

The Federal Trade Commission's (FTC) proposed study of electronic cigarette marketing and sales is absolutely imperative. The data gathered will be a credible and effective tool for me as I work to educate community stakeholders, members and youth about tobacco use and how the industry drives that use. In my education activities, I use the information Federal Trade Commission (FTC) currently collects and shares about tobacco industry marketing. The data is an effective resource to inform policy makers and support the development of evidence-based policies to counter industry activities and improve public health.

The majority of my work focuses on the impact of tobacco point of sale marketing. Point of sale marketing has been and continues to be a highly effective industry tactic to recruit new "replacement" smokers<sup>i</sup>- primarily youth- and to maintain use by existing customers. Retail tobacco marketing increases the likelihood that adolescents will initiate tobacco use and thwarts cessation attempts by current users<sup>ii</sup>. It is my job to raise the awareness of youth around the industry's predatory marketing practices and mobilize them to educate their peers. Information about e-cigarettes (which include all electronic nicotine delivery systems (ENDS) and not simply the devices that look like traditional cigarettes) marketing expenditures, and various media used by product marketers is critical to the development and design of public health initiatives to counter industry activities that increase the use of addictive products detrimental to health.

Current ENDS marketing mirrors traditional cigarette marketing of the past and has similar effects on initiation of youth ENDS use. Furthermore, expenditures on ENDS promotion have sharply increased in recent years, particularly through media venues no longer available to large tobacco companies. Tobacco advertising on ENDS is effectively influencing youth. A recent study to assess ENDS use in New York State among youth and adults, revealed the prevalence of ENDS use among high school students is 10.5% and youth adults 12.7%, twice as high as the prevalence of ENDS use among adults (5.7%).<sup>iii</sup>

While ENDS are relatively new to the market, they are an unstable, addictive product and are yet another form of tobacco.<sup>iv</sup> Additionally, ENDS use is associated with the increased likelihood of traditional cigarette use. Therefore, it is critical for communities, public health professionals and policymakers to know how marketing and sales affect the community, particularly as it pertains to rising youth use of ENDS<sup>v</sup>

FTC-gathered data has been and continues to be a useful tool in my work. In the past, I have used FTC data to educate my youth advocacy group, local state and county level lawmakers and local health department officials about cigarette price discounting. Specifically, in February 2014, I was able to provide information to a Westchester County senator, who was crafting legislation around cigarette price discounting at the point of sale. Equipped with the report information indicating cigarette price discounting accounts for 85% of all cigarette marketing expenditures, I was able to provide pertinent information to support the created legislation. Moreover, I was prepared to use the information to mobilize the youth in order to gain public support and earned media around the subject matter.

As I previously mentioned, FTC-gathered data will continue to serve as a resource to my work, especially with youth. I will find it particularly helpful for the data collection to differentiate by manufacture type marketing expenditures, product sales, and giveaways. It is critical for the FTC to collect and report comprehensive marketing expenditures by category and seek expertise in annually identify these marketing categories. Similarly, distinguishing between product type (i.e. disposable vs. refillable; propriety vs. multi-substance use; flavored products vs. unflavored; high, medium and low nicotine concentrations). Additional information that will be helpful is method of sale (traditional store vs. internet) which is critical to understanding industry strategy. Providing this high level of detail more accurately informs the circumstances in my community and assists in the development of appropriate and effective polices to protect public health.

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<sup>i</sup> DIANE S.BURROWS, R.J. Reynolds Tobacco Company, Young Adult Smokers: Strategies and Opportunites 2 (1984), available at <http://tobaccodocuments.org/rjr/508783540-3629.html> (discussing youth smoking, acknowledging that at the time only 31% of smokers begin after the age of 18, and concluding, therefore, that “younger adults are the only source of replacement smokers....If younger adults turn away from smoking, the Industry must decline, just as a population which does not give birth will eventually dwindle.”)

<sup>ii</sup> U.S. Dep’t. of Health & Human Servs., Preventing Tobacco Use Among Youth and Young Adults, A Report of the Surgeon General 8,487,508 (2012); OBJ Carter et al., The Effect of Retail Cigarette Pack Displays on Unplanned Purchases: Results from Immediate Post purchase Interviews, 18 Tobacco Control 218,220 (2008) (finding point of sale tobacco marketing played a significant role in increasing un planned...purchases of cigarettes” and many smokers thought the removal of displays would make it easier for them to quit); Ellen C. Feighery et al., Cigarette Advertising and Promotional Strategies in Retail Outlets: Results of a Statewide Survey in California, 10 Tobacco Control 184, 184-188 (2001); Melanie Wakefield et al., The effect of Retail Cigarette Pack Display on Impluse Purchase, 103 Addiction 322, 325 (2008).

<sup>iii</sup> CDC. E-cigarette use triples among middle and high school students in just one year. [Press Release]. April 16<sup>th</sup>, 2015. <http://www.cdc.gov/media/releases/2015/90416-e-cigarette-use.html>.

<sup>iv</sup> ENDS have been recognized as tobacco products for regulatory purposes. *Sottera, Inc.V.Food and Drug Admin.*,627 F. 3d 891, 898-899 (2010).

<sup>v</sup> Centers For Disease Control And Prevention, Office Of Smoking And Health, Electronic Nicotine Delivery Systems: Key Facts, 1 (July 2015); see also Centers For Disease Control And Prevention, E-cigarette use triples among middle and high school students in just one year, Press Release <http://www.cdc.gov/media/release/2015/p0416-e-cigarette-use.html> (April 16th, 2015); see also Rene A. Arrazola, Tobacco Use Among Middle and High School Students-United States, 2011-2014, Morbidity and 64 Mortality Weekly Report 381, (April 17, 2015).