

COMMUNICATING ABOUT NICOTINE & TOBACCO PRODUCT ADVERTISING

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DISCLOSURES

- I have served as a paid expert witness in litigation sponsored by the Public Health Advocacy Institute against RJ Reynolds. This arrangement has been reviewed and approved by the Johns Hopkins University in accordance with its conflict of interest policies.
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01. **OVERVIEW OF FDA REGULATORY AUTHORITY**
Youth appeal and modified risk

02. **HOW TOBACCO COMPANIES APPEAL TO YOUTH**
Youth appealing features
Social media

03. **MISLEADING PEOPLE ABOUT PRODUCT RISK**
Greenwashed advertising

04. **TAKEAWAYS**
What can be done



OVERVIEW

01.

FDA AND TOBACCO PRODUCTS



FDA'S AUTHORITY TO REGULATE TOBACCO PRODUCTS

- 2009 Family Smoking Prevention and Tobacco Control Act
 - Unauthorized modified risk claims
 - Advertising to youth

SEC. 3. PURPOSE.

The purposes of this division are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products as provided for in this division;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

“(A) IN GENERAL.—With respect to a tobacco product, the term ‘sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products’ means a tobacco product—

“(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

“(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

“(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

“(III) the tobacco product or its smoke does not contain or is free of a substance;

“(ii) the label, labeling, or advertising of which uses the descriptors ‘light’, ‘mild’, or ‘low’ or similar descriptors; or

TOBACCO COMPANIES HAVE HISTORICALLY ENGAGED IN YOUTH APPEALING TACTICS



11 mg. "tar", 0.8 mg. nicotine av. per cigarette by FTC method.
© 1994 R.J. REYNOLDS TOBACCO CO.

URGENT GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health.

Get a Taste of the Genuine Article.

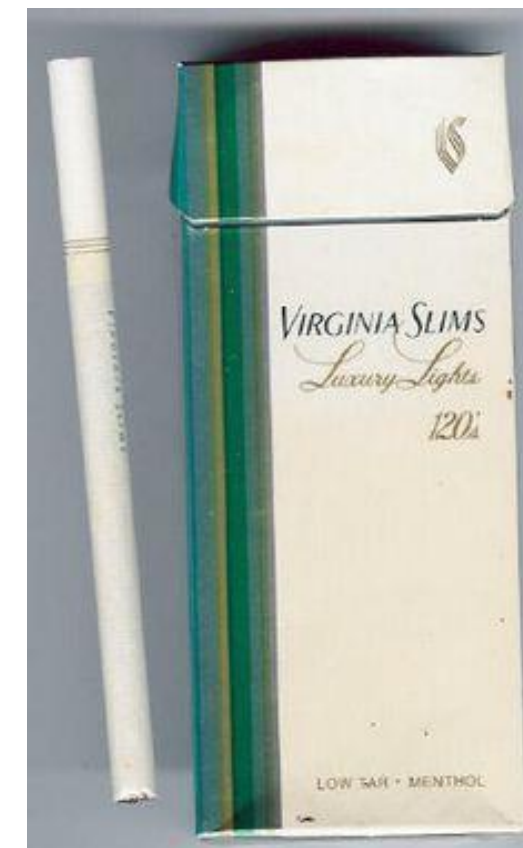
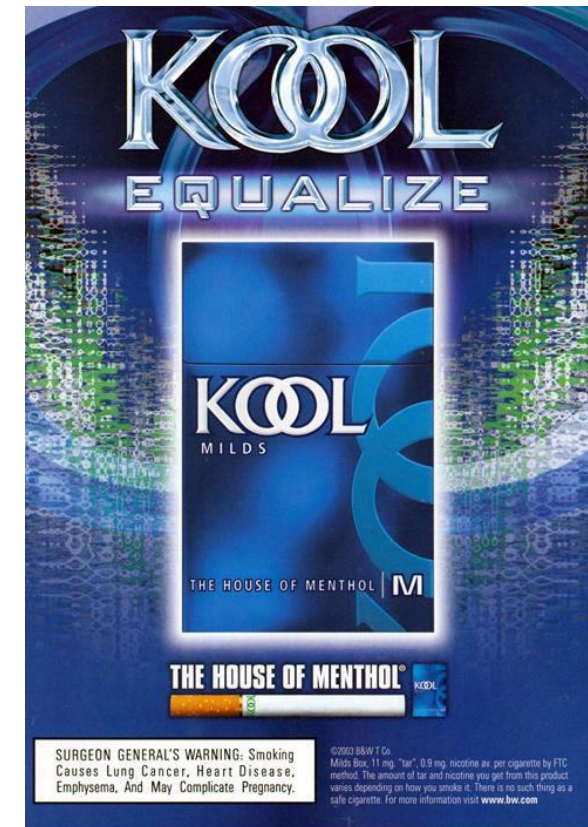
Only Camel has an 80-year history of delivering Genuine Taste. And only the new Camel Cash Catalog has genuine articles like this Genuine Taste White T-shirt.

Offer restricted to smokers 21 years of age or older.

The Catalog's FREE. So's the call.
1-800-CAMELCASH
(1-800-226-3522)

TOBACCO COMPANIES HAVE LONG MISLED CONSUMERS ABOUT PRODUCT RISK

- Descriptors
 - Light, low, mild, smooth
- Design features
 - Filter; longer, skinnier stick
- Colors
 - Light colors, silvers, blues



Agaku IT, Omaduvie UT, Filippidis FT, Vardavas CI. Cigarette design and marketing features are associated with increased smoking susceptibility and perception of reduced harm among smokers in 27 EU countries. Tobacco control. 2015 Dec 1;24(e4):e233-40.; Bansal-Travers M O'Connor R Fix BV Cummings KM . What do cigarette pack colors communicate to smokers in the U.S.? Am J Prev Med . 2011 ; 40 (6): 683 – 689. Pollay RW Dewhirst T . The dark side of marketing seemingly "Light" cigarettes: successful images and failed fact . Tob Control . 2002 ; 11 (suppl 1): I18 – 31 . doi: 10.1136/tc.11.suppl_1.i18. Shiffman S Pillitteri JL Burton SL Rohay JM Gitchell JG . Effect of health messages about "light" and "ultra light" cigarettes on beliefs and quitting intent . Tob Control . 2001 ; 10 (suppl 1): i24 – 32 . doi: 10.1136/tc.10.suppl_1.i24

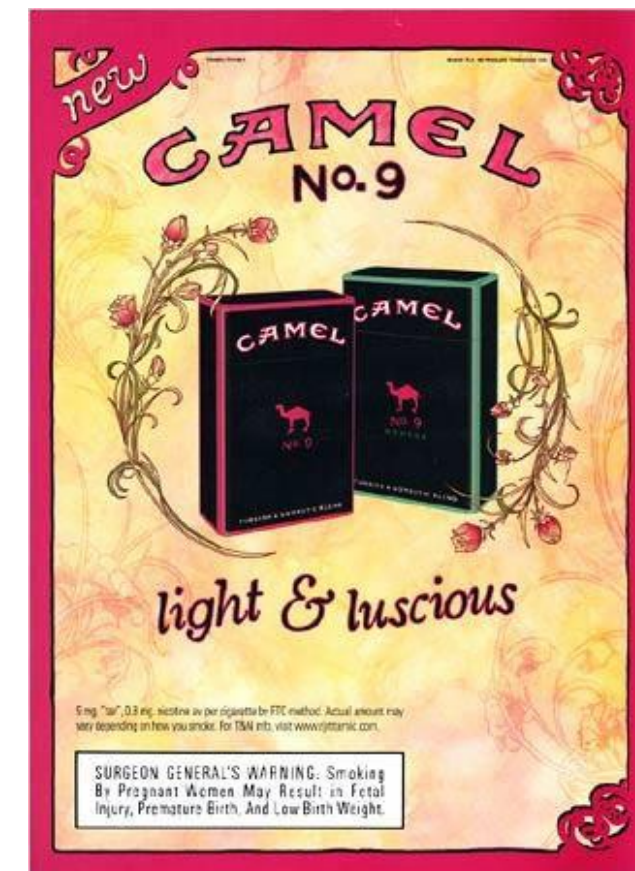
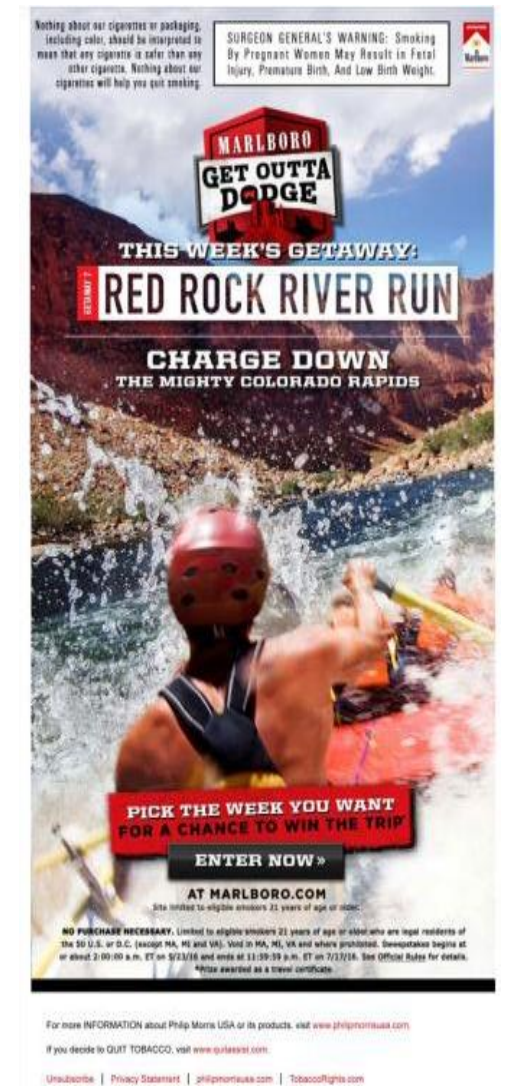
02.

HOW TOBACCO COMPANIES APPEAL TO YOUTH



TACTICS APPEALING TO YOUTH INCLUDE....

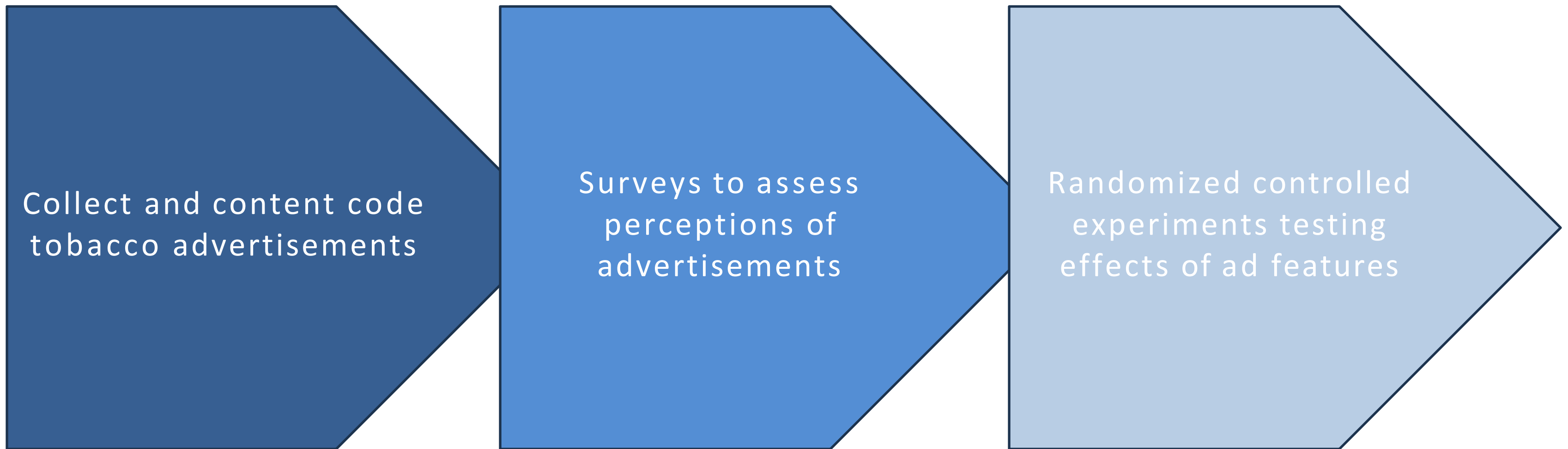
- Animation
- Rebellion themes
- Independence themes
- Socialization themes
- Young people in advertisements
- Celebrities
- Humor
- Sexuality/Romance





BUT THE TOBACCO
INDUSTRY....AND YOUTH
INTERESTS....AND THE
MEDIA LANDSCAPE....
ARE RAPIDLY CHANGING
*HOW CAN WE KEEP ON
TOP OF THIS?*

METHODS



CONTENT CODING

- Download ads from Vivvix (Numerator, Kantar), Trinkets and Trash¹, and social media (to date have coded >10,000)
- Double-coded ($k \geq .80$) for characteristics including
 - Marketing claims (e.g., product is easy to use, high quality, new)
 - Brand engagement opportunities (e.g., social media follow, subscriptions, sweepstakes entry)
 - Product features (e.g., flavors)
 - Themes (e.g., eco-friendliness, independence, sex/romance, sociality)
 - Promotions (e.g., coupons, discounts)

¹Trinkets and Trash, Rutgers Institute for Nicotine and Tobacco Studies. www.trinketsandtrash.org.

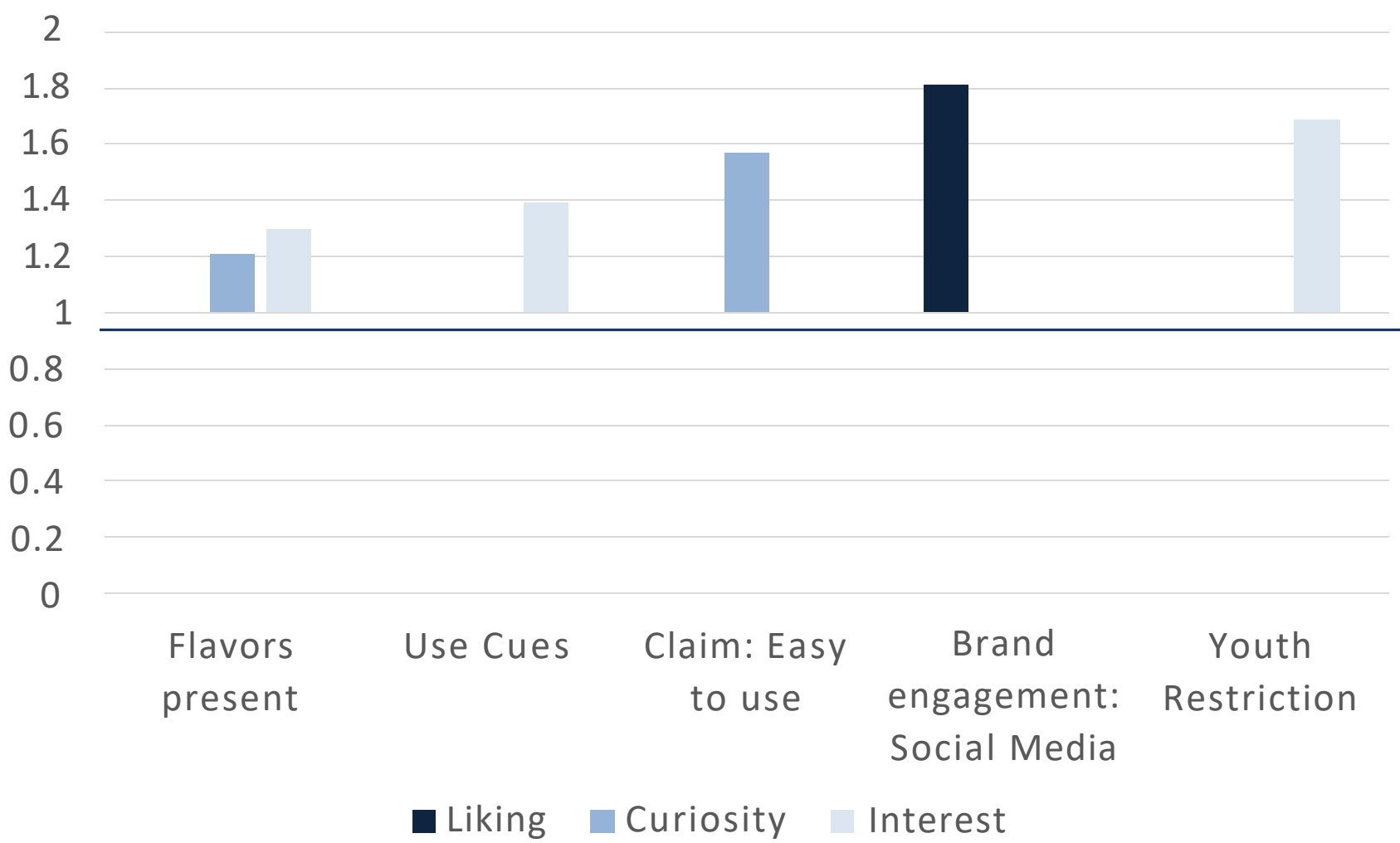
STUDY 1: What features are common to ads that appeal to youth?

