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December 21, 2015

Edith Ramirez, Chairwoman
Federal Trade Commission
Office of the Secretary
600 Pennsylvania Ave NW
Suite CC-5610 (Annex J)
Washington, DC 20580

Re: Agency Information Collection Activities: Proposed Collection; Comment Request FTC File No. P144504

Dear Chairwoman Ramirez:

The American Lung Association appreciates the opportunity to comment on the proposed information requests to marketers of e-cigarettes. These comments are submitted in addition to comments the Lung Association submitted with our partner organizations and are intended to compliment and underscore key points.

The Lung Association applauds the Federal Trade Commission (FTC)'s proposal and recognizes the importance of the FTC's annual reports on cigarettes and smokeless tobacco marketing and its influence in counteracting those industries' predatory marketing to kids. Thus the Lung Association urges its finalization and implementation of this proposal so that similar reports can be issued around e-cigarette marketing.

The manufacture, marketing and sales of e-cigarettes remain unregulated by the U.S. Food and Drug Administration (FDA) and in this vacuum of oversight, the industry is replicating marketing tactics from the tobacco industry in efforts to target teens and young adults. These efforts include but are not limited to the use of celebrity spokespeople, candy- and fruit-flavored e-cigarettes and unproven health claims. A selected number of images of egregious advertisements are submitted as Appendix A.

According to a new survey conducted by [the Truth Initiative](#), 82 percent of 12-17 year olds and 88 percent of 18-21 year olds report having seen an ad in at least one channel in 2015. In addition, television was the second biggest source of advertising with approximately 50 percent of youth reporting having seen an ad for e-cigarettes. Lastly, a majority of 13-17 year olds and 18-21 year olds reported

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that they have seen e-cigarette advertising at retail locations including convenience stores, supermarkets, or gas stations. It is important to be able to capture all marketing and advertising data

Additional Issues for Consideration in the Final Rule

Unlike cigarettes, there is vast amount of variation in the product category of e-cigarettes and other electronic nicotine delivery systems (ENDS). The Lung Association suggests that the FTC uses the ENDS terminology when collecting advertisement data in efforts to capture the entire breath of the product category. This category would include products such as e-cigarettes, vape pens, hookah pens, e-hookahs, mods, tank systems, and personal vaporizers, and include pre-filled and closed cartridges, reusable or disposable. The Lung Association strongly suggests that FTC requests marketing information from a wide range of ENDS manufactures as possible. In addition, we recommend that FTC increase the number of companies solicited for sales and marketing data since the market is saturated with hundreds of companies; unlike the traditional tobacco industry.

With regards to FTC collecting marketing data, the Lung Association agrees that information on “sales and giveaways of ENDS and related products” should be collected. Although, we recommend that data be collected on all marketing channels rather than “various media” that is stated in the Federal Register Notice with respect to product placement and brand integration.

The Lung Association also suggests that FTC should examine and differentiate between the various types of products sold and given away, nicotine strengths, three major flavor categories, such as tobacco flavors, mint or menthol flavors, and other flavors, sizes and liquid capacities, and how and where an ENDS product was sold. In addition, when collected these various differentiated categories FTC should collect sales and advertising data on a state-by-state basis from both large and small companies.

Finally, the Lung Association respectfully suggests to FTC that an agreement with FDA to share data and financial obligations incurred to collect a robust data set may be mutually beneficial to both agencies.

Sincerely,



Harold P. Wimmer
National President and CEO



Appendix A: Caption (From Top Left to Bottom Right): E-cigarettes flavored as fruit and packed to appeal to youth, E-cigarette billboard in Miami, Young Girls Advertising E-Cigarettes, Appleton, WI, E-Cigarettes sold next to candy, Orange Service Area, Wilbur Cross Parkway, CT

