking by inclusion of warning notices on each package of cigarettes and in each advertisement of cigarettes; and

(2) commerce and the national economy may be (A) protected to the maximum extent consistent with this declared policy and (B) not impeded by diverse, nonuniform, and confusing cigarette labeling and advertising regulations with respect to any relationship between smoking and health.

(Pub. L. 89-92, § 2, July 27, 1965, 79 Stat. 282; Pub. L. 91-222, § 2, Apr. 1, 1970, 84 Stat. 87; Pub. L. 98-474, § 6(a), Oct. 12, 1984, 98 Stat. 2204.)

#### AMENDMENTS

1984—Par. (1). Pub. L. 98-474 substituted “about any adverse health effects of cigarette smoking by inclusion of warning notices on each package of cigarettes

and in each advertisement;” for “that cigarette smoking may be hazardous to health by inclusion of a warning to that effect on each package of cigarettes;”.

1970—Pub. L. 91-222 reenacted section without change.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Section 3 of Pub. L. 91-222 provided in part that: “All other provisions of the amendment made by this Act [enacting section 1340 of this title, amending this section and sections 1332 and 1335 to 1339 of this title, and enacting provisions set out as notes under this section] except where otherwise specified shall take effect on January 1, 1970.”

#### EFFECTIVE DATE

Section 12, formerly § 11, of Pub. L. 89-92 as renumbered by Pub. L. 98-474, § 5(a), Oct. 12, 1984, 98 Stat. 2203, provided that: “This Act [this chapter] shall take effect on January 1, 1966.”

#### SHORT TITLE OF 1984 AMENDMENT

Section 1 of Pub. L. 98-474 provided that: “This Act [enacting sections 1335a and 1341 of this title, amending this section and sections 1332, 1333, 1336, and 1337 of this title, and enacting provisions set out as notes under this section and sections 1333 and 1335a of this title] may be cited as the ‘Comprehensive Smoking Education Act’.”

#### SHORT TITLE OF 1973 AMENDMENT

Section 1 of Pub. L. 93-109 provided: “That this Act [amending sections 1332 and 1335 of this title] may be cited as the ‘Little Cigar Act of 1973’.”

#### SHORT TITLE OF 1970 AMENDMENT

Section 1 of Pub. L. 91-222 provided: “That this Act [enacting section 1340 of this title, amending this section and sections 1332 to 1339 of this title, and enacting provisions set out as notes under this section and sections 1333 and 1334 of this title] may be cited as the ‘Public Health Cigarette Smoking Act of 1969’.”

#### SHORT TITLE

Section 1 of Pub. L. 89-92 provided: “This Act [enacting this chapter] may be cited as the ‘Federal Cigarette Labeling and Advertising Act’.”

#### SEPARABILITY

Section 13, formerly § 12, of Pub. L. 89-92 as added by section 2 of Pub. L. 91-222, and renumbered Pub. L. 98-474, § 5(a), Oct. 12, 1984, 98 Stat. 2203, provided that: “If any provision of this Act [this chapter] or the application thereof to any person or circumstances is held invalid, the other provisions of this Act [this chapter] and the application of such provisions to other persons or circumstances shall not be affected thereby.”

#### CONGRESSIONAL STATEMENT OF PURPOSE

Section 2 of Pub. L. 98-474 provided that: “It is the purpose of this Act [see Short Title of 1984 Amendment note above] to provide a new strategy for making Americans more aware of any adverse health effects of smoking, to assure the timely and widespread dissemination of research findings and to enable individuals to make informed decisions about smoking.”

#### § 1332. Definitions

As used in this chapter—

(1) The term “cigarette” means—

(A) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and

(B) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in