- 1. Collect and content code ads
 - >10,000 ads downloaded from Vivvix, Trinkets and Trash (Rutgers INTS), and social media
 - Double-code ads for advertising features, including: marketing claims, themes, promotions
- 2. Survey youth to assess ad ratings
 - 836 18-20 year olds, recruited via Qualtrics panel in Summer/Fall 2022
 - Participants randomized to view 3 cigarette and 3 e-cigarette advertisements from a pool of 147 ads (Blu, Juul, Vuse, Logic, Bidi, Leap; Camel, Marlboro, American Spirit, Newport, Winston, L&M)
 - Reported liking of the ad, curiosity about the product and interest in trying the product
 - Coded dichotomously: any liking, any curiosity, any interest
- 3. Analyze data
 - Merge content coding data from ads with participant responses
 - Mixed effects logistic regression analyses controlling for brand and participant characteristics, with ad identifier as a random effect

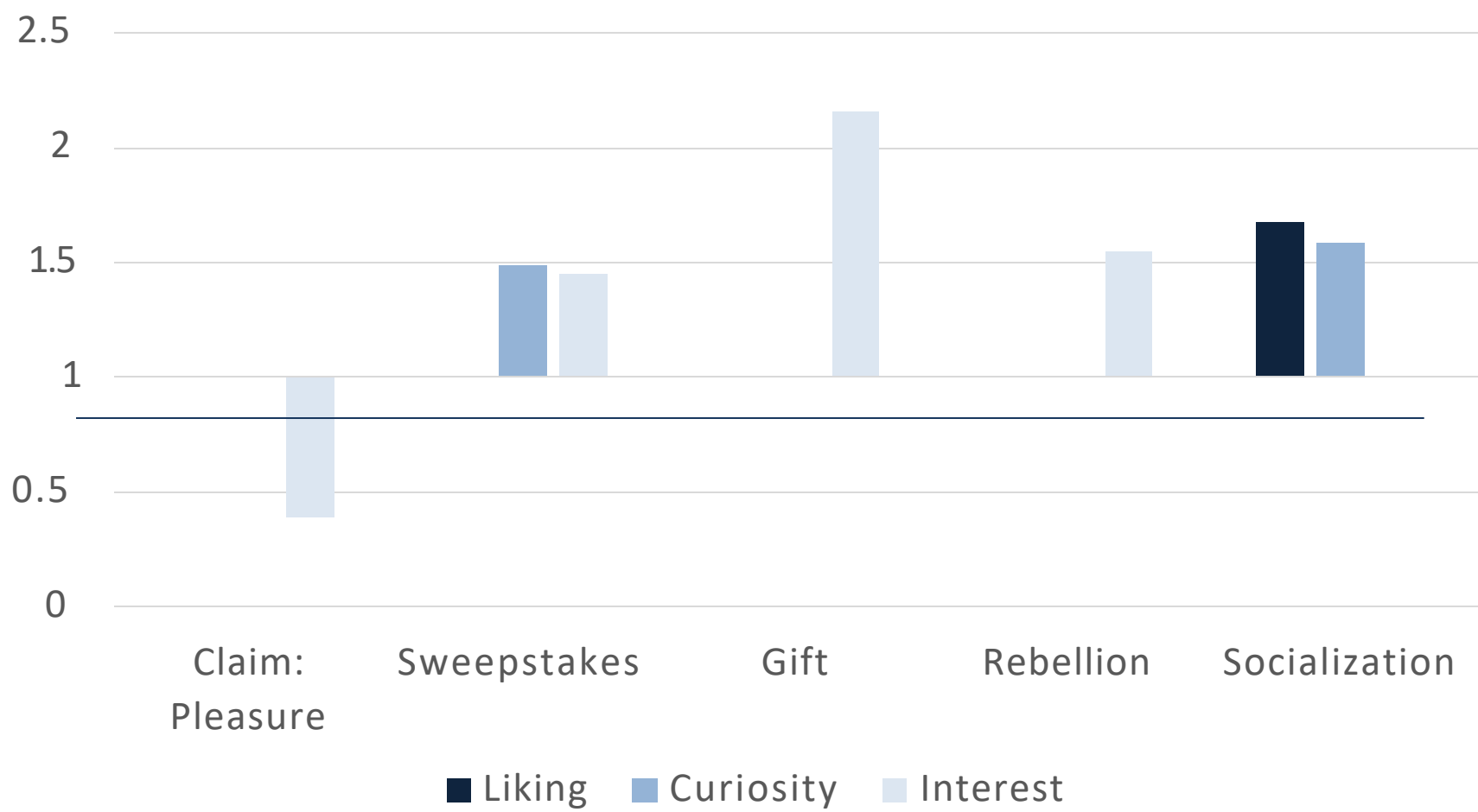
STUDY 1: WHAT ADVERTISING FEATURES ARE COMMON TO ADS THAT APPEAL TO YOUTH?

Adjusted odds ratios, Mixed effects logistic regression models of liking, curiosity and use interest among youth (age 18-20)

E-cigarette ads



Cigarette ads



Most appealing e-cigarette and cigarette ads

Top 3 most liked e-cigarette ads



3 most liked cigarette ads



Least appealing e-cigarette ads

Top 3 least liked e-cigarette ads

A screenshot of a Facebook post from the page 'Bidi Cares'. The post is dated May 4, 2020. The text of the post reads: 'Find out how Bidi® Cares change the game in the vaping industry! Click our blog below to learn more.' Below this is a warning: 'WARNING: This product contains nicotine. Nicotine is an addictive chemical.' At the bottom of the post are several hashtags: '#BidiCares #SaveYourBid #SaveOurPlanet #BidStck #BidVapor #Environment #recycling #WasteDisposal'. The post has a green checkmark icon next to the text 'BIDICARES.COM' and a small 'f' icon in the bottom right corner. At the very bottom of the image, there are three icons: a thumbs up for 'Like', a speech bubble for 'Comment', and a share icon for 'Share'.

WARNING: This product contains nicotine. Nicotine is an addictive chemical.

**Designed for smokers,
by smokers.**



JUUL[®] **Designed for adult smokers. Not for sale to minors.**
NOT FOR SALE TO MINORS. This is an approved retail product and may be subject to removal of sale.
CALIFORNIA PROPOSITION 65: This product contains chemicals known to the state of California to cause cancer, used by the state to set of the maximum level. For more information, visit www.cdph.ca.gov.
© 2014 Juul Labs, Inc. All rights reserved.

[illegible]

Top 3 least liked cigarette ads

BOLD NEW CHOICE

HERE ARE THE COUPONS YOU REQUESTED!

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

GOOD ONLY ON WINSTON BLACK CIGARETTES

\$2.00 OFF ONE PACK

MANUFACTURER'S COUPON EXPIRES: 3/31/2019

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

GOOD ONLY ON WINSTON BLACK CIGARETTES

\$2.00 OFF ONE PACK

MANUFACTURER'S COUPON EXPIRES: 3/31/2019

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

GOOD ONLY ON WINSTON BLACK CIGARETTES

\$2.00 OFF ONE PACK

MANUFACTURER'S COUPON EXPIRES: 3/31/2019

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GOOD ONLY ON WINSTON BLACK CIGARETTES

\$2.00 OFF ONE PACK

MANUFACTURER'S COUPON EXPIRES: 3/31/2019

THE BOLD SIDE SMOOTH

WinstonCigarettes.com

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

Newspoint

PayDay Ends Now!
Ends April 2, 2019

PayDay
Sweepstakes

TAKE A SPIN FOR YOUR CHANCE TO WIN
1 in 100 a chance to win a cash prize of up to **\$25,000**

Check out what your credit will do!

\$1,000
Win a \$1,000 Gift Card

\$500
Win a \$500 Gift Card

\$100
Win a \$100 Gift Card

\$75
Win a \$75 Gift Card

\$50
Win a \$50 Gift Card

\$25
Win a \$25 Gift Card

Newspoint

Win a \$1,000 Gift Card

A horizontal banner for Winston cigarettes. On the left is a pack of Winston cigarettes. The word "Winston" is written in a large, stylized white font. Below it, in smaller white text, is "FIND SAVINGS AT WINSTONCIGARETTES.COM". To the right of this text is a red button with the white text "CLICK HERE". Further right is a glowing yellow cigarette tip. On the far right, a black box contains the text: "SURGEON GENERAL'S WARNING: Quitting Smoking Now Greatly Reduces Serious Risks to Your Health." At the bottom of the banner, in small white text, is "WINSTON® IS A REGISTERED TRADEMARK OF ITG BRANDS, LLC. ©2020 ITG BRANDS, LLC".

STUDY 2: What ad features are causally related to appeal among youth?

- 1,000 15–17-year olds (adolescents) and 1,000 18–24-year olds recruited via online panel (SSRS.org)
 - Quotas for smoking status (adolescents: 500 ever smokers and 500 never smokers; young adults: 500 current smokers and 500 non-current smokers)
- Viewed 3 experimental modules (Sweepstakes, Flora imagery, Eco-friendly language), randomized presence/absence and brand
- Primary outcome: Receptivity
 - Any liking, curiosity, interest in using
- Chi-square tests and multiple logistic regression to calculate adjusted odds ratios of receptivity for each condition
 - Adjusted for brand of ad viewed, condition order, smoking status, gender, race/ethnicity, age, parental education, and sexual orientation (in young adults)
 - Exploratory analyses included a brand x condition interaction term

Condition: Sweepstakes

Brand: Natural American Spirit

	Made with Organic Tobacco	Original Blend	Menthol	Perique Tobacco Blend
Full-Bodied Taste	 TURQUOISE	 BLUE	 DARK GREEN**	 BLACK
Mellow Taste	 GOLD	 YELLOW	 GREEN**	

**Ingredients: Organic Tobacco & Organic Menthol

Natural American Spirit cigarettes are always packed filter-to-tip with *up to 25% more tobacco*, versus other leading king size cigarettes.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.



NATURAL AMERICAN SPIRIT

JOIN THE JOURNEY AT
AMERICANSPIRIT.COM

SITE LIMITED TO ELIGIBLE SMOKERS 21 YEARS OF AGE OR OLDER.

	Made with Organic Tobacco	Original Blend	Menthol	Perique Tobacco Blend
Full-Bodied Taste	 TURQUOISE	 BLUE	 DARK GREEN**	 BLACK
Mellow Taste	 GOLD	 YELLOW	 GREEN**	

**Ingredients: Organic Tobacco & Organic Menthol

Natural American Spirit cigarettes are always packed filter-to-tip with *up to 25% more tobacco*, versus other leading king size cigarettes.

CASH & PRIZES
ARE UP FOR GRABS

VOTE FOR YOUR TOP SHOT
FOR A CHANCE TO WIN EVERY DAY.

