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December 28, 2015

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

Re: Docket No. FTC-2015-0108-0001  
Federal Registration Number: 2015-27194  
Electronic Cigarettes: Paperwork Comment, FTC File No. P144504

Dear Sir or Madam:

The Oregon Health Authority's Public Health Division (OHA-PHD) offers the following data and comments in response to the Federal Trade Commission's (FTC) docket on proposed information requests to marketers of electronic cigarettes.

A causal link between tobacco advertising and tobacco use has been scientifically established.<sup>1,2,3</sup> Advertising and promotional activities by tobacco companies (including traditional tobacco marketing and internet and digital marketing such as online advertisements, mobile advertisements, or phone applications), have been shown to cause the onset and continuation of smoking among adolescents and young adults.<sup>4</sup> According to the Surgeon General, this is true regardless of whether advertising is directed at youth or at adults.

Most notably, the National Cancer Institute<sup>5</sup> concluded, "The total weight of evidence demonstrates a causal relationship between tobacco advertising and promotion and increased tobacco use, as manifested by increased smoking initiation and increased per capita tobacco consumption in the population." It is likely that exposure to electronic cigarettes advertising has the same impact on youth as exposure to tobacco advertising.

In Oregon, current use of electronic cigarettes products has increased five-fold among Oregon 8<sup>th</sup> graders, from 2% in 2013 to 9% in 2015.<sup>6</sup> In Oregon, current use of electronic cigarettes has tripled among Oregon 11<sup>th</sup> graders, from 5% in 2013 to 17% in 2015.<sup>7</sup> Nationally, current e-cigarette use among high school students tripled from 2013 to 2014, rising from 4.5% to 13.4%, according to the U.S. Centers for Disease Control and Prevention.<sup>8</sup>

The majority of Oregon adults and youth are exposed to tobacco industry advertising inclusive of electronic cigarettes. In 2015, 79% of 8<sup>th</sup> graders and 84% of 11<sup>th</sup> graders in Oregon reported seeing advertising for tobacco products in the past month.<sup>9</sup> In 2014, 52% of Oregon adults reported seeing tobacco advertising, including ads for electronic cigarettes, on storefronts or inside stores.<sup>10</sup>

Due to the strong influence advertising and promotions have on initiation and continuation of smoking among adolescents and young adults, OHA-PHD supports the collection of electronic cigarette sales and

marketing expenditures over time. This vital information will help OHA-PHD monitor the electronic cigarette market and inform interventions and strategies to reduce their use and appeal to adolescents and young adults.

Oregon uses national data from the FTC Cigarette and Smokeless Tobacco Reports in counter-marketing media campaigns, state and county tobacco fact sheets, and to provide context to local tobacco retail data. Unfortunately, electronic cigarette expenditures were not included in previous FTC reports. Data on annual sales and marketing expenditures for electronic cigarettes will fill this gap and help inform prevention efforts for electronic cigarettes. Providing state-specific electronic cigarette sales and marketing expenditure data will also be helpful to local prevention efforts. Because FTC reports to date on cigarettes and smokeless tobacco did not include state-specific data, the information was less meaningful for local audiences.

OHA-PHD supports collecting information in all six categories identified in the FTC docket:

1. Sales and give-a-ways of e-cigarettes and related products (e.g., refill cartridges and e-liquids);
2. Marketing expenditures, including the amounts being spent on various media;
3. Product placements in television programming, motion pictures, magazines and other publications;
4. Efforts such as age-screening mechanisms to prevent youth from being exposed to advertising and promotion for e-cigarettes or from obtaining free samples;
5. Expenditures on advertising to deter youth under the age of 18 from purchasing or using e-cigarettes; and
6. Data collection activities, including data collection in connection with digital and social media marketing, and efforts to avoid collection of data from those under age 18.

In addition, OHA-PHD recommends that FTC consider collecting data on event sponsorship and celebrity endorsements. These types of marketing activities have been used by e-cigarette companies and are reminiscent of tobacco industry marketing tactics prior to regulation. For example, rock star Courtney Love advertises for NJOY and actor Steven Dorff for Blu. For the past five years, e-cigarettes have been given out at the Oscars in their “swag bags.” Even the image of dead celebrities has been exploited for e-cigarette marketing purposes including Marilyn Monroe, John Lennon, James Dean, and Benjamin Franklin.

In conclusion, OHA-PHD supports FTC collection of information on annual sales and marketing expenditures from marketers of electronic cigarettes.

Thank you for consideration of these comments. If you have any questions or require additional information, please do not hesitate to contact Karen Girard, Health Promotion and Chronic Disease Prevention Section Manager at [karen.e.girard@state.or.us](mailto:karen.e.girard@state.or.us) or at 971-673-0984.

Sincerely,

  
Katrina Hedberg, MD, MPH  
Health Officer & State Epidemiologist  
Oregon Public Health Division

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<sup>1</sup> Paynter J, Edwards R. The Impact of tobacco promotion at the point of sale: a systematic review. *Nicotine & Tobacco Research*. 2009; 11(1)

<sup>2</sup> Slater SJ, Chaloupka FJ, Wakefield M, Johnston LD, O'Malley PM. The impact of retail cigarette marketing practices on youth smoking update. *Archives of Pediatrics & Adolescent Medicine*. 2007;161(5):440-445.

<sup>3</sup> Henriksen L, Schleicher NC, Feighery EC, Fortmann SP. A longitudinal study of exposure to retail cigarette advertising and smoking initiation. *Pediatrics*. 2010; 126(2):232-238.

<sup>4</sup> U.S. Department of Health and Human Services. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.

<sup>5</sup> National Cancer Institute. *The Role of Media in Promoting and Reducing Tobacco Use*. Tobacco Control Monograph No. 19. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute. NIH. Pub. No. 07-6242, June 2008.

<sup>6</sup> Oregon Healthy Teens Survey. [Unpublished analysis]

<sup>7</sup> Oregon Healthy Teens Survey. [Unpublished analysis]

<sup>8</sup> Centers for Disease Control and Prevention (CDC). E-cigarette use triples among middle and high school students in just one year. <http://www.cdc.gov/media/releases/2015/p0416-e-cigarette-use.html>. Created April 16, 2015. Accessed May 27, 2015.

<sup>9</sup> Oregon Healthy Teens Survey. [Unpublished analysis]

<sup>10</sup> Oregon Behavioral Risk Factor Surveillance System. 2014.

