



June 23, 2021

Rebecca J. Slaughter  
Acting Chairwoman  
Federal Trade Commission  
600 Pennsylvania Ave, NW  
Suite CC-5610 (Annex J)  
Washington, DC 20580

Re: FTC Cigarette and Smokeless Tobacco Data Collection; Docket #: FTC-2021-0029

Dear Chairwoman Slaughter:

The American Lung Association appreciates the opportunity to submit comments to the Federal Trade Commission (FTC) regarding the annual collection of information on cigarette and smokeless tobacco sales and marketing by the agency, and its proposal to add heated tobacco products and the devices they are sold in, to this information collection.

The Lung Association is the oldest, voluntary public health organization in the United States and is committed to eliminating tobacco use and tobacco-related disease. Tobacco use is the leading cause of preventable death and disease in the United State, responsible for the deaths of 480,000 Americans annually. An additional 16 million Americans live with a disease caused by tobacco.

The American Lung Association strongly supports the FTC's continued collection of information on sales and marketing from cigarette and smokeless tobacco companies and compilation of their annual reports on the same topic. These reports provide valuable information on cigarette and smokeless tobacco product sales and marketing that is used on an ongoing basis in the Lung Association's education and public policy activities related to preventing and reducing tobacco use. These data are also important for public health officials and other organizations working to reduce the terrible burden caused by tobacco. By understanding how much tobacco companies spend on marketing and the distribution channels they use, it allows public health officials to determine where and how best to deliver tobacco prevention and cessation messages.

The Lung Association also supports the proposed addition of heated tobacco products as well as the related devices in, to the FTC's information collection on cigarettes and smokeless tobacco proposed by this [Federal Register notice](#).

In addition, the Lung Association is encouraged to see the FTC has issued similar information requests for sales and marketing data to the largest manufacturers of e-cigarettes, including the March 1, 2021 information request for 2019 and 2020 data.<sup>1</sup> Given the high youth use of e-cigarettes, these data being collected and released publicly will be valuable. However, the Lung Association renews its suggestion that the FTC consider collecting information on cigar sales and advertising from the largest manufacturers.<sup>2</sup> FTC has collected such information in the past and given the higher use of cigars among Black youth in the United States, the Lung Association believes it is especially important for these data to be regularly collected and disclosed.

### **Addition of Heated Tobacco Products to FTC Information Collection on Cigarettes and Smokeless Tobacco:**

FTC has been collecting domestic cigarette sales and marketing expenditures for over 50 years and smokeless tobacco sales and marketing expenditures for over 30 years. The Lung Association finds the information collected and disseminated by the FTC on this topic extremely valuable and uses it frequently. The U.S. Surgeon General has concluded that marketing contributes to initiation of tobacco products,<sup>3</sup> and the FTC's annual collection of information on sales and marketing helps identify trends that can be utilized in our work to end tobacco use.

The current proposal to add heated tobacco products and the electronic devices in which the products are heated in, to this ongoing FTC information collection for cigarettes and smokeless tobacco is a commonsense action that the Lung Association strongly supports. While heated tobacco products are relatively new to the U.S. market and the U.S. Food and Drug Administration has only authorized several such products for sale in the U.S., understanding the level of sales and marketing on an annual basis at the front end will be valuable information to determine if sales and therefore use among people in the U.S. is increasing.

The Centers for Disease Control and Prevention has an excellent factsheet that lays out much of what is known about heated tobacco products in the U.S.<sup>4</sup> FTC should also consider that the smoke from these products contain high levels of the same carcinogens found in traditional combustible cigarette smoke.<sup>5</sup>

### **Cigar and E-Cigarette Sales and Marketing Information:**

Given the demonstrated utility of the cigarette and smokeless tobacco information already collected by FTC and the proposed new information to be collected on heated tobacco products, the American Lung Association strongly encourages the FTC to collect and make available publicly similar information on other tobacco products, especially cigars.

In the past, FTC collected similar sales and marketing information for cigars using the same authorities it uses for cigarettes and smokeless tobacco products.<sup>6</sup> Cigar smoking can cause many of the same diseases caused by cigarette smoking, including cancers of the lung, oral cavity, larynx and esophagus as well as cardiovascular disease. Those who smoke cigars heavily or inhale deeply also increase their risk of developing chronic obstructive pulmonary disease (COPD), which includes chronic bronchitis and emphysema.<sup>7</sup> Black high school students also use cigars at elevated rates (9.2%) compared to high school students overall (5.0%), according to the Centers for Disease Control and Prevention's 2020 National Youth Tobacco Survey.<sup>8</sup>

Understanding trends in sales and marketing of cigars would help the Lung Association and other stakeholders, both governmental and nongovernmental, refine educational strategies to continue to reduce cigar use among both youth and adults.