JOIN THE JOURNEY AT
AMERICANSPIRIT.COM

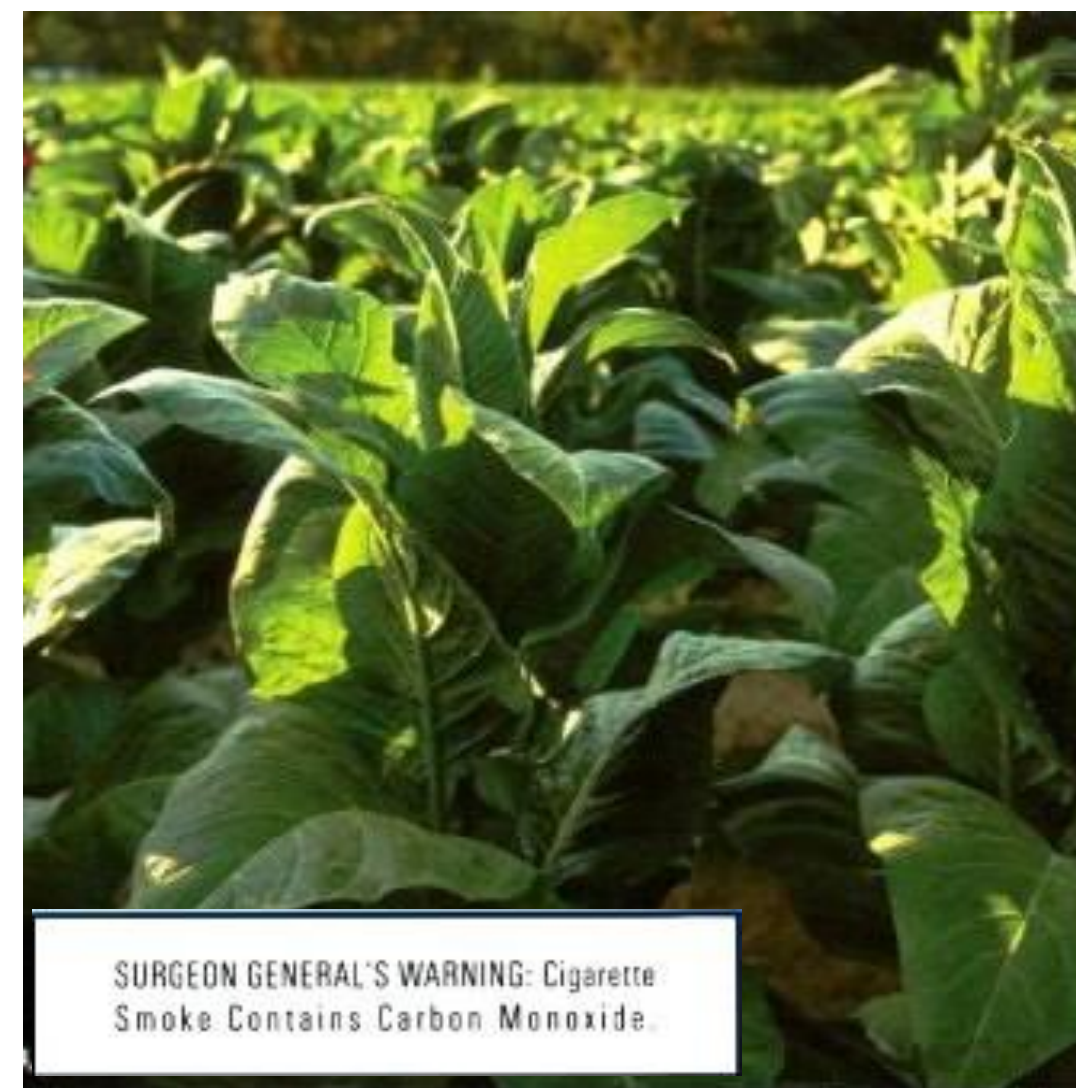
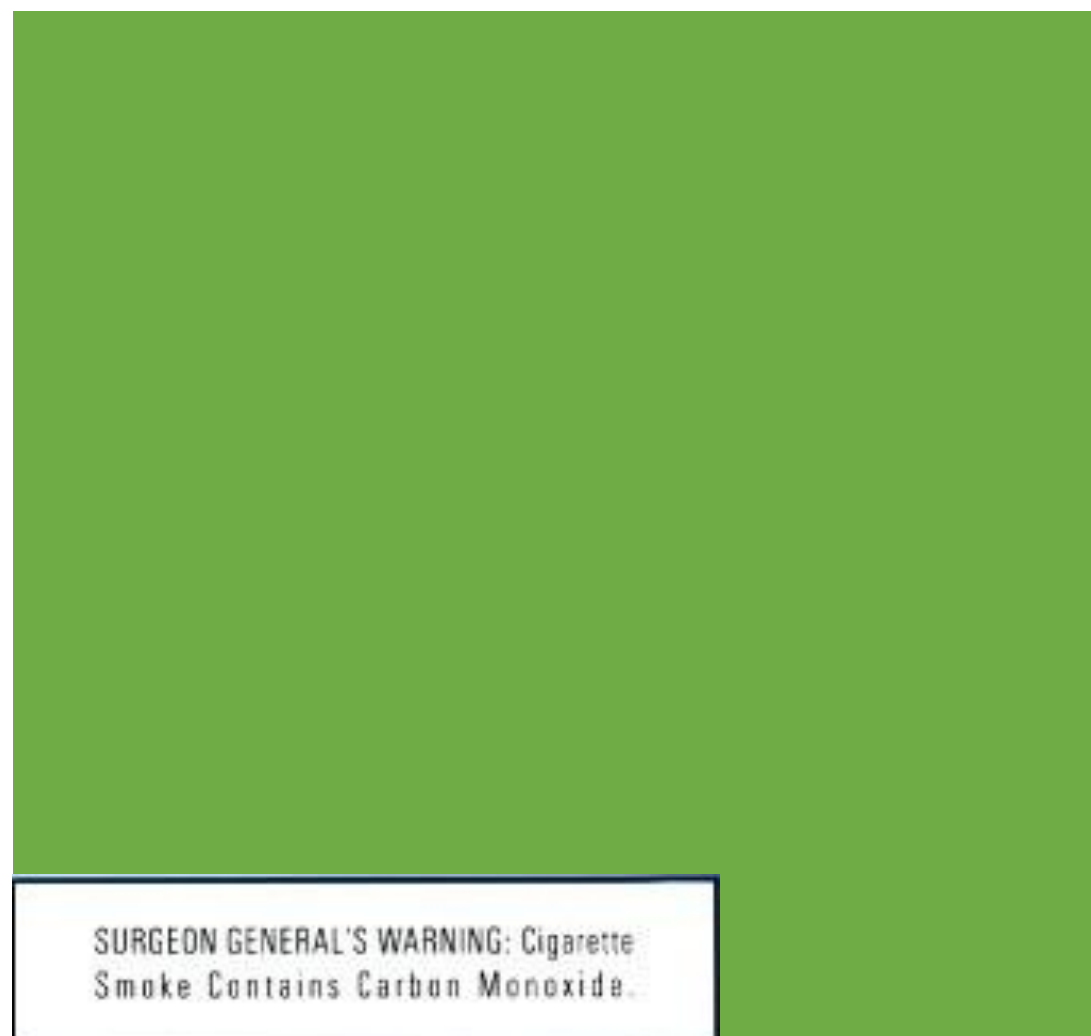
SITE LIMITED TO ELIGIBLE SMOKERS 21 YEARS OF AGE OR OLDER.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.



NATURAL AMERICAN SPIRIT

Condition: Flora imagery
Brand: 2000 (Novel brand)



Condition: Eco-friendly language

Brand: Camel

CIGARETTES

START CREATING AT
CAMEL.COM*

* WEBSITE AND OFFERS RESTRICTED TO AGE 21+ TOBACCO CONSUMERS.

GOOD AT ALL PARTICIPATING RETAILERS.
VOID WHERE PROHIBITED.

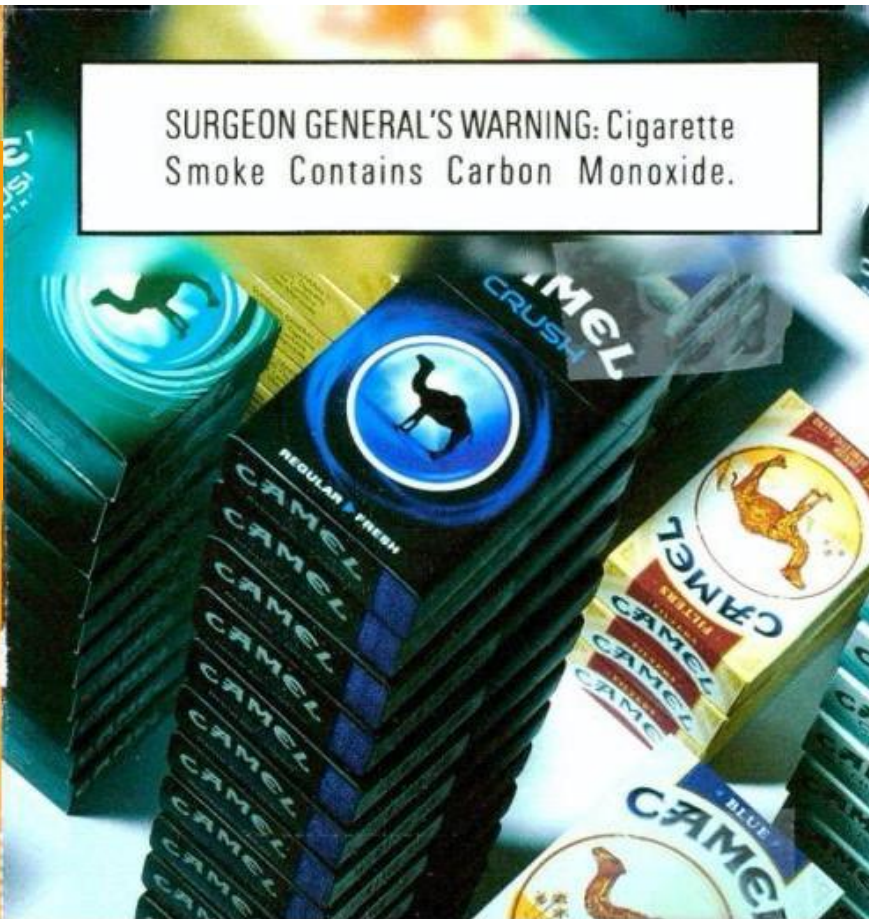
**OPEN
CANVAS**

AN ART EXPERIENCE UNLIKE ANY OTHER.
ONLY AT CAMEL.COM.*

CIGARETTES

* WEBSITE AND OFFERS RESTRICTED TO AGE 21+ TOBACCO CONSUMERS.

SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.



CIGARETTES

START CREATING AT
CAMEL.COM*

* WEBSITE AND OFFERS RESTRICTED TO AGE 21+ TOBACCO CONSUMERS.

GOOD AT ALL PARTICIPATING RETAILERS.
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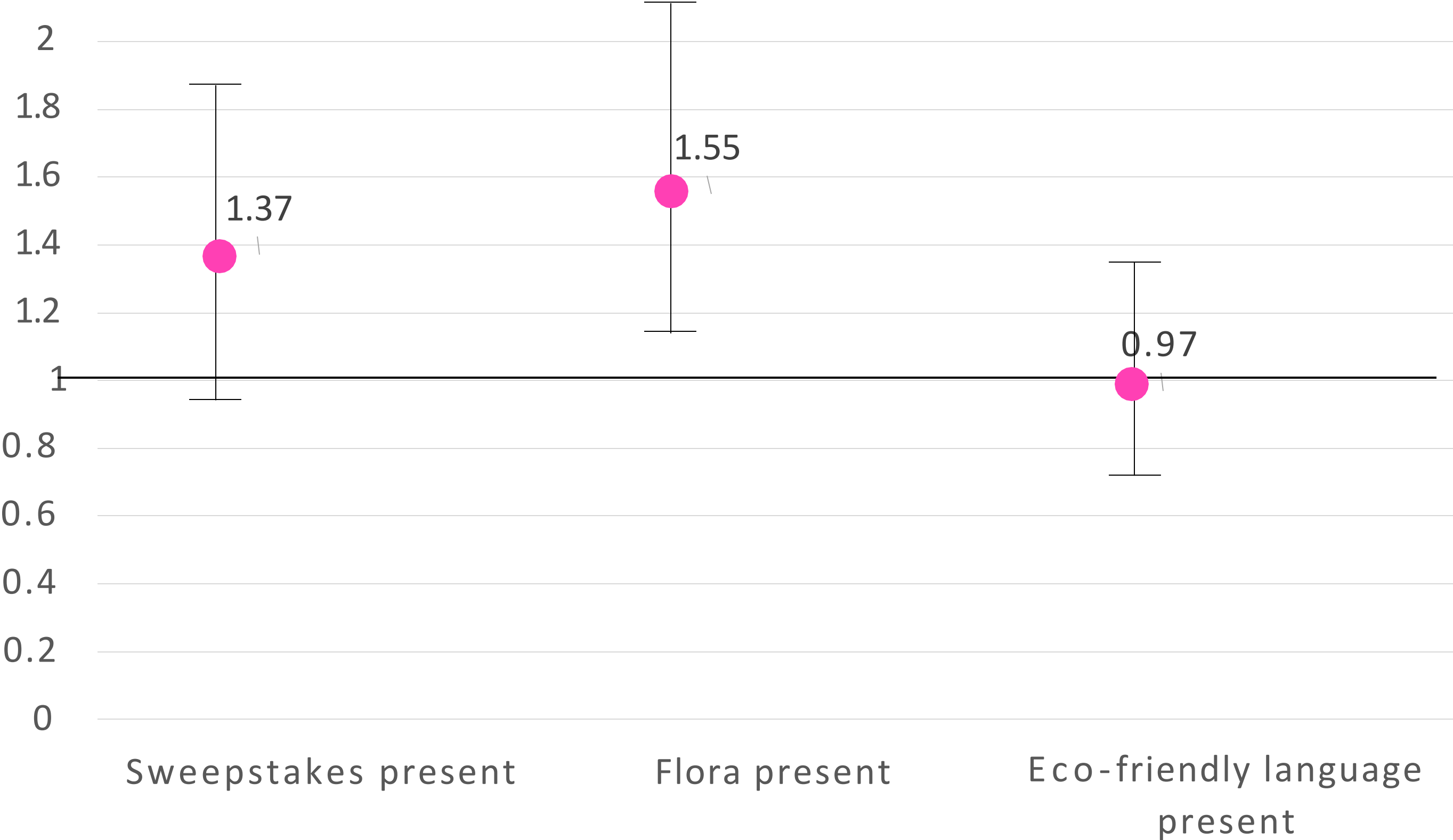
* WEBSITE AND OFFERS RESTRICTED TO AGE 21+ TOBACCO CONSUMERS.

SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.



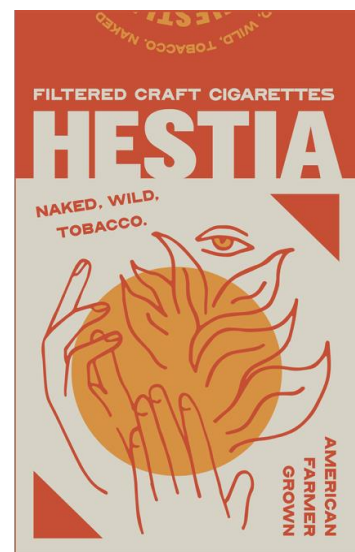
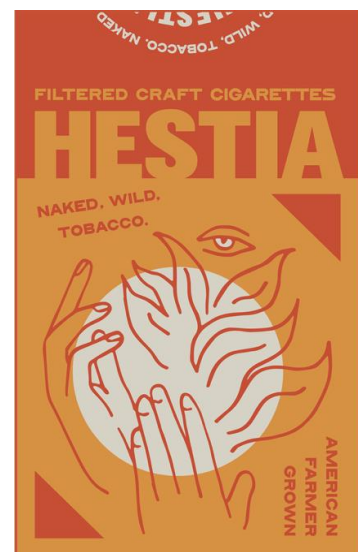
**LEARN MORE ABOUT
OUR ECO-FRIENDLY
GROWING PRACTICES
AT CAMEL.COM*.**

Findings: Adjusted odds ratios for ad receptivity among adolescents, by experimental condition

