

(g) Admissibility into evidence; disclosure of conduct; publication of notice; supporting or answering claims under antitrust laws

(1) Except as provided in paragraph (2), for the sole purpose of establishing that a person or standards development organization is entitled to the protections of section 4303 of this title, the fact of disclosure of conduct under subsection (a) of this section and the fact of publication of a notice under subsection (b) of this section shall be admissible into evidence in any judicial or administrative proceeding.

(2) No action by the Attorney General or the Commission taken pursuant to this section shall be admissible into evidence in any such proceeding for the purpose of supporting or answering any claim under the antitrust laws or under any State law similar to the antitrust laws.

(Pub. L. 98-462, §6, Oct. 11, 1984, 98 Stat. 1818; Pub. L. 103-42, §3(f), June 10, 1993, 107 Stat. 119; Pub. L. 108-237, title I, §107, June 22, 2004, 118 Stat. 664.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-237, §107(1), designated existing provisions as par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, of par. (1), and added par. (2).

Subsec. (b). Pub. L. 108-237, §107(2), inserted “, or a notice with respect to such standards development activity that identifies the standards development organization engaged in such activity and that describes such activity in general terms” before period at end of first sentence and “or available to such organization, as the case may be” before period at end of last sentence.

Subsec. (d)(2). Pub. L. 108-237, §107(3), inserted “, or the standards development activity,” after “venture”.

Subsec. (e). Pub. L. 108-237, §107(4), substituted “person or standards development organization that” for “person who” and inserted “or any standards development organization” after “on any person”.

Subsec. (g)(1). Pub. L. 108-237, §107(5), inserted “or standards development organization” after “person”.

1993—Pub. L. 103-42, §3(f)(1), substituted “joint venture” for “joint research and development venture” in section catchline.

Subsec. (a). Pub. L. 103-42, §3(f)(2), (3), substituted “joint venture” for “joint research and development venture” and “October 11, 1984” for “the date of the enactment of this Act” and added par. (3).

Subsecs. (d)(2), (e). Pub. L. 103-42, §3(f)(3), substituted “joint venture” for “joint research and development venture”.

REPORTS ON JOINT VENTURES AND UNITED STATES COMPETITIVENESS

Section 4 of Pub. L. 103-42 provided that:
“(a) PURPOSE.—The purpose of the reports required by this section is to inform Congress and the American people of the effect of the National Cooperative Research and Production Act of 1993 [15 U.S.C. 4301 et seq.] on the competitiveness of the United States in key technological areas of research, development, and production.

“(b) ANNUAL REPORT BY THE ATTORNEY GENERAL.—In the 30-day period beginning at each 1-year interval in the 6-year period beginning on the date of the enactment of this Act [June 10, 1993], the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate—

“(1) a list of joint ventures for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 [15 U.S.C. 4305(a)] during the 12-month period for which such report is made, including—

“(A) the purpose of each joint venture;
“(B) the identity of each party described in section 6(a)(1) of such Act; and
“(C) the identity and nationality of each person described in section 6(a)(3) of such Act; and
“(2) a list of cases and proceedings, if any, brought during such period under the antitrust laws by the Department of Justice, and by the Federal Trade Commission, with respect to joint ventures for which notice was filed under such section at any time.

“(c) TRIENNIAL REPORT BY THE ATTORNEY GENERAL.—In the 30-day period beginning at each 3-year interval in the 6-year period beginning on the date of the enactment of this Act [June 10, 1993], the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a description of the technological areas most commonly pursued by joint ventures for production for which notice was filed under section 6(a) of the National Cooperative Research and Production Act of 1993 [15 U.S.C. 4305(a)] during the 3-year period for which such report is made, and an analysis of the trends in the competitiveness of United States industry in such areas.

“(d) REVIEW OF ANTITRUST TREATMENT UNDER FOREIGN LAWS.—In the three 30-day periods beginning 1 year, 3 years, and 6 years after the date of the enactment of this Act [June 10, 1993], the Attorney General, after consultation with such other agencies as the Attorney General considers to be appropriate, shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the antitrust treatment of United States businesses with respect to participation in joint ventures for production, under the law of each foreign nation any of whose domestic businesses disclosed its nationality under section 6(a)(3) of the National Cooperative Research and Production Act of 1993 [15 U.S.C. 4305(a)(3)] at any time.”

