



SUMMARY

Petition to the U.S. Federal Trade Commission to Stop Tobacco Companies' Deceptive Advertising on Social Media

In a Petition filed to the Federal Trade Commission (FTC), nine leading public health and medical organizations are urging the agency to take investigative and enforcement action against the four largest publicly-traded multinational tobacco companies - Philip Morris International, British American Tobacco, Japan Tobacco International and Imperial Brands – for deceptively advertising cigarettes to America's youth via social media.

Who are the Petitioners?

Petitioners are leading public health and medical organizations committed to protecting kids and youth from the egregious marketing tactics of the tobacco companies and reducing the toll of tobacco use in the U.S. and around the world. Petitioners are: Campaign for Tobacco-Free Kids, American Academy of Family Physicians, American Academy of Pediatrics, American Cancer Society Cancer Action Network, American Heart Association, American Lung Association, Truth Initiative, International Union Against Tuberculosis and Lung Disease (The Union), and Vital Strategies.

What the Tobacco Companies Are Doing?

The Campaign for Tobacco-Free Kids has collected evidence since 2015 from the United States and more than 40 countries that reveals how the world's four largest publicly traded tobacco companies are deceptively using social media channels to promote tobacco use and smoking to a near-unlimited global audience of young people.

Anonymous interviews with foreign-based social influencers – individuals with large followings who promote specific brands or products on social media platforms – describe how Philip Morris International, British American Tobacco, Japan Tobacco International and Imperial Tobacco are using social influencers and other online tactics to flood social media with paid advertisements for tobacco without disclosing the content has been financed by Big Tobacco as part of a larger marketing strategy for tobacco products.

Evidence shows that the companies are carrying out these social media campaigns in three ways:

1. **Paid Social Influencer Content:** Social influencers around the world are being paid to share images of cigarette brands and smoking with millions of followers – using photos designed to look like organic content and accompanied by specific hashtags to maximize the reach of these posts on social media.
2. **Parties and Events:** Tobacco companies are creating parties and events with cigarette brand sponsorship and promotion, often in conjunction with distribution of free or paid-for tobacco products, and encouraging event attendees to post to their social media accounts specific hashtags and images as instructed at the party or event; and
3. **Contests and Online Promotions:** Tobacco companies are engaging in brand-sponsored contests and encouraging participants to post information about their participation to their social media accounts.

Tobacco companies are heavily advertising cigarettes online with hundreds of thousands of images, hashtags and videos uploaded to Facebook, Instagram and Twitter by young people.

- For example, just 123 hashtags associated with campaigns for tobacco products have been viewed 8.8 billion times in the United States and 25 billion times globally; and
- On Twitter, Instagram and Facebook combined, nearly 3 million public posts were posted in the United States. Of these public posts, 1.7 million have identifiable originating cities in the United States, including New York, Los Angeles, West Palm Beach, Chicago, and Atlanta.¹

These tobacco companies are engaging in the same marketing tactics used in the United States for decades to reach kids and young people – only now they use social media to reach an even wider unlimited audience of all ages to promote their brands and re-normalize tobacco use. Public health authorities largely agree that exposure to tobacco product marketing causes youth to start and keep using tobacco. These companies' actions of flooding social media with cigarette images may be the single greatest threat to youth perception of tobacco use in the United States today.

How and Why the FTC Should Act

The tobacco companies' online deceptive advertising substantially penetrates the U.S. market and appears to target young American consumers given that influencers promoting their cigarette brands have a substantial U.S. following, use almost exclusively common English words in social media content (such as #love, #girls, #party and #cool), have posted social media content while being physically present in the United States, and American imagery with contest prizes of U.S. travel are commonly used in the companies' deceptive advertising. That means these companies are operating their online influencer marketing campaigns in direct violation of the FTC's Endorsement Guides and should therefore be found by the Commission to violate Section 5 of the FTC Act.

The FTC should issue an order requiring the companies to disclose on social media platforms that their pictures, videos and hashtags are in fact paid advertising and endorsements by clearly including #Sponsored, #Promotion, or #Ad in the content.

The tobacco companies claim that they do not advertise to kids and do not advertise on unrestricted online media. This Petition demonstrates that those claims are false, and by requiring the companies to disclose their financial support for and connection to social media influencers promoting their product, there is a high likelihood that it would either preempt them from engaging in online influencer marketing practices highlighted by this Petition or at the very least provide young consumers clear notice. Therefore, a disclosure remedy would prevent the tobacco companies from deceiving America's youth on social media.

¹ Report prepared for the Campaign for Tobacco-Free Kids by Grassriots. Aggregate Social Listening Data. November 2017.