Tobacco Company Marketing to Kids

"From the 1950s to the present, different defendants, at different times and using different methods, have intentionally marketed to young people under the age of twenty-one in order to recruit 'replacement smokers' to ensure the economic future of the tobacco industry."

U.S. District Court Judge Gladys Kessler
Final Opinion, *United States v. Philip Morris*[1]

The major cigarette and smokeless tobacco companies now spend about $8.6 billion per year—over $23 million every day—to promote their products, and many of their marketing efforts directly reach kids. According to the most recent Federal Trade Commission (FTC) reports on cigarette and smokeless tobacco marketing, that $8.6 billion represents a slight decrease (by 0.7%) from the previous year.[2]

- Marketing spending among the top cigarette and smokeless companies in 2022 increased 24.7 percent since the 1998 Master Settlement Agreement.[3]
- Cigarette marketing expenditures decreased from $8.1 billion in 2021 to $8.0 billion in 2022.[4]
- Smokeless tobacco marketing expenditures decreased from $575.5 million in 2021 to $572.7 million in 2022. This is nearly 4 times the amount spent on smokeless tobacco marketing in 1998 and more than double the amount spent in 2005 ($250.8 million), the year before cigarette companies entered the smokeless tobacco market.[5]
- E-cigarette marketing expenditures peaked at $1.0 billion in 2019, before declining to $859.4 million in 2021. The 2021 marketing expenditures are over four times higher than the spending in 2015 ($197.8 million), the first year of data collection by the FTC.[6] The 2016 Surgeon General's Report, *E-Cigarette Use Among Youth and Young Adults*, found that e-cigarette advertising expenditures increased dramatically, from $12 million in 2011 to $125 million in 2014,[7] and other studies have also documented this significant increase in spending early on.[8] Survey research demonstrates that these advertising efforts have effectively reached youth and young adults.[9]

Tobacco marketing expenditures to market and promote products like cigars* and hookah are not available because other tobacco product companies are not currently required to report their marketing and promotional expenditures to the FTC.

Tobacco industry documents, research on the effect of the cigarette companies' marketing efforts on kids, and the opinions of advertising experts combine to reveal the intent and the success of the industry's efforts to attract new smokers from the ranks of children.

Tobacco Industry Statements & Actions

Numerous internal tobacco industry documents, revealed in various tobacco lawsuits, show that the tobacco companies have perceived kids as young as 13 years of age as a key market, studied the smoking habits of kids, and developed products and marketing campaigns aimed directly at them.[10] As an RJR Tobacco document put it, "Many manufacturers have 'studied' the 14-20 market in hopes of uncovering the 'secret' of the instant popularity some brands enjoy to the almost exclusion of others. . . . Creating a 'fad' in

* In 1999, the FTC released a report, "Cigar Sales and Advertising and Promotional Expenditures for Calendar Years 1996 and 1997," but FTC has not released subsequent reports on cigars.

this market can be a great bonanza."[11] The following are just a few of the many more internal company quotes about marketing to kids:

Philip Morris:	*"Today's teenager is tomorrow's potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens…The smoking patterns of teenagers are particularly important to Philip Morris."*[12]
RJ Reynolds:	*"Evidence is now available to indicate that the 14-18 year old group is an increasing segment of the smoking population. RJR-T must soon establish a successful new brand in this market if our position in the industry is to be maintained in the long term."*[13]
Brown & Williamson:	*"Kool's stake in the 16- to 25-year-old population segment is such that the value of this audience should be accurately weighted and reflected in current media programs . . . all magazines will be reviewed to see how efficiently they reach this group."*[14]
Lorillard Tobacco:	*"[T]he base of our business is the high school student."*[15]
U.S. Smokeless Tobacco:	*"Cherry Skoal is for somebody who likes the taste of candy, if you know what I'm saying."*[16]

In August 2006, U.S. District Court Judge Gladys Kessler released her final opinion in the U.S. Government's landmark case against tobacco companies, meticulously describing how the tobacco companies target youth with sophisticated marketing campaigns. According to Judge Kessler, tobacco companies intimately study youth behavior and use their findings to create images and themes attractive to youth. Judge Kessler found that:

> *"Defendants spent enormous resources tracking the behaviors and preferences of youth under twenty-one…to start young people smoking and to keep them smoking."*[17]

Tobacco companies knowingly placed advertisements in magazines popular with youth, in violation of the terms of the 1998 Master Settlement Agreement, and often sent direct mail pieces to youth without verifying their age. Judge Kessler's conclusion is very straightforward:

> *"The evidence is clear and convincing—and beyond any reasonable doubt—that Defendants have marketed to young people twenty-one and under while consistently, publicly, and falsely denying they do so."*[18]

The 2014 Surgeon General Report further emphasized the tobacco industry's marketing to youth and the way in which it perpetuates the tobacco problem:

> *"…the root cause of the smoking epidemic is also evident: the tobacco industry aggressively markets and promotes lethal and addictive products, and continues to recruit youth and young adults as new consumers of these products."*[19]

Tobacco Companies Still Market Their Products to Kids

The tobacco companies claim that they have stopped intentionally marketing to kids and targeting youth in their research or promotional efforts, but they continue to advertise tobacco in ways that reach vulnerable underage populations. For example, tobacco companies continue to advertise heavily at retail outlets near schools and playgrounds, with large ads and signs clearly visible from outside the stores. In fact, in 2022, cigarette and smokeless tobacco companies spent 97.2 percent ($8.3 billion) of their total cigarette and

smokeless tobacco advertising and promotion expenditures on strategies that facilitated retail sales, such as price discounts, point-of-sale advertising, coupons, and payments to ensure prime retail space.[20] In 2021, the major e-cigarette companies spent 77.3 percent ($664.3 million) on point-of-sale marketing, including pricing strategies.[21] The 2012 Surgeon General's Report concluded that price reduction promotions have increased tobacco use rates among youth.[22]

The 2014 Surgeon General's Report states that "the tobacco industry continues to position itself to sustain its sales by recruiting youth and young adults…as consumers of all their nicotine-containing products including cigarettes."[23] This report adds to the findings of a comprehensive report on the media and tobacco use, released by the National Cancer Institute (NCI) in June 2008, that describes how tobacco company advertising targets specific populations, such as youth and young adults, by employing themes and messages that resonate with them. For example, tobacco advertisements suggest that smoking can satisfy adolescents' need to be popular, feel attractive, take risks and avoid or manage stress.[24]

The extent of the tobacco industry's marketing to kids is well-documented:

- In 2021, e-cigarette companies spent $1.5 million on social media marketing and an additional $23.1 million on other internet or digital marketing. E-cigarette companies spent $6.8 million in 2019 on endorsements from celebrities, influencers, brand ambassadors, and others often appearing on social media, which was a massive increase from $288,000 in 2015, before ending all spending in this category in 2020.[25]
- Data from the National Youth Tobacco Survey (NYTS) showed that 70.7 percent of middle school and 79.6 percent of high school students were exposed to pro-tobacco ads in stores, in magazines, through television and movies, or on the internet in 2021.[26]
- The 2021 NYTS found that 70.3 percent of middle and high school students—17.8 million youth—had been exposed to e-cigarette advertisements from at least one source.[27]
- A study on 2011 NYTS data showed that although exposure to tobacco ads in newspapers or magazines declined from 2000 to 2009, exposure increased from 2009 to 2011. In 2011, 48.2 percent of middle school and 54 percent of high school students reported seeing tobacco ads in magazines. Exposure to pro-tobacco ads through the internet also increased over time; in 2011, 43 percent of adolescents were exposed to pro-tobacco images on the internet. Among middle school students, exposure to tobacco advertising was associated with increased likelihood of being susceptible to smoking.[28]
- In April to June 2013, ads for R.J. Reynolds' Camel Crush cigarettes appeared in at least 24 magazines, including several with large teen readerships. This marked the first time RJR advertised a cigarette brand in magazines since 2008, when the company suspended its magazine advertising while facing public and Congressional scrutiny and lawsuits by nine states for engaging in marketing that targeted kids. Publicly available data from GfK MRI, a consumer research firm, shows a total teen readership (12-17 years old) of 12.9 million for just nine of the magazines involved—*Entertainment Weekly, ESPN the Magazine, Sports Illustrated, Rolling Stone, People, Glamour, InStyle, US Weekly* and *Vogue*. The total teen readership for all 24 magazines would be millions more. Reynolds' marketing to kids through magazines is not new. In June 2002, a California judge fined RJR for advertising in magazines with high youth readerships in ways that violated the state tobacco settlement agreement's prohibition that forbids the cigarette companies from taking any action directly or indirectly to target youth in the advertising, promotion, or marketing of tobacco products.[29]
- A 2013 assessment of retail advertising for tobacco products in Philadelphia found that 29 percent of retailers with indoor tobacco ads placed one or more of them in close proximity to products targeted toward children.[30]
- A 2011 study of retail outlets in California found that stores contained an average of nearly 20 tobacco marketing materials. The proportion of stores with any tobacco advertising at or below three feet increased significantly from 14 percent in 2008 to 34 percent in 2011. The proportion of stores with tobacco advertising near candy also increased significantly from less than 1 percent to 9 percent. When

looking only at convenience stores, researchers found that nearly half (47%) had at least one tobacco advertisement at or below three feet, and 10 percent had tobacco advertisements near candy. Across all stores, there were more marketing materials for Marlboro than for Camel and Newport, which is consistent with the market share of these brands and youth's preference for them.[31]

- Research shows that there is more store advertising for menthol cigarettes and a greater availability of price promotions for menthol brands near California high schools with more black students, meaning tobacco products, like Newport, are both more visible and more affordable to kids.[32] Newport is the leading brand of cigarettes among African American youth ages 12-17.[33]
- A 2006 survey of 184 retail stores in Hawaii found 3,151 tobacco advertisements and promotions, most of which were for RJ Reynolds' Kool, the cigarette brand most heavily smoked by teenagers in Hawaii.[34]
- A 2002 survey in a Californian community found that stores where adolescents shop most often have more than three times more cigarette advertisements and promotional materials outside of the stores and almost three times more materials inside compared to other stores in the community.[35]
- A 2001 study in the *New England Journal of Medicine* found that the 1998 MSA had little effect on cigarette advertising in magazines. In 2000, the tobacco companies spent $59.6 million in advertising expenditures for the most popular youth brands in youth-oriented magazines. The settlement has not reduced youth exposure to advertisements for these brands. Magazine ads for each of the three most popular youth brands (Marlboro, Newport, and Camel) reached more than 80 percent of young people in the United States an average of 17 times in 2000.[36]
- A Massachusetts Department of Health study found that cigarette advertising in magazines with high youth readership actually increased by 33 percent after the November 1998 Master Settlement Agreement, in which the tobacco companies agreed not to market to kids.[37] An American Legacy Foundation study found that magazine ads for eight of the top ten cigarette brands reached 70 percent or more of kids five or more times in 1999.[38]
- In July 2000, a study revealed that after tobacco billboards were banned by the Master Settlement Agreement the cigarette companies increased their advertising and promotions in and around retail outlets, such as convenience stores.[39]
- According to a study conducted by the Massachusetts Department of Health, the United States Smokeless Tobacco Company (UST), the country's largest smokeless tobacco manufacturer, spent $9.4 million advertising in magazines with high youth readership in 2001, compared to the average $5.4 million spent in 1997 and 1998, the two years before the settlement. Nearly half of the company's advertising (45%) continued to be in youth-oriented magazines after the settlement.[40]