§ 4306. Application of section 4303 protections to production of products, processes, and services

Notwithstanding sections 4303 and 4305 of this title, the protections of section 4303 of this title shall not apply with respect to a joint venture's production of a product, process, or service, as referred to in section 4301(a)(6)(D) of this title, unless—

(1) the principal facilities for such production are located in the United States or its territories, and

(2) each person who controls any party to such venture (including such party itself) is a United States person, or a foreign person from a country whose law accords antitrust treatment no less favorable to United States persons than to such country's domestic persons with respect to participation in joint ventures for production.

(Pub. L. 98-462, §7, as added Pub. L. 103-42, §3(g), June 10, 1993, 107 Stat. 119.)

CHAPTER 70—COMPREHENSIVE SMOKELESS TOBACCO HEALTH EDUCATION

Sec. 4401.	Public education.
4402.	Smokeless tobacco warning.
4403.	Ingredient reporting.
4404.	Enforcement, regulations, and construction.
4405.	Injunctions.
4406.	Preemption.
4407.	Omitted.
4408.	Definitions.

§ 4401. Public education**(a) Development**

(1) The Secretary of Health and Human Services shall establish and carry out a program to inform the public of any dangers to human health resulting from the use of smokeless tobacco products. In carrying out such program the Secretary shall—

(A) develop educational programs and materials and public service announcements respecting the dangers to human health from the use of smokeless tobacco;

(B) make such programs, materials, and announcements available to States, local governments, school systems, the media, and such other entities as the Secretary determines appropriate to further the purposes of this chapter;

(C) conduct and support research on the effect of smokeless tobacco on human health; and

(D) collect, analyze, and disseminate information and studies on smokeless tobacco and health.

(2) In developing programs, materials, and announcements under paragraph (1) the Secretary shall consult with the Secretary of Education, medical and public health entities, consumer groups, representatives of manufacturers of smokeless tobacco products, and other appropriate entities.

(b) Assistance

The Secretary of Health and Human Services may provide technical assistance and may make grants to States—

(1) to assist in the development of educational programs and materials and public service announcements respecting the dangers to human health from the use of smokeless tobacco,

(2) to assist in the distribution of such programs, materials, and announcements throughout the States, and

(3) to establish 18 as the minimum age for the purchase of smokeless tobacco.

(Pub. L. 99-252, § 2, Feb. 27, 1986, 100 Stat. 30.)

EFFECTIVE DATE

Section 11 of Pub. L. 99-252 provided that:

“(a) **IN GENERAL.**—Except as provided in sections 3(f) and 5(b) [sections 4402(f) and 4404(b) of this title] and subsection (b), this Act [enacting this chapter and amending section 342 of Title 21, Food and Drugs] shall take effect one year after the date of enactment of this Act [Feb. 27, 1986].

“(b) **EXCEPTION.**—Sections 2, 3(b), 3(c), 3(d), 3(e), 4(b), 7, 8, 9 [sections 4401, 4402(b) to (e), 4403(b), and 4406 to 4408 of this title], and 10 [amending section 342 of Title 21] shall take effect on the date of the enactment of this Act [Feb. 27, 1986].”

SHORT TITLE

Section 1 of Pub. L. 99-252 provided that: “This Act [enacting this chapter and amending section 342 of Title 21, Food and Drugs] may be cited as the ‘Comprehensive Smokeless Tobacco Health Education Act of 1986.’”

§ 4402. Smokeless tobacco warning**(a) General rule**

(1) It shall be unlawful for any person to manufacture, package, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this chapter, one of the following labels:

“WARNING: THIS PRODUCT MAY CAUSE MOUTH CANCER

“WARNING: THIS PRODUCT MAY CAUSE GUM DISEASE AND TOOTH LOSS

“WARNING: THIS PRODUCT IS NOT A SAFE ALTERNATIVE TO CIGARETTES”.

(2) It shall be unlawful for any manufacturer, packager, or importer of smokeless tobacco products to advertise or cause to be advertised (other than through the use of outdoor billboard advertising) within the United States any smokeless tobacco product unless the advertising bears, in accordance with the requirements of this chapter, one of the labels required by paragraph (1).

(b) Label format

The Federal Trade Commission shall issue regulations requiring the label statement required by subsection (a) of this section to appear—

(1) in the case of the smokeless tobacco product package—

(A) in a conspicuous and prominent place on the package, and

(B) in a conspicuous format and in conspicuous and legible type in contrast with all other printed material on the package, and

(2) in the case of advertising subject to subsection (a)(2) of this section—

(A) in a conspicuous and prominent location in the advertisement and in conspicuous and legible type in contrast with all other printed material in the advertisement,

(B) in the following format: