

Edward Markey

United States Senator for Massachusetts

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Press Releases

Press Release of Senator Markey

BOXER, BLUMENTHAL, DURBIN, HARKIN, BROWN AND MARKEY URGE THE FEDERAL TRADE COMMISSION TO INVESTIGATE E-CIGARETTE MARKETING PRACTICES

Wednesday, December 18, 2013

Senators Ask Agency to Protect Public from Deceptive Health Claims in Advertising and Marketing Tactics Targeting Kids

Washington, D.C. – U.S. Senators Barbara Boxer (D-CA), Richard Blumenthal (D-CT), Dick Durbin (D-IL), Tom Harkin (D-IA), Sherrod Brown (D-OH) and Edward J. Markey (D-MA) sent a letter to Federal Trade Commission (FTC) Chairwoman Edith Ramirez today urging the FTC to investigate the marketing practices of e-cigarette manufacturers. The Senators called on the FTC to provide more information to the public about these practices and to pursue enforcement action against companies that make false or misleading health claims in their advertising.

The Senators wrote, “While public health experts learn more about the health and safety implications of e-cigarettes, it would be beneficial to disseminate to the public information about the marketing of these products and to investigate companies that conduct false, deceptive, or misleading advertising and hold them responsible to the full extent of the law.”

The Senators also requested that the FTC provide additional information about the marketing of e-cigarettes to children and teens. A recent study ([/web/20131231185556/http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm?s_cid=mm6235a6_w](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm?s_cid=mm6235a6_w)) released by the Centers for Disease Control and Prevention found that in just one year, from 2011 to 2012, e-cigarette use among middle and high school students more than doubled, from 4.7% to 10%. The data from that report also suggested that for many young people, e-cigarettes could be a gateway to nicotine addiction and smoking of conventional cigarettes.

“Given the unknown health implications of electronic cigarettes, the possibility that they may act as a supplemental source of nicotine for current smokers and therefore drive addiction, and the potential risk that they may lead young people to try other tobacco products (including conventional cigarettes), it is important to know more about e-cigarette manufacturers’ marketing and advertising practices to ensure youth are not targeted,” the Senators wrote.

The full text of the letter follows:

December 18, 2013

Chairwoman Edith Ramirez

Federal Trade Commission

600 Pennsylvania Avenue, NW

Washington, DC 20580

Dear Chairwoman Ramirez:

According to the National Youth Tobacco Survey, 1.8 million middle and high school students said they tried electronic cigarettes or “e-cigarettes” in 2012, and the percentage of high school students who had tried them more than doubled from the prior year. This high usage rate suggests that e-cigarette companies could be targeting youth through advertisements. We are writing to ask you to include e-cigarettes in an annual marketing disclosure report.

E-cigarette companies are increasing their advertising presence in the United States, using marketing techniques similar to those employed by cigarette companies in the 1960s and 1970s. Examples of e-cigarette advertising include print, television, radio, social media, and sponsorship of public entertainment events like NASCAR and music festivals.

The Food and Drug Administration (FDA) has stated, “...consumers of e-cigarette products currently have no way of knowing: whether e-cigarettes are safe for their intended use, how much nicotine or other potentially harmful chemicals are being inhaled during use, or if there are any benefits associated with using these products.” Given the unknown health implications of electronic cigarettes, the possibility that they may act as a supplemental source of nicotine for current smokers and therefore drive addiction, and the potential risk that they may lead young people to try other tobacco products (including conventional cigarettes), it is important to know more about e-cigarette manufacturers’ marketing and advertising practices to ensure youth are not targeted.

The Federal Trade Commission (FTC) has jurisdiction to enforce against deceptive advertising and marketing for any product, including cigarettes (and e-cigarettes) under the Federal Trade Commission Act, 15 U.S.C. §46. Using this authority, the Commission has issued annual reports on cigarette sales, advertising, and promotion since 1967, and similar reports on smokeless tobacco since 1987. We request that the FTC include in this annual report information about e-cigarette marketing practices under the categories already reported for conventional cigarettes and smokeless tobacco, plus additional categories for radio and television advertising.

In addition, many e-cigarette companies are claiming therapeutic and health benefits from their products. For instance, one company claimed their product “adds years to your life.” Another company claimed, “Quit Smoking with Electronic Cigarettes.” These claims may be false, misleading, and deceptive – as they state or seem to imply that these products have been found safe and effective in helping smokers quit. Using the Federal Trade Commission Act, 15 U.S.C. §46(a), the FTC should investigate companies that are conducting such advertising.

Transparency is essential to good government and consumer confidence. While public health experts learn more about the health and safety implications of e-cigarettes, it would be beneficial to disseminate to the public information about the marketing of these products and to investigate companies that conduct false, deceptive, or misleading advertising and hold them responsible to the full extent of the law.

Thank you for considering this request.

Sincerely,

Barbara Boxer
United States Senator

Richard Blumenthal
United States Senator

Richard J. Durbin
United States Senator

Tom Harkin
United States Senator

Sherrod Brown
United States Senator

Edward J. Markey
United States Senator

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This page will provide you with the most up-to-date information on Senator Markey's efforts to represent the people of Massachusetts. If you are a member of the media looking to contact Senator Markey or his office, please call Giselle Barry or Eben Burnham-Snyder, at 202-224-2742. Or contact press@markey.senate.gov (<mailto:press@markey.senate.gov>)



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