Welcome

Office for State, Tribal, Local and Territorial Support

presents . . .

CDC Vital Signs

E-cigarettes, Advertising, and Youth:
A Public Health Priority

January 12, 2016
2:00–3:00 pm (EST)
## Agenda

<table>
<thead>
<tr>
<th>Time</th>
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<th>Speaker(s)</th>
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| 2:00 pm  | Welcome & Introductions | Steven L. Reynolds, MPH  
Deputy Director, Office for State, Tribal, Local and Territorial Support, CDC |
| 2:05 pm  | Presentations         | Tushar Singh, MD, PhD, MS  
Epidemic Intelligence Service Officer, Epidemiology Branch, Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, CDC |
|          |                       | Jeanne Finberg, JD  
Deputy Attorney General, California Department of Justice |
|          |                       | Robin Koval  
President and CEO, Truth Initiative |
| 2:30 pm  | Q&A and Discussion    | Steven L. Reynolds |
| 2:55 pm  | Wrap-up               |                                                                            |
| 3:00 pm  | End of Call           |                                                                            |
Vital signs™ Teleconference
to support STLT efforts and build momentum around the monthly release of CDC Vital Signs
Exposure to Electronic Cigarette Advertising Among Middle School and High School Students—United States, 2014

Tushar Singh, MD, PhD, MS

Office on Smoking and Health
Centers for Disease Control and Prevention
Electronic Cigarettes (E-cigarettes)

- **Potential Harms from E-cigarette Use Among Youth**
  - Cause nicotine addiction
  - Might lead to sustained tobacco product use
  - Might adversely affect the developing brain
Past 30-day E-cigarette Use Among US High and Middle School Students, 2011–2014

E-cigarette Advertising Expenditure and E-cigarette Use Among Middle and High School Students, 2011–2014

E-cigarette Ads Use Many of the Same Themes as Cigarette Ads

1940’s / 1950’s 2010’s
Methods

Data source: National Youth Tobacco Survey (NYTS), 2014
- Nationally representative survey of US middle and high school students
- 22,007 participants in 2014

E-cigarette advertisement exposure assessed from 4 sources
- Retail stores
- Internet
- Newspapers and magazines
- TV and movies

Analysis
- Weighted data analyzed overall and by school type, sex, race/ethnicity, and grade
Main Findings

18.3 million or 68.9% of middle and high school students exposed to e-cigarette advertising from at least one source

Sources of e-cigarette advertisement exposure

- **14.4 MILLION** youth are exposed at retail stores (54.8%)
- **10.5 MILLION** youth are exposed through the internet (39.8%)
- **9.6 MILLION** youth are exposed through TV/movies (36.5%)
- **8 MILLION** youth are exposed through magazines/newspapers (30.4%)
Exposure to E-cigarette Advertisements by Number of Exposure Sources

*Percentages may not add up exactly to any source due to rounding.*
What Can Be Done?

- **States and communities can:**
  - Fund tobacco prevention and control programs at CDC-recommended levels
  - Limit where and how all tobacco products, including e-cigarettes are sold
    - Allow e-cigarette sales only through face-to-face transactions
    - Limit tobacco sales to facilities that never admit youth
  - Support efforts to implement and continue proven youth tobacco prevention approaches
    - Tobacco price increases
    - Comprehensive smoke-free laws
    - High-impact mass media campaigns
What Can Be Done (cont’d)

- **Pediatricians, nurses, and other healthcare providers can:**
  - Ask about youths’ e-cigarette use and provide counseling
  - Ask all patients about their tobacco use, and provide help to users with quitting
  - Advise parents and caregivers to actively participate in children’s choice of media and websites

- **Parents and caregivers can:**
  - Set positive example by being tobacco-free
  - Talk to youth about harms of using tobacco products, including e-cigarettes
Contact Information

Tushar Singh
Email: TSingh@cdc.gov

Thank you!