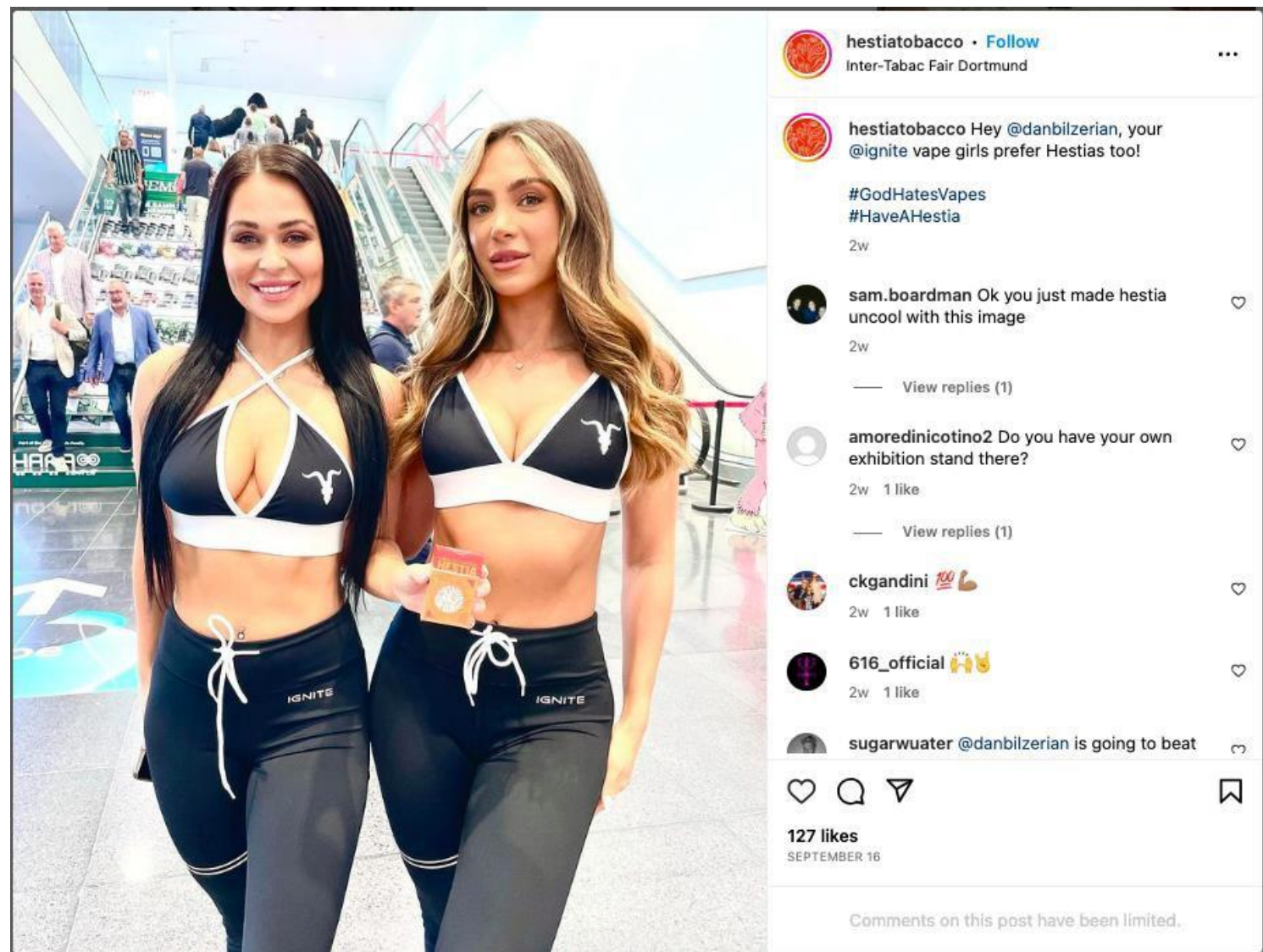
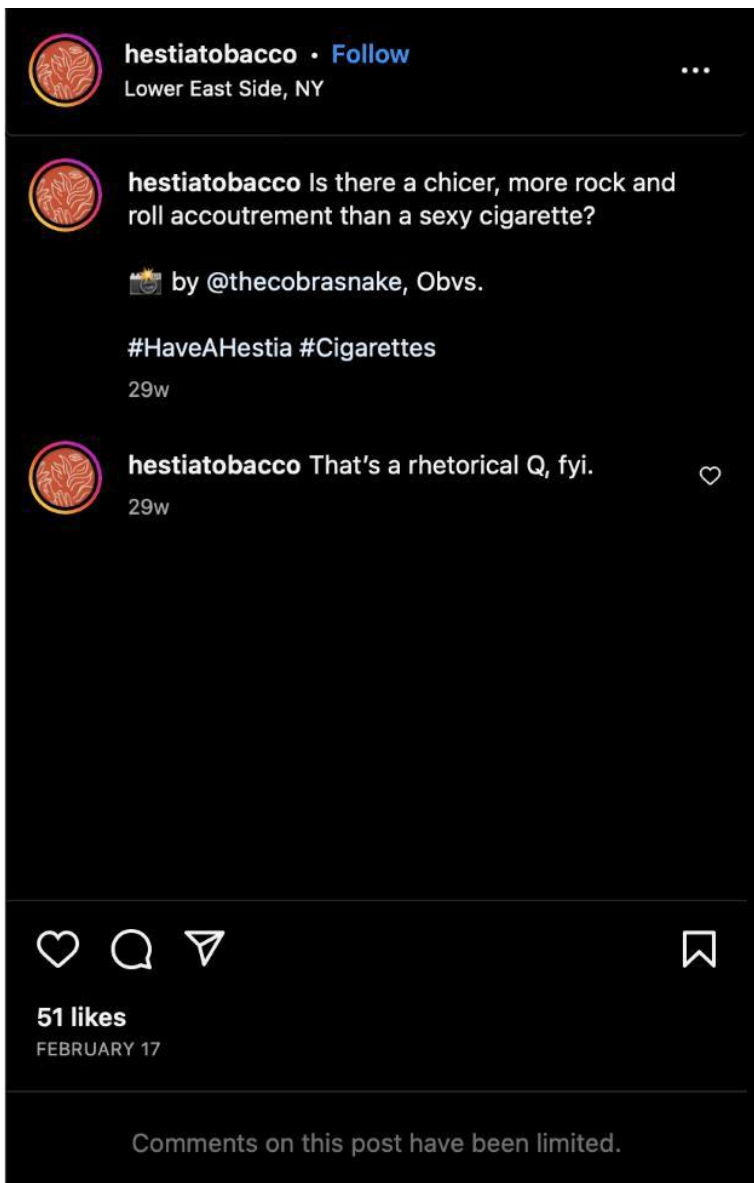


STUDY 3: Case study of how social media is used for tobacco promotion

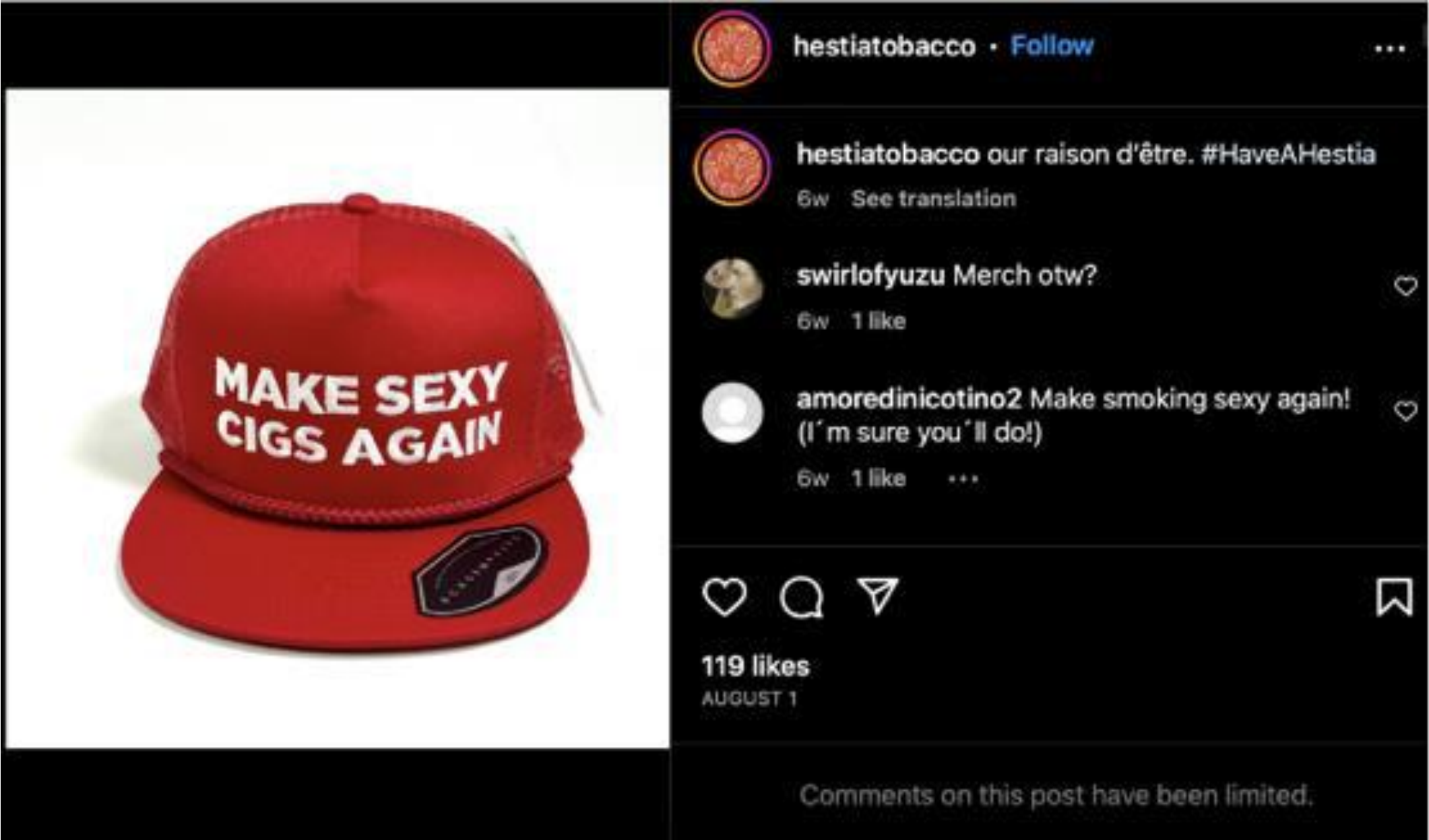
- Analysis of social media for Hestia Tobacco
 - Founded in 2010
 - Position their product as an alternative to ‘corporate tobacco’
- We conducted a qualitative, thematic analysis of 318 Instagram posts and 690 Twitter/X posted between January 2022 – March 2024



Engaging influencers



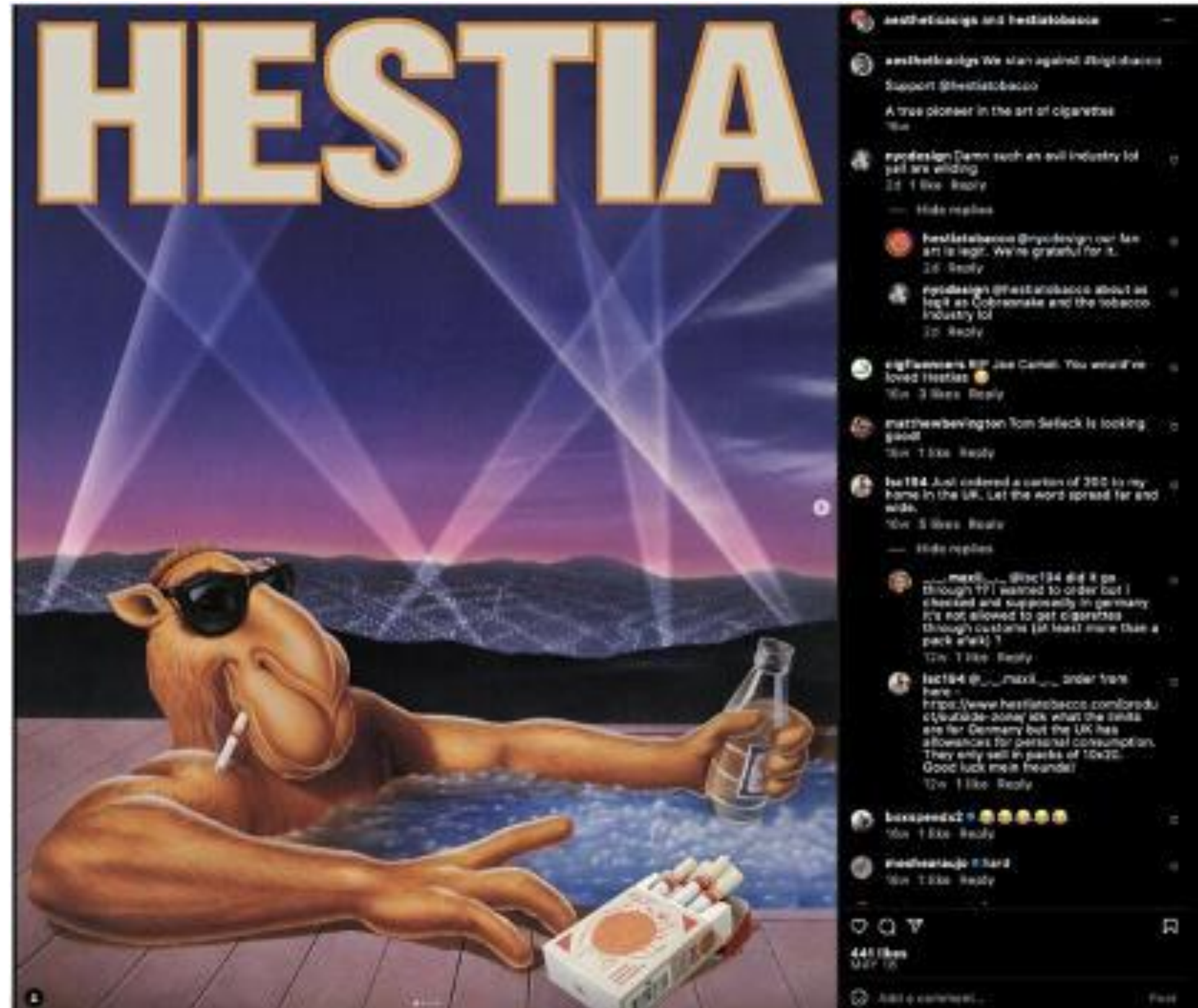
Connections to politics and culture



Normalizing smoking via celebrities



Co-opting old cigarette advertising



Implicit health-related claims

king of water cup city @null_fruit · 18h

NSFW

r/Cigarettes

u/ProtocolEnthusiast · 27d

Join

NSFW

What's the healthiest cigarette out there?

Question

I'm getting into fitness and I have a European mindset.

91 2.8K 31K 1.2M

Hestia Cigarettes @HestiaTobacco · 13h

Hi.

5 2 71 28K



Hestia Cigarettes ✓
@HestiaTobacco

This.

