



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 tobacco companies now spend \$8.8 billion per year—more than \$24 million every day—to promote their products, and many of their marketing efforts directly reach kids.² According to the most recent Federal Trade Commission (FTC) reports on cigarette and smokeless marketing, that \$8.8 billion represents a nearly four percent increase in marketing expenditures in 2011 and is the first increase in overall tobacco marketing since 2003. Cigarette marketing expenditures increased to \$8.4 billion in 2011, due mainly to an increase in spending on price discounts. Tobacco companies spent an additional \$451.7 million on smokeless tobacco marketing that same year—more than three times the amount spent in 1998 and an increase of more than 80 percent from 2005 expenditures (\$250.8 million), the year before cigarette companies entered the smokeless tobacco market.³ 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.⁴ 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 this market can be a great bonanza.”⁵ 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.”*⁶

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.”*⁷

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.”*⁸

Lorillard Tobacco: *“[T]he base of our business is the high school student.”*⁹

U.S. Tobacco: *“Cherry Skoal is for somebody who likes the taste of candy, if you know what I’m saying.”*¹⁰

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.”¹¹

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.”¹²

Tobacco Companies Still Market Their Products to Kids

The tobacco companies claim that they have finally stopped intentionally marketing to kids or targeting youths 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 2011 cigarette companies spent the bulk of their marketing dollars (93.5 percent, or roughly \$7.8 billion) on strategies that facilitated retail sales, such as price discounts, ensuring prime retail space and point-of-sale advertising.¹³

Further, a comprehensive report on the media and tobacco use, released by the National Cancer Institute (NCI) in June 2008, describes how tobacco company advertising targets specific population groups, such as youth and young adults, employing themes and messages that resonate with them. For example, tobacco company advertisements suggest that smoking can satisfy adolescents’ need to be popular, feel attractive, take risks and avoid or manage stress.¹⁴

In addition:

- A 2013 study based on data from the 2011 National Youth Tobacco Survey found that 90.7 percent of middle school students and 92.9 percent of high school students were exposed to pro-tobacco ads in stores, in magazines or on the internet. Though 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 students 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 (though the origin of the internet ads could not be verified). Researchers found that, among middle school students, exposure to tobacco advertising was associated with increased likelihood of being susceptible to smoking.¹⁵
- 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.
- A 2008 study of retail outlets in California found that the average number of in-store cigarette ads in California increased between 2002 and 2005, from 22.7 to 24.9 ads per store. The proportion of stores with at least one ad for a sales promotion also increased between 2002 and 2005, from 68.4 percent to 79.6 percent.¹⁶

- 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.¹⁷
- 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.¹⁸
- 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 2000.¹⁹
- 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.²⁰ 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 1999.²¹
- In June 2002, a California judge fined the RJ Reynolds cigarette company 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.²²
- 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.²³
- According to a study conducted by the Massachusetts Department of Health, 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 percent) continued to be in youth-oriented magazines after the settlement.²⁴

At the same time, major cigarette 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 cigarettes via the Internet or through the mail. In her final opinion, Judge Kessler noted, "Defendants continue price promotions for premium brands which are most popular with teens."²⁵

The cigarette companies are addicted to underage smoking. Ninety percent of all regular smokers begin smoking at or before age 18, and hardly anybody tries their first cigarette outside of childhood.²⁶ In other words, if kids stopped smoking, the cigarette companies market of smokers would significantly shrink. But each day, 3,500 kids try smoking for the first time and nearly 1,000 additional kids become regular daily smokers, largely due to tobacco company marketing efforts.²⁷

Empirical Evidence of the Impact of Tobacco Marketing to Kids

Beyond the industry's own statements, there is compelling evidence that much of their advertising and promotion is directed at kids and successfully recruits new tobacco users. According to the 2012 Surgeon General report, "the evidence is sufficient to conclude that there is a causal relationship between advertising and promotional efforts of the tobacco companies and the initiation and progression of tobacco use among young people."²⁸

The 2008 NCI Monograph, noted previously, also reflects a comprehensive examination of how mass media is used to encourage and discourage tobacco use. The monograph 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.²⁹

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.³⁰

Numerous studies have demonstrated the relationship between tobacco marketing and youth smoking behavior:

- According to the National Survey on Drug Use and Health, 85.8 percent of youth smokers (12–17) prefer Marlboro, Newport and Camel (the three most heavily advertised brands), while only 58.3 percent of smokers 26 or older prefer these brands.³¹
- 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.³²
- An April 2010 study published 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.”³³
- 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.³⁴
- 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 have tried flavored cigarettes and more than half of youth smokers 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.³⁵
- 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.³⁶
- 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.³⁷
- 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.³⁸
- 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.³⁹

- 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.⁴⁰
- A 1996 study in the *Journal of Marketing* found that teenagers are three times as sensitive as adults to cigarette advertising.⁴¹
- 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.⁴²
- 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.⁴³
- According to the U.S. Centers for Disease Control and Prevention, the development and marketing of smokeless “starter products” with such features as pouches and cherry flavoring have switched smokeless tobacco from a product used primarily by older men to one used mostly by young men.⁴⁴ Currently, 12.8 percent of high school boys use smokeless tobacco, a 16.4 percent increase since 2003.⁴⁵
- 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.⁴⁶
- 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.⁴⁷

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.”⁴⁸

Campaign for Tobacco-Free Kids, June 18, 2013 / Lorna Schmidt

More information on tobacco company marketing to kids is available at
http://www.tobaccofreekids.org/facts_issues/fact_sheets/toll/tobacco_kids/marketing/.

¹ U.S. V. *Philip Morris USA, Inc., et al.*, No. 99-CV-02496GK (U.S. Dist. Ct., D.C.), Final Opinion, August 17, 2006, <http://www.tobaccofreekids.org/reports/doj/FinalOpinion.pdf>.

² Federal Trade Commission (FTC). *Cigarette Report for 2011, 2013*, <http://www.ftc.gov/os/2013/05/130521cigarettereport.pdf>. See also, FTC, *Smokeless Tobacco Report for 2011, 2013*, <http://www.ftc.gov/os/2013/05/130521smokelesstobaccoreport.pdf>. [Data for top 5 manufacturers only.]

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⁴ See, also, Perry, CL, “The Tobacco Industry and Underage Youth Smoking: Tobacco Industry Documents from the Minnesota Litigation,” *Archives of Pediatric and Adolescent Medicine* 153:935-941, September 1999.

⁵ RJ Reynolds, “NFO Preference Share Data – ‘Youth’ Market,” March 8, 1973.

⁶ Philip Morris, Special Report, “Young Smokers: Prevalence, Trends, Implications, and Related Demographic Trends,” March 31, 1981, Bates No. 1000390803.

⁷ RJ Reynolds, “Planned Assumptions and Forecast for the Period 1977-1986,” March 15, 1976, Bates No. 502819513 -9532

⁸ Brown & Williamson, Memo by RL Johnson, Brand Manager, to Executive Vice President Pittman, February 21, 1973, Bates No. 680135996.

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