



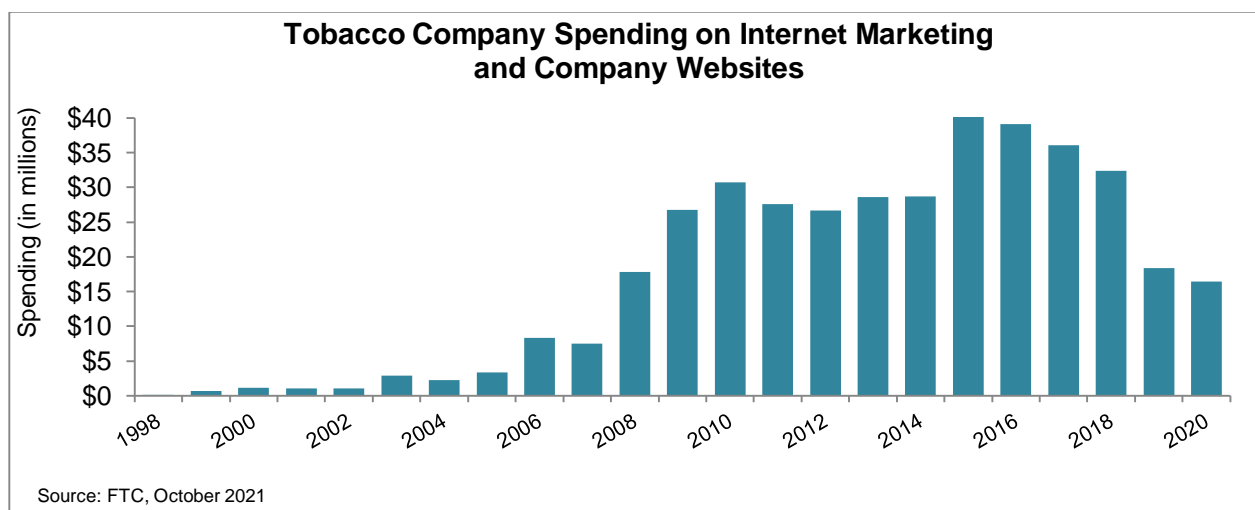
TOBACCO PRODUCT MARKETING ON THE INTERNET

The Internet is a primary source of information and entertainment for many Americans, and businesses, including the tobacco industry, are increasingly using this medium to market and advertise products. While the scope of tobacco marketing on the Internet is difficult to ascertain, it is clear that tobacco companies are increasingly using the Internet and social media to increase the visibility of their products and promote specific brands. Unfortunately, monitoring and regulation of marketing on the Internet has not yet caught up to the speed at which trends and posts change on the Internet. Consequently, Internet tobacco marketing may not face the same public scrutiny and public opposition as much more visible tobacco product ads – even though they can reach the same vulnerable audiences. Moreover, mechanisms for regulation of pro-tobacco content on the Internet remain a challenge for tobacco control efforts.¹

The Internet provides an opportunity for companies or individuals to communicate to young people about tobacco products. According to the Pew Internet Project, 92 percent of teens (ages 13-17) use the internet daily, and more than half (56%) go online several times a day. Smartphone access by 73% of teens helps to enable this frequent internet access. In addition, over three-quarters (76%) of teens report use of at least one social media platform.² A study based on data from the National Youth Tobacco Survey found that in 2011, 40 percent of middle and high school students were exposed to tobacco advertising on the internet.³

Although federal law bars cigarette or smokeless tobacco ads on “any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission,” the FCC does not currently regulate the Internet.⁴ Iconic images like the Marlboro Man are barred from television ads but can still be found on the Internet. There are currently no other federal or state laws that explicitly restrict tobacco product advertising on the Internet, and the state tobacco settlement agreements did not put any additional restrictions on Internet marketing by the participating tobacco companies.

The major U.S. cigarette and smokeless tobacco companies’ reported expenditures on advertising on company websites and Internet marketing increased from \$125,000 in 1998 to \$16.4 million in 2020. Between 2006 and 2008, spending on these two categories doubled from \$8.3 million in 2006 to \$17.8 million in 2008. Between 2009 and 2018, tobacco companies consistently spent over \$25 million per year on these two categories.⁵