There have been dramatic increases in electronic cigarette (e-cigarette) use among youth over the past decade. Use among high school students climbed from 1.5% in 2011 to a disturbing 19.6% in 2020, a 1207% increase. Use among middle school students saw a similar steep increase from 0.6% in 2011 to 4.7% in 2020, a 683% increase.<sup>9</sup> While use of e-cigarettes among both middle and high schools declined in 2020, they remain the most used tobacco product among both groups of students. Understanding trends in the sales and marketing of e-cigarettes could be crucial to helping to alleviate the alarming increases we've seen over the

past decade. In addition, unlike combustible cigarettes, there is no regulation of e-cigarette marketing at the national level and electronic nicotine delivery systems (ENDS) may be advertised on television. Youth and young adults are widely exposed to e-cigarette marketing and have high awareness of ENDS.<sup>10</sup>

In 2015, the American Lung Association filed comments with several public health partners at the time applauding FTC for its proposal to collect information on sales and marketing from the largest e-cigarette manufacturers. We are pleased to see the FTC moving ahead with collecting this information for the past six full years per press releases issued October 3, 2019<sup>11</sup> and March 1, 2021.<sup>12</sup> The Lung Association looks forward to this information being released publicly in the near future.

In conclusion, the American Lung Association strongly supports the continued collection and public dissemination of information on sales and marketing by major cigarette and smokeless tobacco companies, including the collection of information on heated tobacco products. We implore the agency to pursue similar data collection and public dissemination for cigars.

Thank you for the opportunity to submit comments.

Sincerely,



Harold P. Wimmer  
National President and CEO

---

<sup>1</sup> Federal Trade Commission. "FTC Issues Orders to Five E-Cigarette Manufacturers' Seeking Information on 2019 and 2020 Sales, Advertising, and Promotional Methods." Accessed at: <https://www.ftc.gov/news-events/press-releases/2021/03/ftc-issues-orders-five-e-cigarette-manufacturers-seeking>.

<sup>2</sup> American Lung Association. Comments to FTC re: Tobacco Reports; PRA Comment: FTC File No. P072108. Aug. 24, 2020. Accessed at: <https://www.lung.org/getmedia/925d6fa3-0cf4-4b09-ac8d-099ffa2b005a/american-lung-association-comments-to-the-federal-trade-commission-re-tobacco-reports-renewal-final-8-24-20.pdf>.

<sup>3</sup> U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2012.

<sup>4</sup> Centers for Disease Control and Prevention. "Heated Tobacco Products." Accessed at: [https://www.cdc.gov/tobacco/basic\\_information/heated-tobacco-products/](https://www.cdc.gov/tobacco/basic_information/heated-tobacco-products/).

<sup>5</sup> Auer R, Concha-Lozano N, Jacot-Sadowski I, Cornuz J, Berthet A. Heat-not-burn tobacco cigarettes: Smoke by any other name. *JAMA Int Med*. Published Online: May 22, 2017. doi:10.1001/jamainternmed.2017.1419.

<sup>6</sup> Federal Trade Commission. Cigars Should Have Health Warnings; FTC Says. 1999; <http://www.ftc.gov/news-events/press-releases/1999/07/cigars-should-have-health-warnings-ftc-says>. Accessed June 3, 2021.

---

<sup>7</sup> National Cancer Institute. Smoking and Tobacco Control Monographs. Monograph 9: Cigars: Health Effects and Trends. 1998. NIH Pub No 98-4302.

<sup>8</sup> Gentzke AS, Wang TW, Jamal A, et al. Tobacco Product Use Among Middle and High School Students — United States, 2020. MMWR Morb Mortal Wkly Rep 2020;69:1881–1888.

DOI: <http://dx.doi.org/10.15585/mmwr.mm6950a1>.

<sup>9</sup> Centers for Disease Control and Prevention. National Youth Tobacco Survey, 2011-2019. Analysis by the American Lung Association Epidemiology and Statistics Unit using SPSS software.

<sup>10</sup> Wang TW, Gentzke AS, Creamer MR, et al. Tobacco Product Use and Associated Factors Among Middle and High School Students —United States, 2019. MMWR Surveill Summ 2019;68(No. SS-12):1–22. DOI: <http://dx.doi.org/10.15585/mmwr.ss6812a1><sup>external icon</sup>.

<sup>11</sup> Federal Trade Commission. “FTC to Study E-Cigarette Manufacturers’ Sales, Advertising, and Promotional Methods.” Available at: <https://www.ftc.gov/news-events/press-releases/2019/10/ftc-study-e-cigarette-manufacturers-sales-advertising-promotional>.

<sup>12</sup> Federal Trade Commission. “FTC Issues Orders to Five E-Cigarette Manufacturers’ Seeking Information on 2019 and 2020 Sales, Advertising, and Promotional Methods.” Accessed at: <https://www.ftc.gov/news-events/press-releases/2021/03/ftc-issues-orders-five-e-cigarette-manufacturers-seeking>.