

United States Senate

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May 13, 2016

The Honorable Edith Ramirez
Chairwoman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chairwoman Ramirez:

The actions taken by the Food and Drug Administration (FDA) last week finalizing the deeming regulations were a huge victory for America's public health, but it is not enough. Now, we must work to ensure that e-cigarette companies stop using false and deceptive advertising to target children.

On January 4, 2016 you wrote to me indicating that the Federal Trade Commission was seeking approval from the Office of Management and Budget to study the marketing of e-cigarettes, including liquid nicotine. In that letter, you indicated that, if granted approval, you would issue information requests to e-cigarette marketers.

I urge you to expedite the study and ask that you specifically solicit information about marketing tactics that target youth, including online advertising, advertising on social media, behavioral targeting, mobile marketing, and viral videos.

While I hope this study will yield significant information that could benefit future regulations, I also ask that you immediately use your existing authority under 15 U.S.C. § 45 to take enforcement actions to stop these marketing tactics.

Since I first wrote to you in 2014, youth exposure to e-cigarette advertising has skyrocketed. According to the CDC's January 2016 Vital Signs report on e-cigarette advertising exposure, over 18 million teens were exposed to e-cigarette advertisements in 2014. That study also found that spending on e-cigarette advertising rose from \$6.4 million in 2011 to an estimated \$115 million in 2014. During that same period, current e-cigarette use among high school students grew from 1.5 percent in 2011 to 13.4 percent in 2014. In 2015, that number reached 16 percent.

This huge growth in e-cigarette advertising and teen usage is not a coincidence. In April of this year, a study published in the journal *Pediatrics* found that the greater the exposure to e-cigarette advertisements among middle and high school students, the greater the odds of their e-cigarette use. For years, we have seen e-cigarette manufacturers target youth using the same deplorable tactics big tobacco used in the past. This study simply confirmed the effectiveness of

this tactic. We cannot wait any longer to start protecting our youth from these dangerous products.

I commend you for studying the marketing of electronic cigarettes. But, given the danger these products pose to our nation's youth and the rapid rate at which advertising and use is growing, I also urge you to immediately act to stop these marketing tactics.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Barbara Boxer', is centered on the page. The signature is fluid and cursive, with the first name 'Barbara' being more prominent than the last name 'Boxer'.

Barbara Boxer
United States Senator