For more information please contact Centers for Disease Control and Prevention

1600 Clifton Road NE, Atlanta, GA 30333
Telephone: 1-800-CDC-INFO (232-4636)/TTY: 1-888-232-6348
Visit: www.cdc.gov | Contact CDC at: 1-800-CDC-INFO or www.cdc.gov/info
Visit Vital Signs

The findings and conclusions in this report are those of the authors and do not necessarily represent the official position of the Centers for Disease Control and Prevention.
The Regulation of Electronic Cigarettes in California

JEANNE FINBERG
DEPUTY ATTORNEY GENERAL
CA OFFICE OF THE ATTORNEY GENERAL
OAKLAND, CA
Litigation

2009 Early investigation and litigation

- People v. Smoking Everywhere
- People v. Sottera/NJOY
  - Age restrict sales – gov’t ID for 26 and under
  - Not sell flavors targeted to appeal to minors
2010 Consent Judgments
NJOY and Smoking Everywhere

- Age restrict sales – gov’t ID for 26 and under
- Not sell flavors targeted to appeal to minors including enumerated fruit and sweet flavors
- Not use young models (appear <28), cartoons, art, fashion or music intended to appeal to minors
- Displays and products state ID required 26 under
- No self service displays, direct ads to minors
- No smoking cessation claims unless FDA approves as a smoking cessation device.
- No false or misleading health and safety claims including: safer than cigs, no tar, no first- or second-hand smoke, no tobacco, no carcinogens – without reliable competent scientific evidence
- No vitamins or substances intended to portray use will improve health
- Quality control – manufacturing standards and audits
- Proposition 65 warnings – not standard
Existing Laws

- **Statutes:**
  - CA – sales to minors is prohibited – first and only statute specific to e-cigarettes
  - Proposition 65 warnings
    - Reproductive harm – nicotine
    - Carcinogens
  - Consumer protection statutes
Enforcement

- Emphasize Voluntary Compliance
- Letters to more than 200 companies, mostly about Internet advertising and sales, advice
- Large companies, complaints, egregious conduct
- Issues:
  - Sales to minors, age gates—front end, back end
  - Marketing to minors
    - Flavors, young models, music, art, sports, sponsorships, celebrities
Enforcement Issues

• Issues (continued)

  - Smoking cessation claims
  - False or misleading Health & Safety claims
  - Proposition 65
  - Child proofing
  - Smoke Everywhere

  • “Harmless water vapor”
  • “Completely safe”
Federal, State, and Local Authority

- Smoking cessation claims prohibited by federal law
- State laws prohibit sales to minors
  - Some more restrictions, including smoke-free, child proof pkg
  - General consumer protection laws
- Local jurisdictions have licensing requirements
  - Monitoring and enforcement of retail outlets
  - Checking ID
  - Can’t spring up in mall or neighborhood w/out consequences
  - Some prohibit flavors
Law Enforcement and Regulators

- FDA – deeming regulations, taking jurisdiction
  - Will make a huge difference regarding sales to minors
  - States implement federal tobacco program re youth sales

- But while we are waiting...
  - State Attorneys General
  - County District Attorneys
  - City attorneys
  - All can enforce general consumer-protection laws that prohibit false or misleading advertising
  - Safe, healthy, smoking cessation
NJOY Consent Judgment Modification

- Child-proof packaging
- Third-party verification online
- Test and enforce at retail – chains and independents
- Social media age restriction – Facebook, YouTube, Google+, Twitter, Tumblr, Instagram
- Broadcast and print ads by age
- No billboards, public transit ads
- No product placement in movies, plays, TV, video games unless R-rated
- Signage about age and ID
**Jeanne Finberg**  
Deputy Attorney General

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Public Rights Division  
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Youth and young adult exposure to e-cigarette marketing