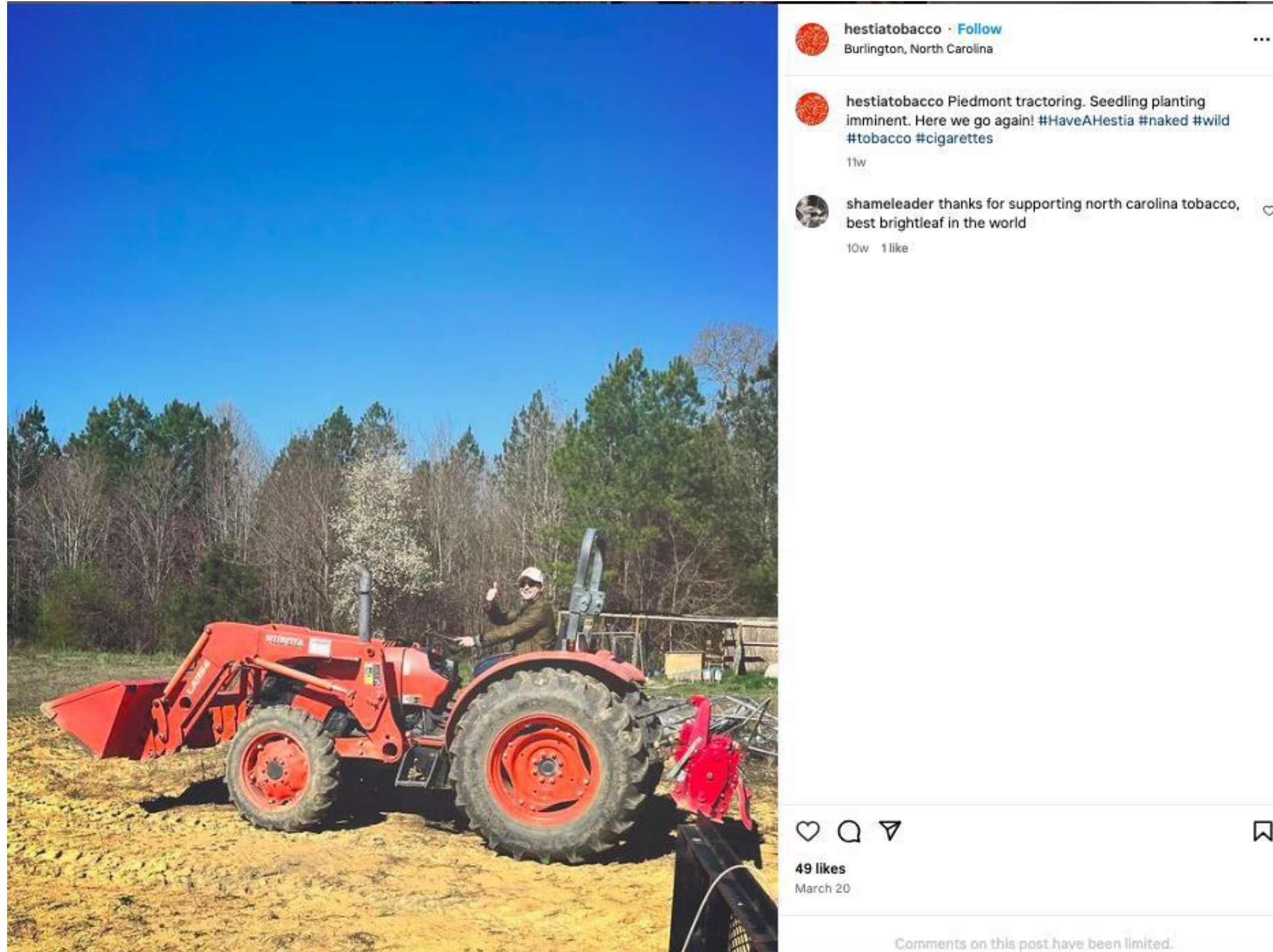


roro, PhD @fuglibetty · Jan 13

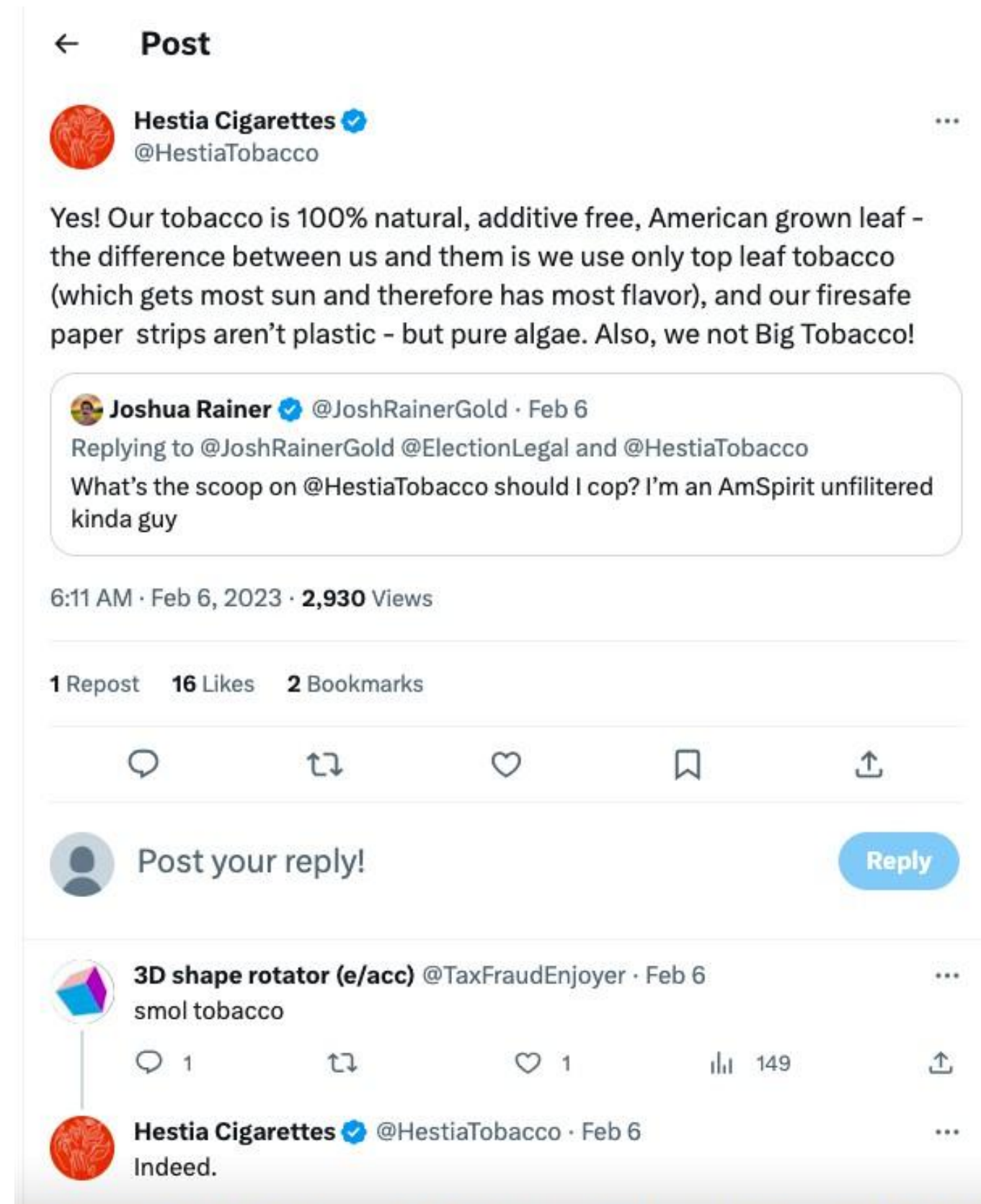
cigarettes are bad from a 'health' perspective yes. but culturally — for high art to be created, we need conditions which produce peer pressure & a culture of vice & self-destruction — smoking is actually necessary & vital. otherwise teens will have to start with heroin

12:00 PM · Jan 26, 2023 · **1,083** Views

Greenwashing: Connections to the environment



Engaging with other social media accounts



SUMMARY

- The tobacco industry engages in numerous youth-appealing tactics
- These may be difficult to detect without research and surveillance
- It may similarly be difficult to discern the extent to which a tactic is explicitly or implicitly youth-appealing

03.

MISLEADING PEOPLE ABOUT PRODUCT RISK



GREENWASHING TOBACCO ADS

- Use of ‘additive-free’ and ‘natural’ descriptors
- Individuals are more likely to perceive product marketed with these terms as low harm
- Use of these terms now restricted

“Your product labeling for Natural American Spirit cigarettes, which uses the descriptors “**Natural**” and “**Additive Free**,” represents explicitly and/or implicitly that the products or their smoke do not contain or are free of a substance and/or that the products present a lower risk of tobacco-related disease or are less harmful than one or more other commercially marketed tobacco products.”

-FDA Center for Tobacco Products, Warning Letter to Santa Fe Natural Tobacco Company, 8/27/15



CIGARETTES
© 2014 NATURAL AMERICAN SPIRIT



**100% ADDITIVE-FREE
NATURAL TOBACCO**
INGREDIENTS
ORGANIC TOBACCO & ORGANIC MENTHOL

No additives in our tobacco
does **NOT** mean a safer cigarette.

Organic tobacco does **NOT**
mean a safer cigarette.

TRY 1 PACK FOR \$2*
Visit NASCIGS.com or
call 1-800-435-5515
PROMO CODE 95202
*Plus applicable sales tax

Offer for two "1 for \$2" Gift Certificates good for any Natural American Spirit cigarette product (excludes RTD pouches and 100g box). Not to be used in conjunction with any other offer. Offer and website restricted to U.S. smokers 21 years of age and older. Limit one offer per person per 12 month period. Offer valid in MA and where prohibited. Other restrictions may apply. Offer expires 06/30/15.

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

CIGARETTES
© 2014 NATURAL AMERICAN SPIRIT



**MADE WITH ORGANIC TOBACCO
GROWN ON
AMERICAN SOIL**
100% ADDITIVE-FREE NATURAL TOBACCO

No additives in our tobacco
does **NOT** mean a safer cigarette.

Organic tobacco does **NOT**
mean a safer cigarette.

TRY 2 PACKS FOR \$2
Visit NASCIGS.com or
call 1-800-435-5515
PROMO CODE 95105

Offer for two "2 for \$2" Gift Certificates good for any Natural American Spirit cigarette product (excludes RTD pouches and 100g box). Not to be used in conjunction with any other offer. Offer and website restricted to U.S. smokers 21 years of age and older. Limit one offer per person per 12 month period. Offer valid in MA and where prohibited. Other restrictions may apply. Offer expires 10/31/14.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

CIGARETTES
© 2014 NATURAL AMERICAN SPIRIT



100% **TOBACCO**
INGREDIENTS
ORGANIC TOBACCO & ORGANIC MENTHOL

No additives in our tobacco does **NOT** mean a safer cigarette.

Organic tobacco does **NOT** mean a safer cigarette.

TRY 1 PACK FOR \$2*
Visit NASCIGS.com or
call 1-800-435-5515
PROMO CODE 95202
*Plus applicable sales tax

Offer for two "1" for \$2! Gift Certificate good for any Natural American Spirit cigarette product (excludes RTD pouches and 100g box). Not to be used in conjunction with any other offer. Offer and website restricted to U.S. smokers 21 years of age and older. Limit one offer per person per 12 month period. Offer valid in MA and where prohibited. Other restrictions may apply. Offer expires 06/30/15.

SURGEON GENERAL'S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, And May Complicate Pregnancy.

CIGARETTES
© 2014 NATURAL AMERICAN SPIRIT



MADE WITH ORGANIC TOBACCO
GROWN ON AMERICAN SOIL
TOBACCO

No additives in our tobacco does **NOT** mean a safer cigarette.

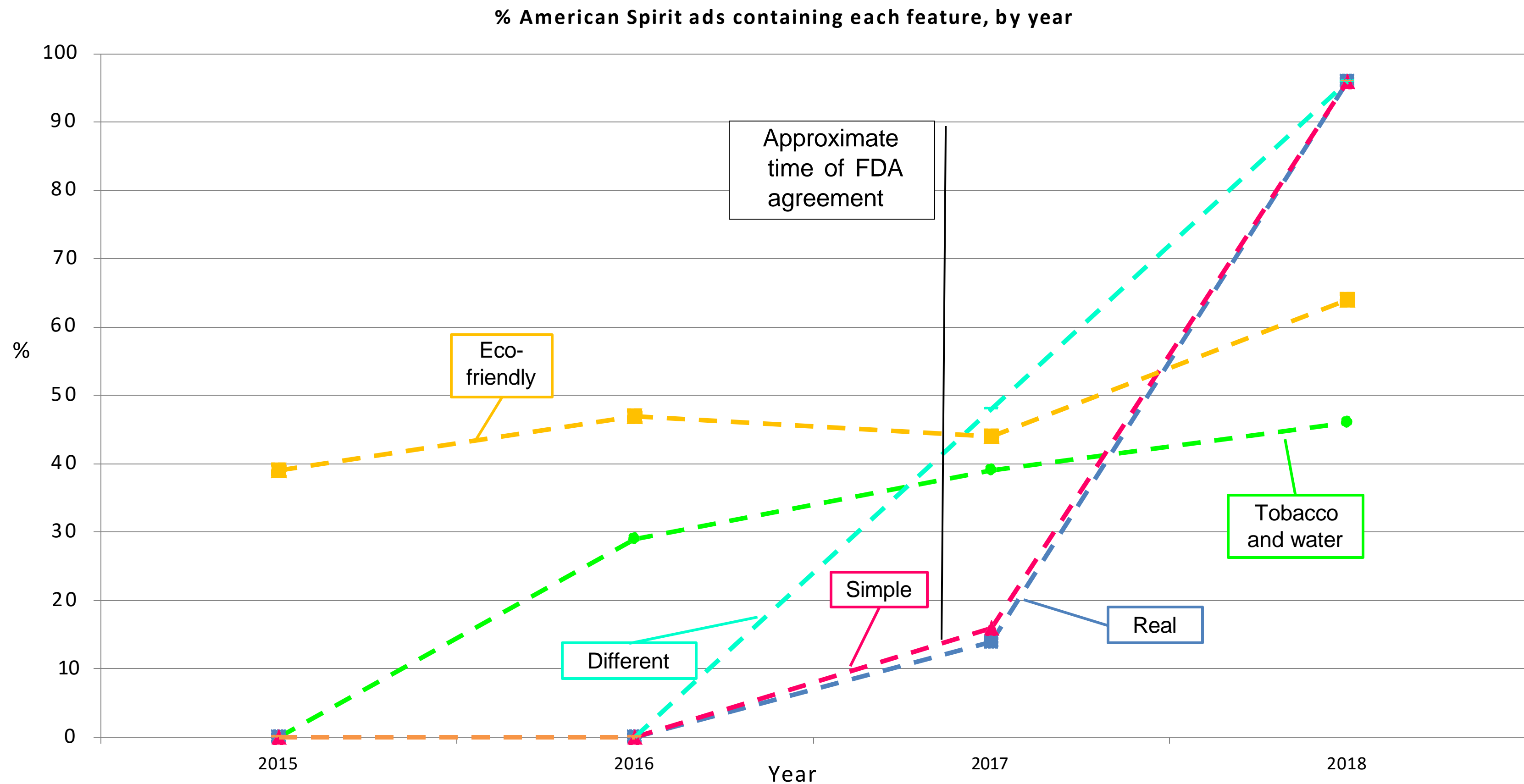
Organic tobacco does **NOT** mean a safer cigarette.

TRY 2 PACKS FOR \$2
Visit NASCIGS.com or
call 1-800-435-5515
PROMO CODE 95105

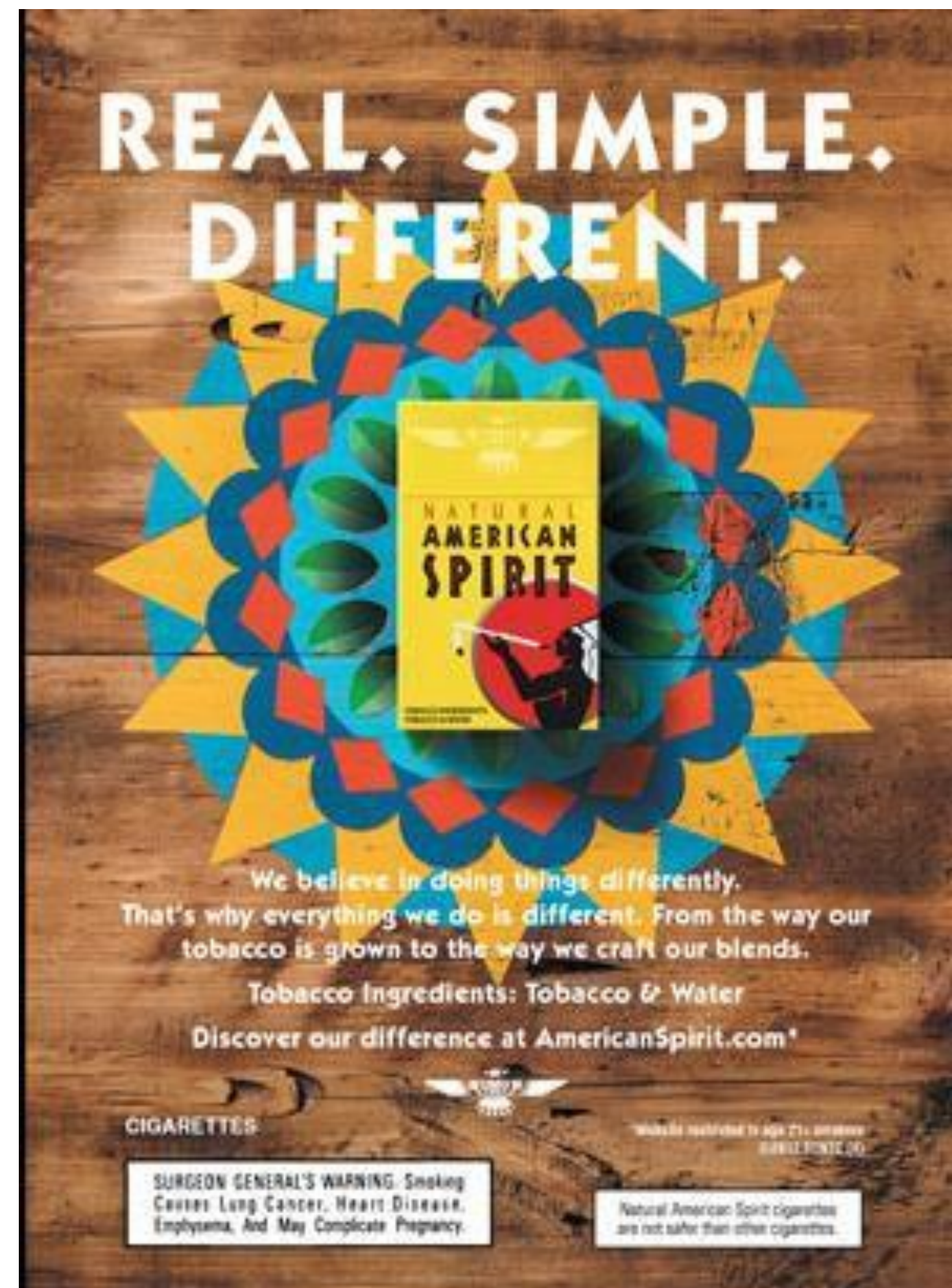
Offer for two "1" for \$2! Gift Certificate good for any Natural American Spirit cigarette product (excludes RTD pouches and 100g box). Not to be used in conjunction with any other offer. Offer and website restricted to U.S. smokers 21 years of age and older. Limit one offer per person per 12 month period. Offer valid in MA and where prohibited. Other restrictions may apply. Offer expires 10/31/14.