At the same time as they deny marketing to kids, major tobacco companies vigorously oppose reasonable efforts to make it more difficult for kids to obtain cigarettes, such as raising tobacco excise taxes, requiring that all tobacco products be sold from behind the counter, forbidding sales of single tobacco products or "kiddie packs" (e.g., single sticks of little cigars) or prohibiting sales of tobacco products via the Internet or through the mail. In her final opinion, Judge Kessler also noted, "Defendants continue price promotions for premium brands which are most popular with teens."[41]

The cigarette companies are addicted to underage smoking. About ninety percent of all regular smokers begin smoking at or before age 18, and hardly anybody tries their first cigarette outside of childhood.[42] In other words, if kids stopped smoking, the cigarette companies market of smokers would significantly shrink. But each day, over 1,100 kids try smoking for the first time and approximately 95 additional kids become regular daily smokers, largely due to tobacco company marketing efforts.[43]

Empirical Evidence of the Impact of Tobacco Marketing to Kids

Beyond the tobacco industry's own statements, there is strong empirical evidence that tobacco advertising has a direct impact on the industry's recruitment of new, youth tobacco users. A key finding of the 2012 Surgeon General's Report was the conclusion that there is a causal relationship between the advertising and promotional efforts of the tobacco companies and the initiation and progression of tobacco use among young people.[44] In 2014, the U.S. Surgeon General reiterated this finding, stating that, "…advertising and promotional activities by the tobacco companies cause the onset and continuation of smoking among adolescents and young adults."[45]

The 2008 NCI Monograph, noted previously, also found that "the evidence base indicates a causal relationship between tobacco advertising and increased levels of tobacco initiation and continued consumption" and that even brief exposure to tobacco advertising influences adolescents' attitudes and perceptions about smoking as well as their intentions to smoke. The NCI report also found that exposure to depictions of smoking in the movies is causally related to youth smoking initiation.[46] The 2008 monograph adds to the findings from an earlier NCI report which reviewed the research on tobacco advertising and promotion and its impact on youth smoking and concluded that there was a causal relationship between tobacco marketing and smoking initiation.[47]

Numerous studies lend additional support to the link between tobacco marketing and youth tobacco use:

- Data from the 2020 National Survey on Drug Use and Health found that youth smokers (12-17 years old) continue to report the three most heavily advertised brands, Marlboro, Newport, and Camel, as the product they smoked most often in the past 30 days.[48]
- A 2022 study using the Population Assessment of Tobacco and Health (PATH) study found high levels of exposure to e-cigarette marketing among youth, particularly in stores. In addition, the study found that youth who had never used e-cigarettes but reported exposure to e-cigarette advertising were significantly more likely to be curious about e-cigarettes and start using them by the next year.[49] These findings are consistent with earlier studies finding an association between e-cigarette advertising exposure and current e-cigarette use among youth, and an association between greater exposure to e-cigarette advertising and higher odds of use.[50]
- A survey conducted in March 2012 showed that kids were significantly more likely than adults to recall tobacco advertising. While only 25 percent of all adults recalled seeing a tobacco ad in the two weeks prior to the survey, 45 percent of kids aged 12 to 17 reported seeing tobacco ads.[51]
- A 2010 study in the *Journal of Preventive Medicine* confirmed the dose-response impact between exposure to cigarette advertising and higher risk of smoking among youth and also found that "the association between tobacco advertising and youth smoking is specific to tobacco advertising content and not simply a marker of an adolescent who is generally receptive to marketing."[52]
- A study published in the May 2007 issue of *Archives of Pediatrics and Adolescent Medicine,* the first national study to examine how specific marketing strategies in convenience stores and other retail settings affect youth smoking, concluded that the more cigarette marketing teens are exposed to in retail stores, the more likely they are to smoke, and that restricting these retail marketing practices would reduce youth smoking. Specifically, the study found that retail cigarette advertising increased the likelihood that youth would initiate smoking; pricing strategies contributed to increases all along the smoking continuum, from initiation and experimentation to regular smoking; and cigarette promotions increased the likelihood that youth will move from experimentation to regular smoking.[53]
- A June 2007 study from the American Legacy Foundation found that 40 percent of youth smokers (ages 13-18) recalled seeing advertisements for flavored cigarettes. Eleven percent of youth smokers had tried flavored cigarettes and more than half who had heard of flavored cigarettes were interested in trying them, with almost 60 percent believing that flavored cigarettes would taste better than regular