E-CIGARETTES, ADVERTISING AND YOUTH: A PUBLIC HEALTH PRIORITY

ROBIN KOVAL | CEO & PRESIDENT
Agenda

Youth and young adult awareness

Spending on paid e-cigarette ads

Analysis of ad placement and themes
8 in 10 youth are aware of e-cigarette ads

E-CIGARETTE AD AWARENESS – AUGUST 2015

Ages 13-17: 82%
Ages 18-21: 88%
Awareness of e-cig ads by media channel

Awareness of e-cigarette ads is highest in retail establishments

<table>
<thead>
<tr>
<th></th>
<th>Retail*</th>
<th>Television</th>
<th>Online</th>
</tr>
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<tbody>
<tr>
<td>Ages 13-17</td>
<td>69%</td>
<td>44%</td>
<td>40%</td>
</tr>
<tr>
<td>Ages 18-21</td>
<td>75%</td>
<td>57%</td>
<td>57%</td>
</tr>
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*Note: Retail includes convenience stores, supermarkets and gas stations.*
FIVE BRANDS ACCOUNT FOR 95% OF E-CIGARETTE AD SPENDING

Ad spending by top 5 e-cigarette brands

<table>
<thead>
<tr>
<th></th>
<th>Total category ad spend</th>
<th>blu</th>
<th>MarkTen</th>
<th>Vuse</th>
<th>FIN</th>
<th>NJOY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>$75.7 million</td>
<td>$49 million</td>
<td>$431,000</td>
<td>$1.8 million</td>
<td>$7.5 million</td>
<td>$11 million</td>
</tr>
<tr>
<td>2014</td>
<td>$115.3 million</td>
<td>$39 million</td>
<td>$54 million</td>
<td>$9.6 million</td>
<td>$614,000</td>
<td>$7.8 million</td>
</tr>
<tr>
<td>Change</td>
<td>52%</td>
<td>20%</td>
<td>12,429%</td>
<td>433%</td>
<td>92%</td>
<td>29%</td>
</tr>
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2015 (Jan-Jun) | $4.7 million  | $10.3 million  | $10.3 million  | $62,000  | $160,000
Spending by channel

MAGAZINES AND CABLE TV ACCOUNTED FOR THE MAJORITY OF DOLLARS SPENT

2014 advertising:
$83.4 million
Top category spender:
MarkTen

2014 advertising:
$22.3 million
Top category spender:
blu

2014 e-cigarette advertising expenditure share by channel

- Magazines: 72%
- Cable: 19%
- Spot TV: 3%
- B2B: 2%
- Network radio: 2%
- Newspapers: 1%
- Digital display: 1%
2014 exposure to print and TV e-cig ads

TEENS AND YOUNG ADULTS MOST LIKELY TO SEE BLU, MARKTEN, AND VUSE ADS

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<tr>
<th></th>
<th>blu</th>
<th>MarkTen</th>
<th>Vuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ages 12-17</td>
<td>72%</td>
<td>43%</td>
<td>37%</td>
</tr>
<tr>
<td>Ages 18-24</td>
<td>90%</td>
<td>78%</td>
<td>40%</td>
</tr>
</tbody>
</table>
Ad placement

TV AND PRINT OUTLETS WITH HIGHEST SPEND OVER-INDEX AMONG YOUNG ADULTS
Ad messages across the spectrum

Product Focus

Lifestyle Focus
Our take

- Awareness of e-cigarette advertising is nearly universal among teens and young adults

- Big Tobacco is a major spender on e-cigarette advertising… and spending is likely considerably higher than captured in our report

- While spending is lower on TV than in print channels, TV is a larger source of e-cigarette ad awareness

- Analysis of TV/print ad placement suggests young adult target

- Analysis of content shows a range of communication themes from product focus to lifestyle focus
Thank you

@Robin_Koval
rkoval@truthinitiative.org

To read or download the Vaporized report, visit www.truthinitiative.org and search “Vaporized”
CDC Vital Signs Electronic Media Resources

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=www.cdc.gov%2fvitalsigns

Vital Signs interactive buttons and banners
Prevention Status Reports

- The Prevention Status Reports (PSRs) highlight—for all 50 states and the District of Columbia—the status of public health policies and practices designed to prevent or reduce 10 important public health problems.

www.cdc.gov/psr/
Provide feedback on this teleconference:

OSTLTSFeedback@cdc.gov

Please mark your calendars for the next

Vital Signs Town Hall Teleconference

February 9, 2016
2:00–3:00 pm (EST)

For more information, please contact Centers for Disease Control and Prevention.

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