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.

CONTENT ANALYSIS OF CLAIMS POST-FDA AGREEMENT



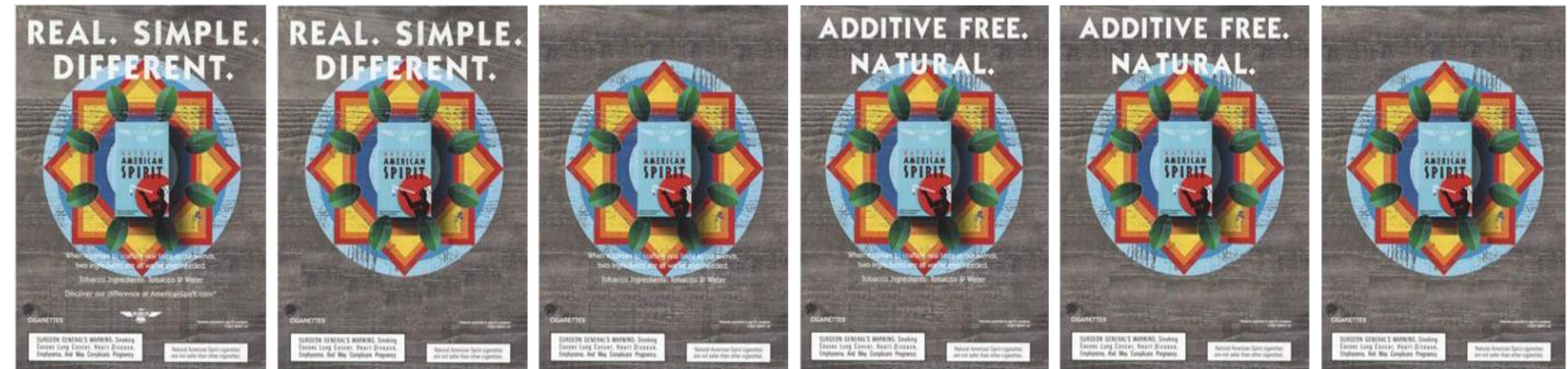
- New American Spirit campaign launched in 2017
- Additive-free & Natural no longer descriptors in the ad
- Tobacco & Water claim used more often
- **RQ: Do these tactics still convey reduced risk?**



ANALYSIS OF EFFECTS OF ‘NEW’ CAMPAIGN

- 495 18-24 year olds recruited via Amazon Mechanical Turk
- Randomized to view 1 of 12 ads (6 ad tactics x 2 brands)
- Reported perceived relative harm

American Spirit



1. “Real. Simple. Different.” + “Tobacco & Water”

2. “Real. Simple. Different.” Alone

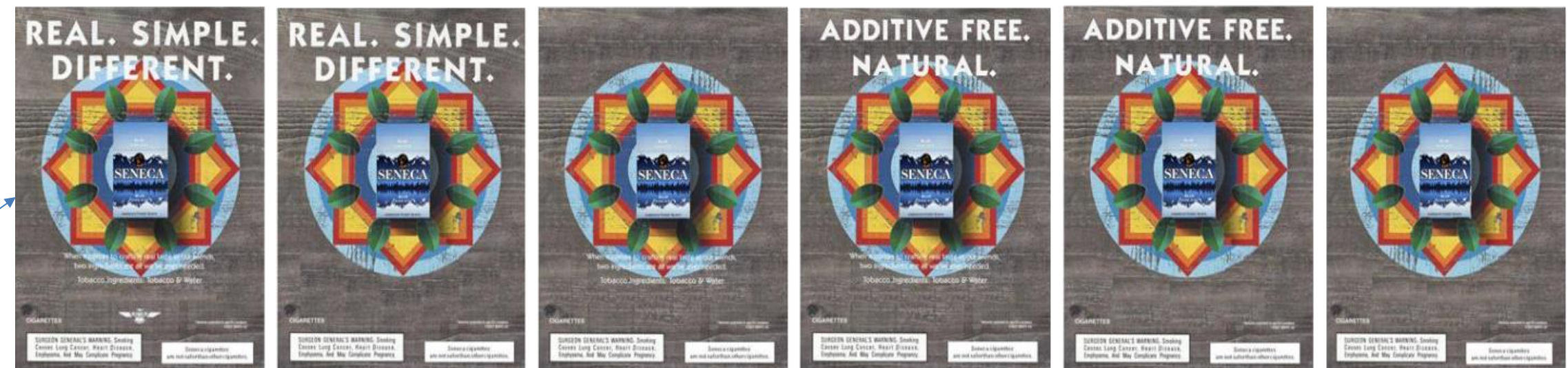
3. “Tobacco & Water” Alone

4. “Additive Free/Natural” + “Tobacco & Water”

5. “Additive Free/Natural” Alone

6. No claim control

Seneca



7. “Real. Simple. Different.” + “Tobacco & Water”

8. “Real. Simple. Different.” Alone

9. “Tobacco & Water” Alone

10. “Additive Free/Natural” + “Tobacco & Water”