cigarettes.[54] Though flavored cigarettes (not including menthol) were banned in 2009 with the passage of the federal Family Smoking Prevention and Tobacco Control Act, other flavored products, such as cigars, were not. According to the 2011 National Youth Tobacco Survey, 4 out of 10 current high school cigar and cigarette smokers use flavored cigars or flavored cigarettes.[55]

- A study published in the December 2006 issue of *Archives of Pediatrics and Adolescent Medicine* found that exposure to tobacco marketing, which includes advertising, promotions and cigarette samples, and to pro-tobacco depictions in films, television, and videos more than doubles the odds that children under 18 will become tobacco users. The researchers also found that pro-tobacco marketing and media depictions lead children who already smoke to smoke more heavily, increasing the odds of progression to heavier use by 42 percent.[56]
- A 2002 study in the *Archives of Pediatric and Adolescent Medicine* found that receptivity to tobacco advertising had a significant impact on each step of the progression from non-smoking to established regular smoking, even when exposure to smoking in the home and by peers was controlled. The biggest impact was on influencing non-susceptible youth to becoming susceptible to smoking.[57]
- A 2002 *American Journal of Preventive Medicine* study found that youth who were highly receptive to tobacco advertising were 70 percent more likely to move from being experimental smokers to established smokers compared to those who had a minimal receptivity to tobacco advertising.[58]
- A 2000 study in the *American Journal of Public Health* showed that adolescents who owned a tobacco promotional item and named a cigarette brand whose advertising attracted their attention were twice as likely to become established smokers as those who did neither.[59]
- A 1998 longitudinal study of teenagers in the *Journal of the American Medical Association* showed that tobacco industry promotional activities influenced previously non-susceptible non-smokers to become susceptible to or experiment with smoking.[60]
- A 1996 study in the *Journal of Marketing* found that teenagers are three times as sensitive as adults to cigarette advertising.[61]
- A December 1996 survey of advertising industry executives found that roughly 80 percent believed that advertising for cigarettes reaches children and teenagers in significant numbers and makes smoking more appealing or socially acceptable to kids; 71 percent believed that tobacco advertising changes behavior and increases smoking among kids; and 59 percent believe that a goal of tobacco advertising is marketing cigarettes to teenagers who do not already smoke.[62]
- A 1995 study in the *Journal of the National Cancer Institute* found that teens are more likely to be influenced to smoke by cigarette advertising than they are by peer pressure.[63]
- According to the U.S. Centers for Disease Control and Prevention, the development and marketing of smokeless "starter products" with features like pouches and cherry flavoring have switched smokeless tobacco from a product used primarily by older men to one used mostly by young men.[64]
- Between 1989 and 1993, when advertising for the new Joe Camel campaign jumped from $27 million to $43 million, Camel's share among youth increased by more than 50 percent, while its adult market share did not change at all.[65]
- A 1994 report in the *Journal of the American Medical Association* found that six years after the introduction of Virginia Slims and other brands aimed at the female market in the late 1960s, the smoking initiation rate of 12-year-old girls had increased by 110 percent. Increases among teenage girls of other ages were also substantial.[66]

As a commentator in the *Advertising Age* trade journal put it, "Cigarette people maintain peer pressure is the culprit in getting kids to start smoking and that advertising has little effect. That's like saying cosmetic ads have no effect on girls too young to put on lipstick."[67]

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