Company Websites

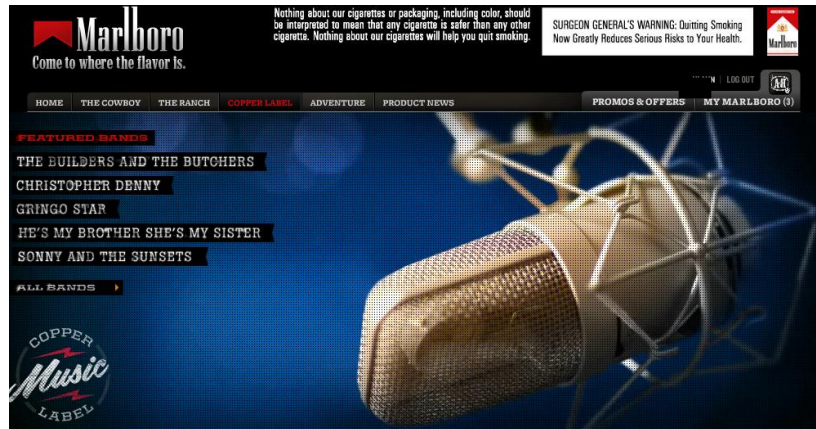
In the last several years, all of the major tobacco companies have launched websites for their major tobacco brands. Although access to the websites for the major tobacco companies requires age-verification with legitimate identification, such as a driver's license, it is not difficult to obtain someone else's log-in information once the account has been set up. Many other product websites, such as Swisher International's "Swishertown," ask only for the user's birthdate, which enables anyone to enter a date indicating the user is older than 18 to gain full access to the website.⁶ Not only do these websites show current products on the market, but they also announce upcoming products and provide opportunities to receive coupons for products.



Coupon offers on the Marlboro and Camel websites.

In addition, to promote brand – and website – loyalty, many product websites have incorporated games, contests, and other content that changes daily to attract people to the website on a regular basis. The Camel website encourages user involvement to “like” different segments on the website and respond with their own comments to things posted on the website.⁷ A 2010 study of the then-new Camel Snus website from R.J. Reynolds found that website visitors used the message boards to discuss how to use the product, where to get it, and to provide feedback to the company about the product.⁸

Tobacco companies have also created theme websites that don't necessarily show products but are linked to the brand. For instance, Philip Morris USA launched the Copper Label website in 2008, which focused on country music and was tied to the Marlboro theme of cowboys and the American West.⁹ The Copper Label website has since been incorporated into Marlboro's main website but still features bands and allows visitors to download music, watch videos, and see interviews.¹⁰



The Copper Label section on Marlboro's website.

Internet Sales

More recently, independent tobacco product Internet retailers that sell tobacco products directly to customers have come under scrutiny for failing to block sales to kids and for enabling all smokers to evade state sales taxes and excise taxes on cigarettes. However, the Prevent All Cigarette Trafficking (PACT) Act of 2010 will severely curb Internet sales by requiring Internet retailers to pay all applicable taxes (with tax stamps) before delivery, comply with state and local retailing laws of the delivery destination, register with state officials, and check ID of customers at purchase and delivery.¹¹ In addition, some states have laws that try to make it more difficult for kids to obtain cigarettes via the Internet or for any smoker to use Internet tobacco product sales as a way to avoid state taxes.

The Internet is a new frontier both for tobacco companies and the public. As tobacco companies figure out the best way to use social media and other Internet tools to increase visibility of their products, tobacco control advocates, parents, and regulators must be vigilant in monitoring the content available online to minimize youth exposure to pro-tobacco images.

¹ See, e.g., Ribisl, KM, et al., "Tobacco control is losing ground in the Web 2.0 era: invited commentary," *Tobacco Control*, 21(2): 145-146, 2012.

² Lenhart, A, et al., *Teens, Social Media & Technology Overview 2015: Smartphones facilitate shifts in communication landscape for teens*, April 9, 2015, http://www.pewinternet.org/files/2015/04/PI_TeensandTech_Update2015_0409151.pdf.

³ Dube, S, et al., "Pro-Tobacco Influences and Susceptibility to Smoking Cigarettes Among Middle and High School Students—United States, 2011," *Journal of Adolescent Health* 52:S45-S51, 2013.

⁴ 15 USC 1335 & 15 USC 4402(f). See FCC Internet FAQs, <http://www.fcc.gov/cgb/internet.html>, accessed April 29, 2011.

⁵ U.S. Federal Trade Commission (FTC), *Cigarette Report for 2020*, October 2021, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2020-smokeless-tobacco-report-2020/p114508fy20cigarettereport.pdf> [data for top 5 manufacturers only]; FTC, *Smokeless Tobacco Report for 2020*, October 2021, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2020-smokeless-tobacco-report-2020/p114508fy20smokelesstobacco.pdf> [data for top 5 manufacturers only].

⁶ Swisher International, Inc. website, www.swisher.com, accessed April 27, 2011.

⁷ R.J. Reynold's Camel website, www.sites.tobaccopleasure.com, accessed April 27, 2011.

⁸ Wackowski, OA, Lewis, MJ, & Delnevo, CD, "Qualitative analysis of Camel Snus' website message board—users' product perceptions, insights and online interactions," *Tobacco Control* 20(2):e1, Epub October 13, 2010.

⁹ PM USA's Copper Label website, www.copperlabel.com, accessed October 16, 2008.

¹⁰ PM USA's Marlboro website, www.marlboro.com, accessed April 27, 2011.

¹¹ See TFK factsheet, *The PACT Act: Preventing Illegal Internet Sales of Cigarettes and Smokeless Tobacco*, <http://www.tobaccofreekids.org/research/factsheets/pdf/0361.pdf>.