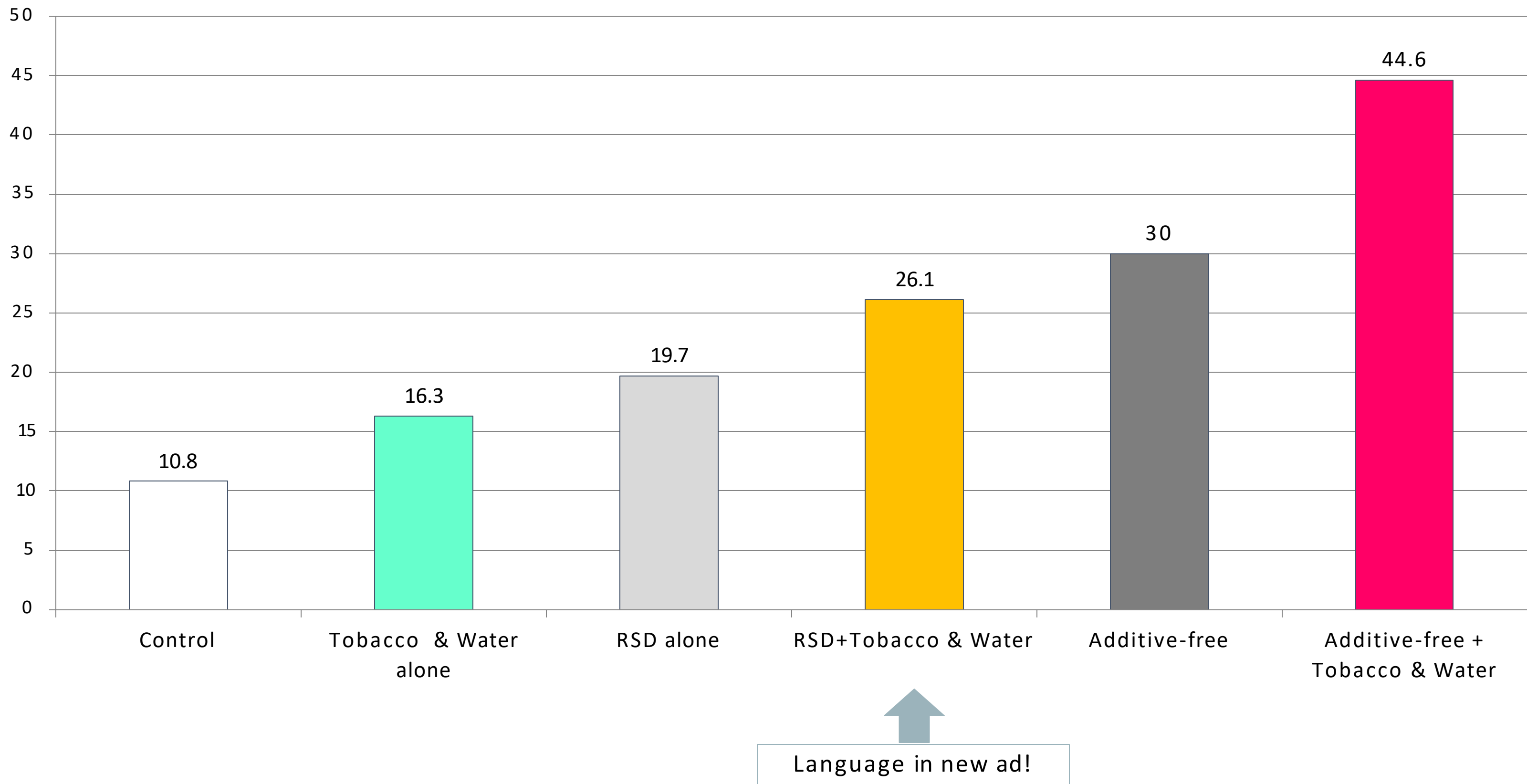
11. “Additive Free/Natural” Alone

12. No claim control

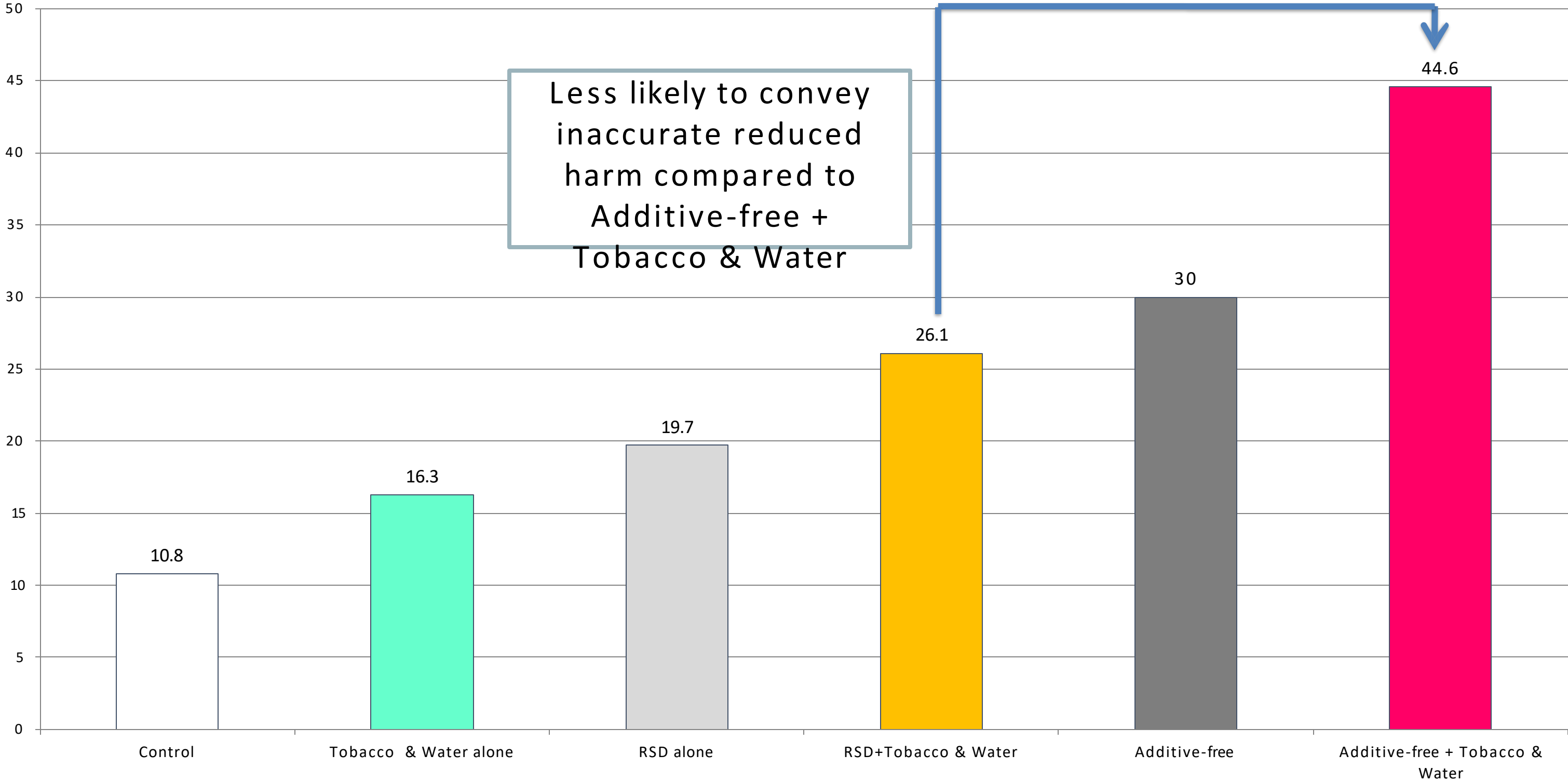
New ad

Old ad

% PERCEIVING LESS HARM, BY AD CONDITION



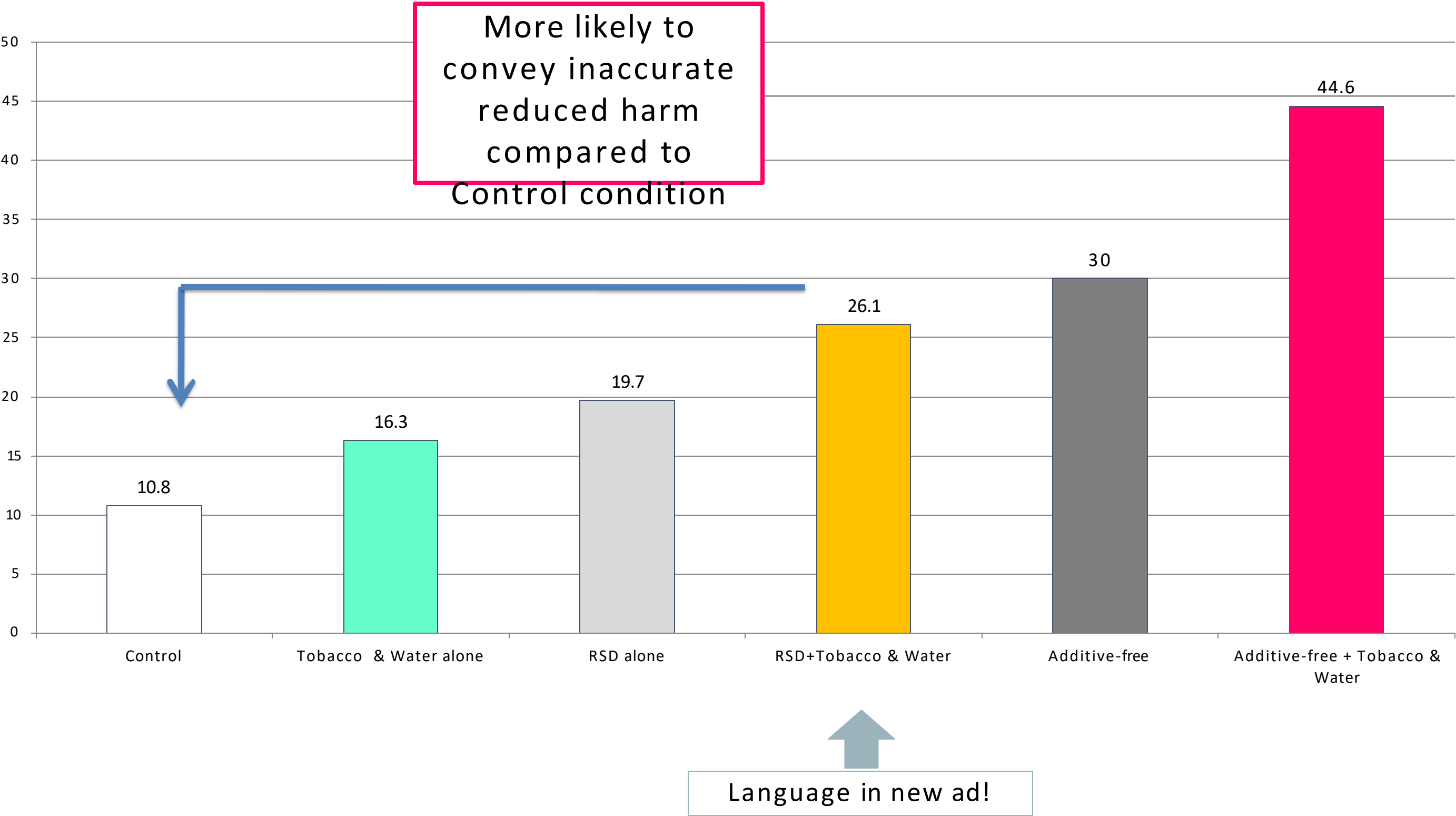
% PERCEIVING LESS HARM, BY AD CONDITION



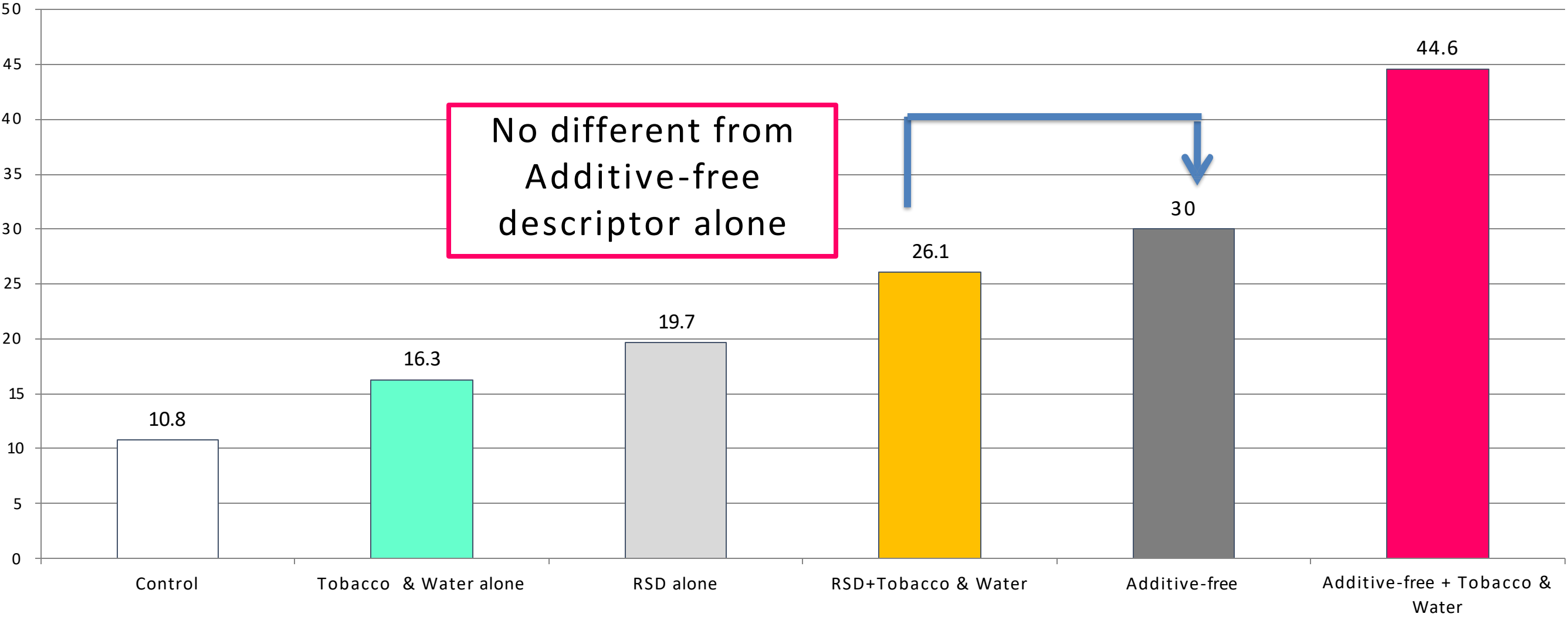
Less likely to convey inaccurate reduced harm compared to Additive-free + Tobacco & Water

Language in new ad!

% PERCEIVING LESS HARM, BY AD CONDITION

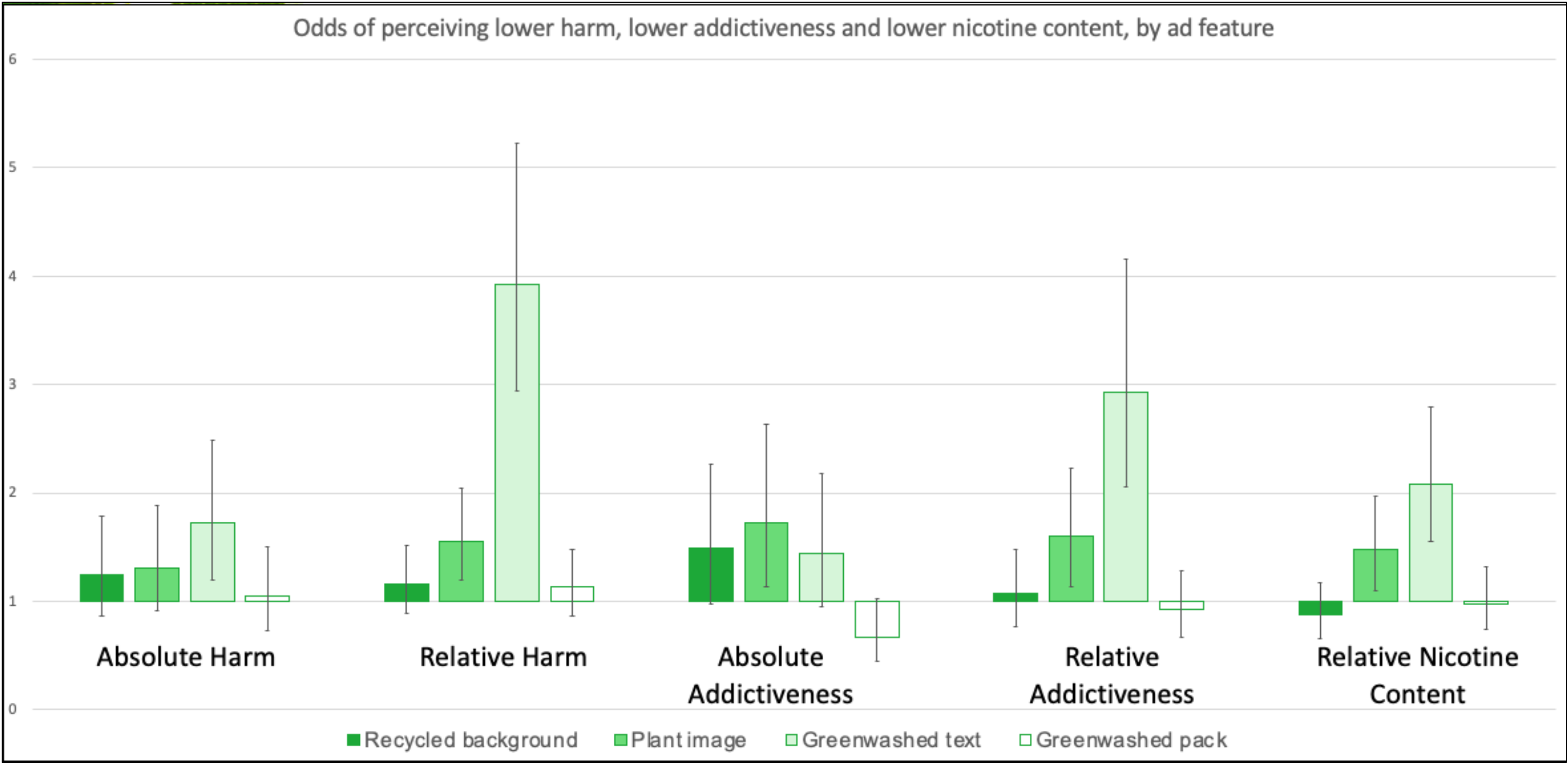
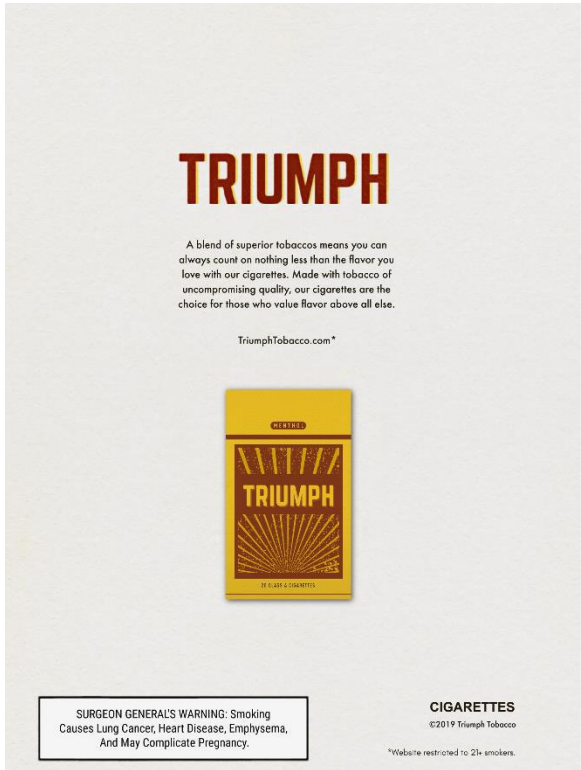


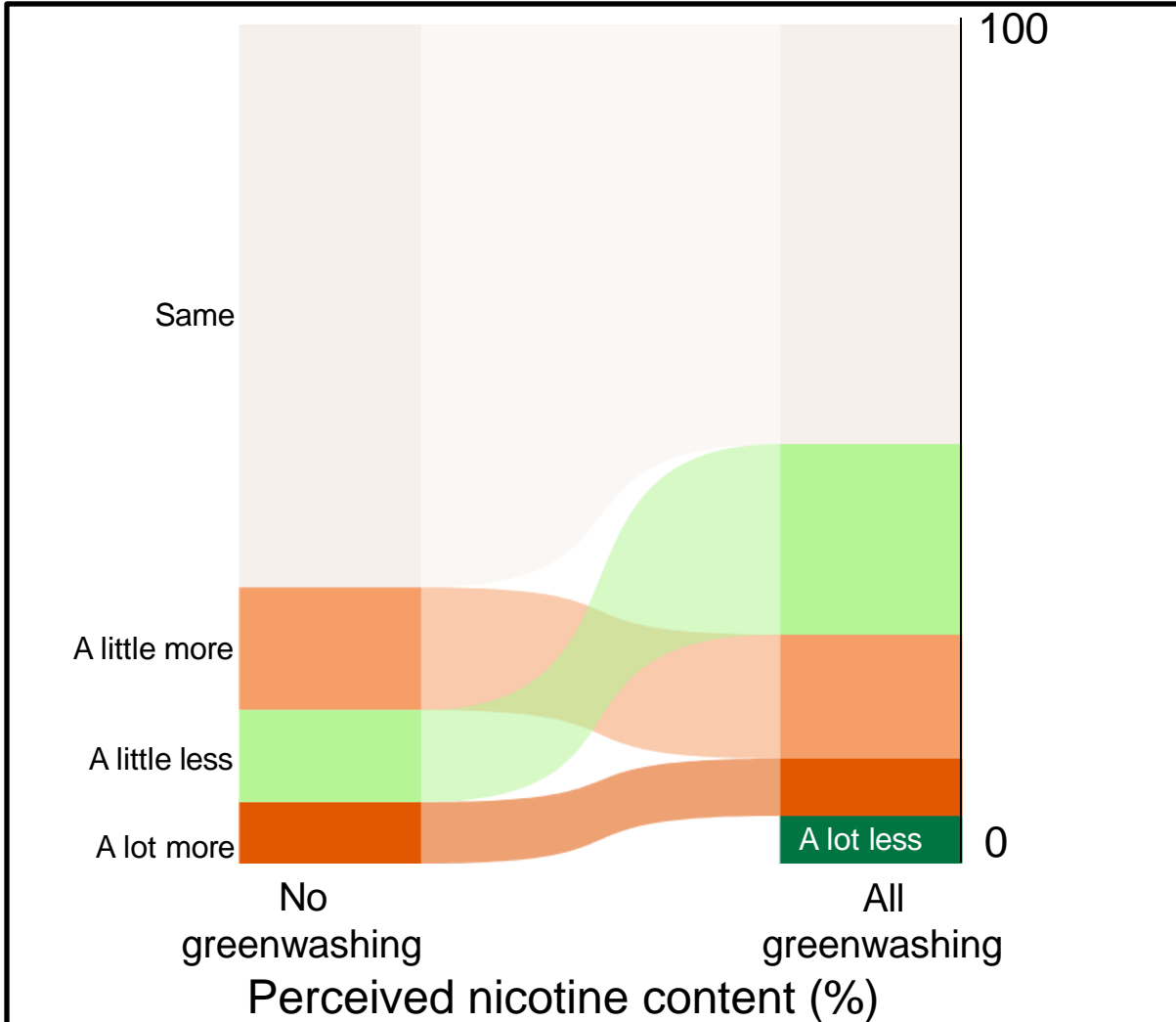
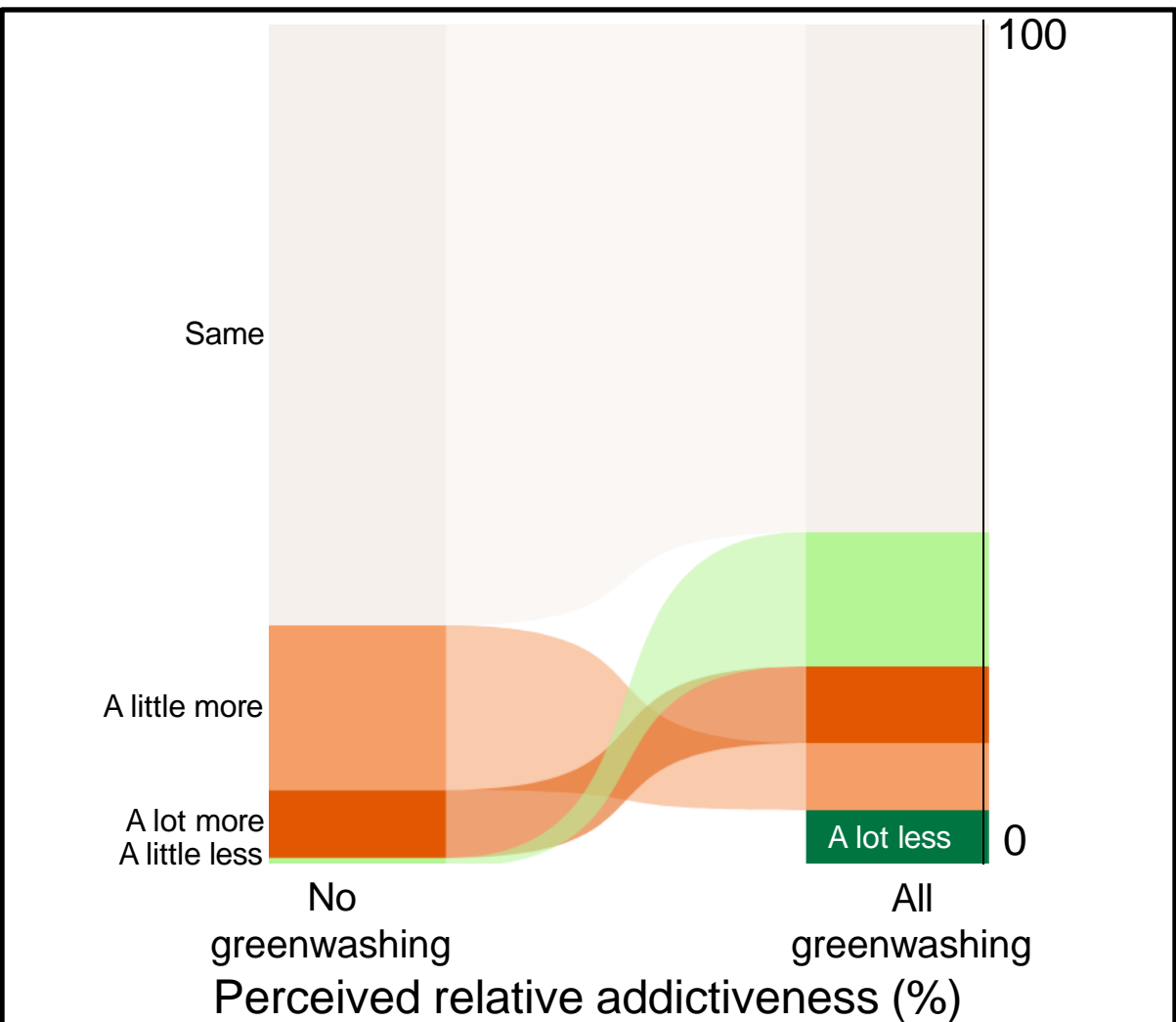
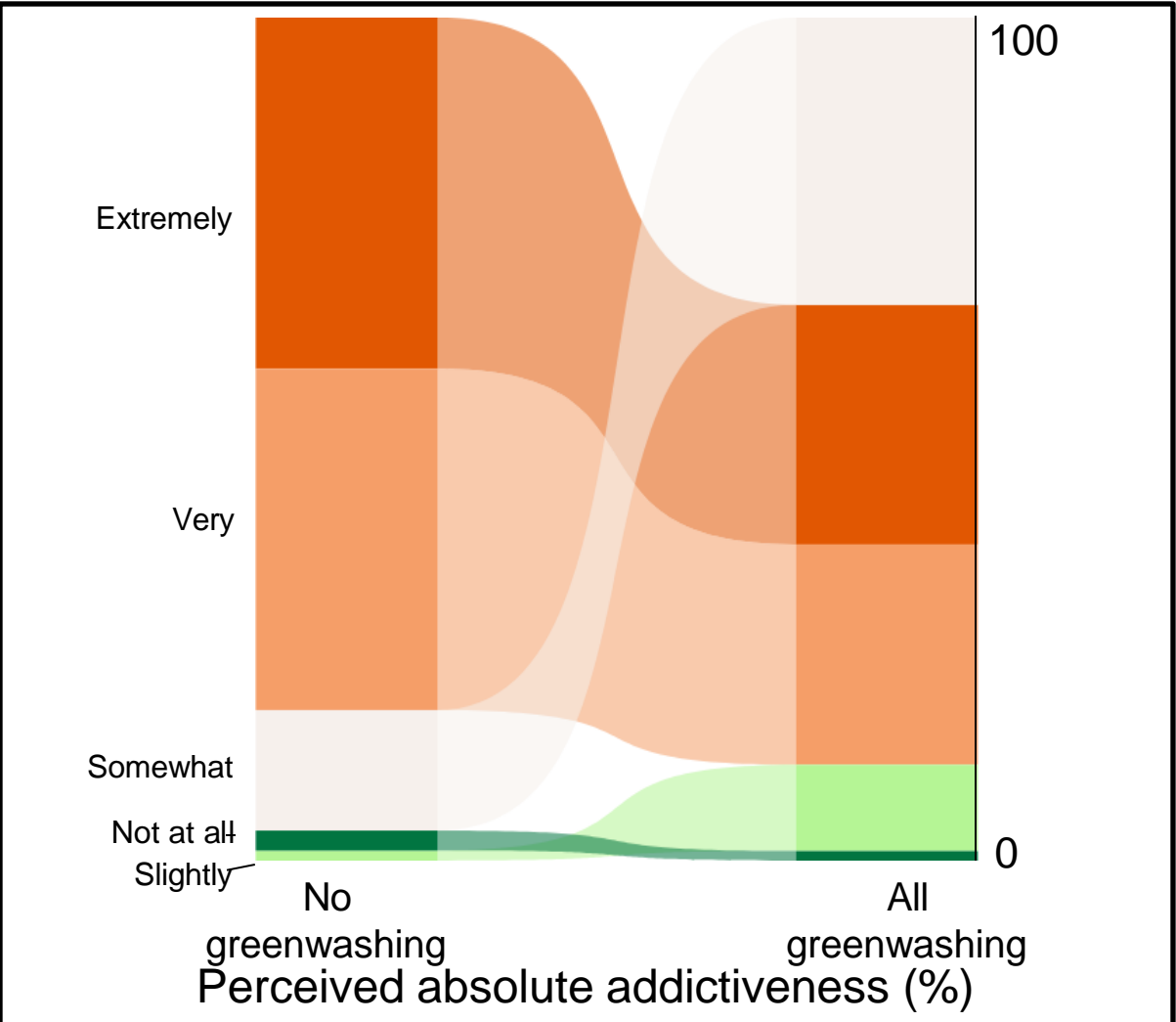
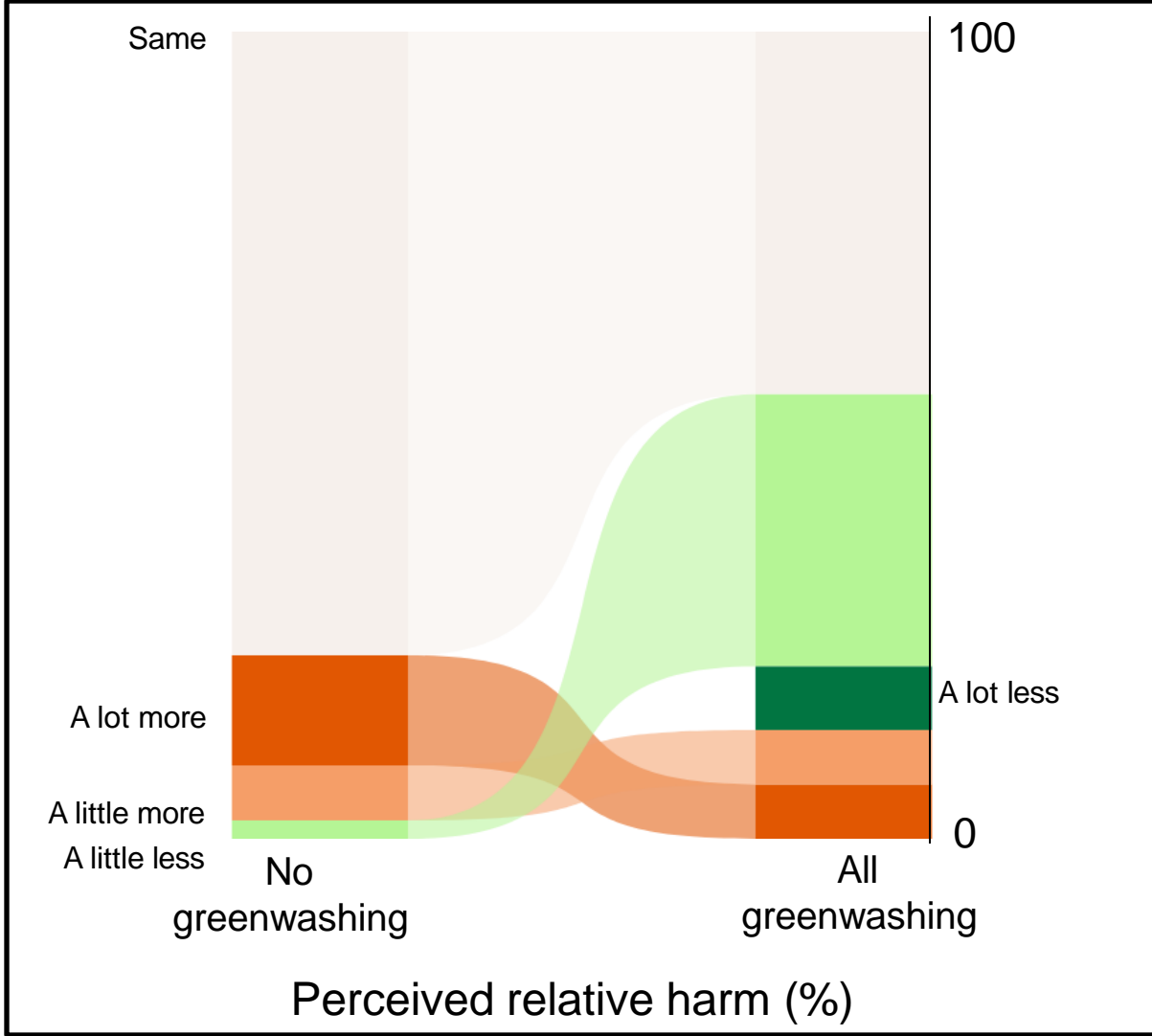
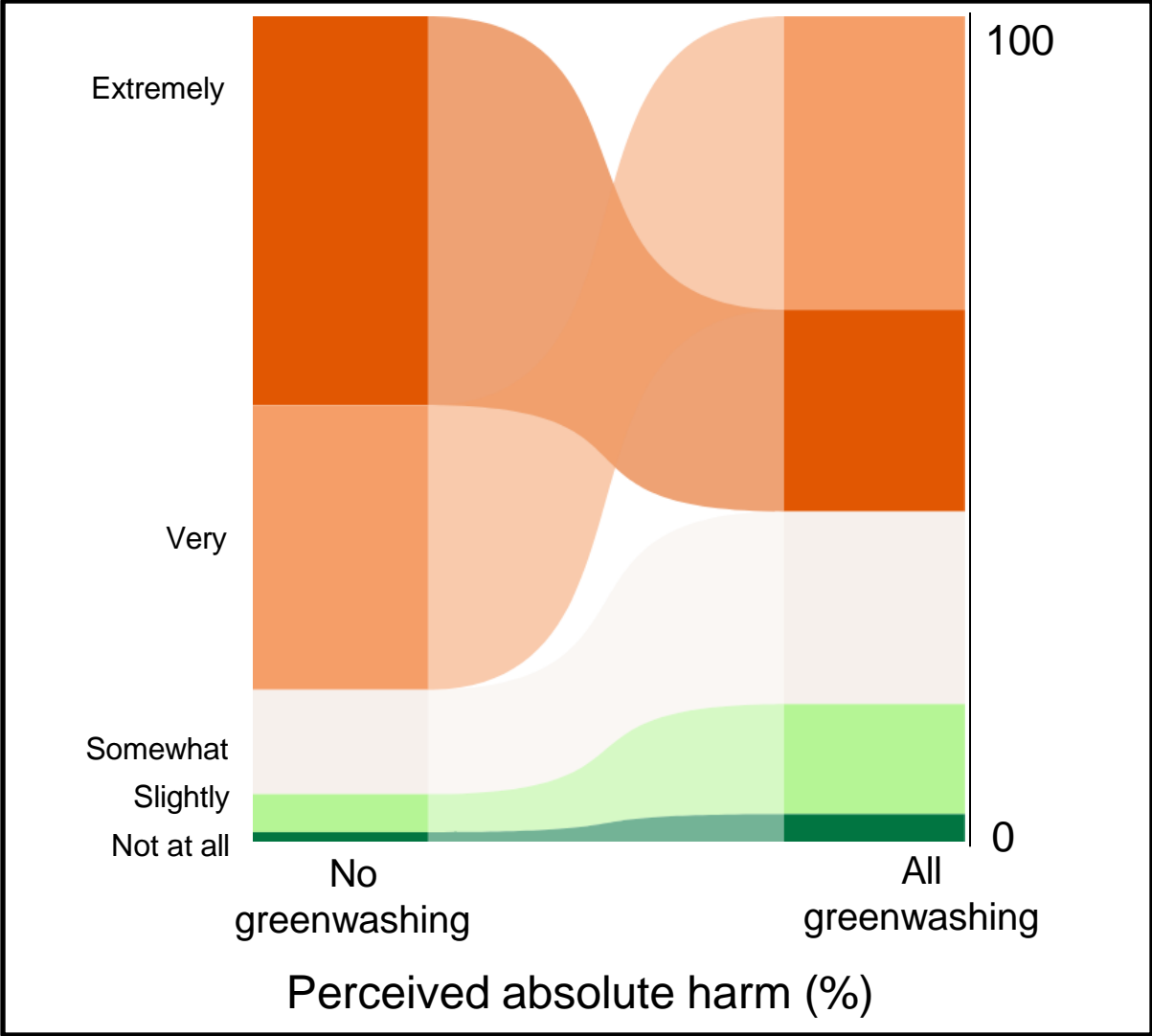
% PERCEIVING LESS HARM, BY AD CONDITION



Language in new ad!

Analysis of broader greenwashing tactics (Online randomized experiment, N=1500 13-24 year olds)





SUMMARY

- Greenwashing is a modern way the tobacco industry conveys inaccurate reduced risk to consumers
- Greenwashing tactics are commonplace
- There are many greenwashing tactics, thus regulating specific words may allow the industry to pivot to new tactics

04.

TAKEAWAYS



IMPACT: IDENTIFICATION OF YOUTH-APPEALING AND MISLEADING ADVERTISING TACTICS THAT COULD BE RESTRICTED

- Reduction of youth-appealing marketing would presumably result in lower rates of youth tobacco use
- Reduction of misleading claims could reduce tobacco use and help cessation
- BUT – What is worth the regulatory energy?
 - Tobacco industry can easily pivot to similar but allowed tactics
- Content-neutral regulations could have a bigger impact
 - Allowing only necessary text and imagery
 - Restricting use of color
 - Broader advertising bans

IMPACT: WHAT CAN WE DO?

- Educate youth on tobacco industry predatory marketing tactics
- Widely publicize the harms of tobacco via tobacco prevention campaigns
- Advocate for restrictions on tobacco marketing and sales
 - Flavor bans
 - Geographic restrictions on advertising and sales (e.g., within 500 feet of schools)
 - Complete bans on tobacco sales



THANK YOU

Questions?

Feel free to get in touch!
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