Nearly 90% of adult smokers in the United States began smoking by age 18 years (1). To assess current tobacco product use among youths, CDC analyzed data from the 2012 National Youth Tobacco Survey (NYTS). This report describes the results of that analysis, which found that, in 2012, the prevalence of current tobacco product use among middle and high school students was 6.7% and 23.3%, respectively. After cigarettes, cigars were the second most commonly used tobacco product, with prevalence of use at 2.8% and 12.6%, respectively. From 2011 to 2012, electronic cigarette use increased significantly among middle school (0.6% to 1.1%) and high school (1.5% to 2.8%) students, and hookah use increased among high school students (4.1% to 5.4%). During the same period, significant decreases

References
occurred in bidi* and kretek† use among middle and high school students, and in dissolvable tobacco use among high school students. A substantial proportion of youth tobacco use occurs with products other than cigarettes, so monitoring and prevention of youth tobacco use needs to incorporate other products, including new and emerging products. Implementing evidence-based interventions can prevent and reduce tobacco use among youths as part of comprehensive tobacco control programs. In addition, implementation of the 2009 Family Smoking Prevention and Tobacco Control Act, which granted the Food and Drug Administration (FDA) the authority to regulate the manufacture, distribution, and marketing of tobacco products (1-3), also is critical to addressing this health risk behavior.

* The question to assess past 30 day use of bidi changed between 2011 and 2012. In 2011, the bidi question was “In the past 30 days, on how many days did you smoke bidis?” Students selected among “0 days,” “1 or 2 days,” “3 to 9 days,” “10 to 19 days,” “20 to 29 days,” or “all 30 days.” In 2012, the bidi question was “In the past 30 days, which of the following products have you used on at least one day?” Students could select different products, of which “bidis (small brown cigarettes wrapped in a leaf)” was a possible selection. This change might have affected the results for bidis.

† The question to assess past 30 day use of kretek changed between 2011 and 2012. In 2011, the kretek question was “In the past 30 days, on how many days did you smoke kreteks?” Students selected among “0 days,” “1 or 2 days,” “3 to 9 days,” “10 to 19 days,” “20 to 29 days,” or “all 30 days.” In 2012, the bidis question was “In the past 30 days, which of the following products have you used on at least one day?” Students could select different products, of which “clove cigarettes (kreteks)” was a possible selection. This change might have affected the results for kreteks.

NYTS is a school-based, self-administered, pencil-and-paper questionnaire administered to U.S. middle school (grades 6-8) and high school (grades 9-12) students to collect information on key tobacco control outcome indicators used to monitor the impact of comprehensive tobacco control policies and programs (4) and FDA’s newly granted regulatory authority. NYTS was conducted in 2000, 2002, 2004, 2006, 2009, 2011, and 2012. The 2012 NYTS used a three-stage cluster sampling procedure to generate a cross-sectional, nationally representative sample of students in grades 6-12. This report includes 2011 and 2012 NYTS data to provide an updated definition of current tobacco use, which now also includes hookahs, snus, dissolvable tobacco, and electronic cigarettes, to take into account nonconventional products that are new to the market or are increasing in popularity; data for these four products were first collected in 2011. The previous definition for current tobacco use did not include all of these products, thus yielding slightly lower estimates of current tobacco use. For example, in 2011, the previous definition for overall current tobacco use resulted in estimates of 7.1% for middle school and 23.2% for high school students (5), whereas the new definition resulted in 2011 estimates of 7.5% for middle school and 24.3% for high school students (Table).

Of the 284 schools selected for the 2012 NYTS, 228 (80.3%) participated, resulting in a sample of 24,658 (91.7%) among 26,873 eligible students; the overall response rate was 73.6%. The 2011 NYTS had a comparable overall response rate of 72.7% (5). Respondents were asked about their current use of...
### TABLE. Percentage of middle and high school students currently using* tobacco products, by school level, sex, race/ethnicity, and product type — National Youth Tobacco Survey, United States, 2011 and 2012

<table>
<thead>
<tr>
<th>School level/Product type</th>
<th>% (95%CI)</th>
<th>% (95%CI)</th>
<th>% (95%CI)</th>
<th>% (95%CI)</th>
<th>% (95%CI)</th>
<th>% (95%CI)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Middle school</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tobacco 1</td>
<td>7.5 (6.3-8.8)</td>
<td>6.7 (5.8-7.7)</td>
<td>5.9 (4.7-7.4)</td>
<td>5.6 (4.7-6.7)</td>
<td>9.0 (7.9-10.3)</td>
<td>7.8 (6.7-9.0)</td>
</tr>
<tr>
<td>Cigarettes</td>
<td>4.3 (3.5-5.2)</td>
<td>3.5 (2.8-4.3)</td>
<td>4.0 (3.1-5.2)</td>
<td>3.2 (2.5-4.0)</td>
<td>4.5 (3.7-5.3)</td>
<td>3.8 (3.0-4.7)</td>
</tr>
<tr>
<td>Cigars</td>
<td>3.5 (2.8-4.2)</td>
<td>2.8 (2.4-3.4)</td>
<td>2.5 (1.9-3.2)</td>
<td>2.4 (1.9-3.2)</td>
<td>4.3 (3.4-5.4)</td>
<td>3.2 (2.7-3.8)</td>
</tr>
<tr>
<td>Smokeless tobacco</td>
<td>2.2 (1.8-2.7)</td>
<td>1.7 (1.3-2.1)</td>
<td>1.4 (1.0-2.0)</td>
<td>1.2 (0.8-1.6)</td>
<td>3.0 (2.3-3.8)</td>
<td>2.2 (1.7-2.9)</td>
</tr>
<tr>
<td>Pipes</td>
<td>2.2 (1.7-2.9)</td>
<td>1.8 (1.4-2.3)</td>
<td>1.8 (1.3-2.3)</td>
<td>1.7 (1.3-2.3)</td>
<td>2.7 (2.1-2.5)</td>
<td>1.9 (1.4-2.4)</td>
</tr>
<tr>
<td>Bidis</td>
<td>1.7 (1.3-2.2)</td>
<td>0.6 (0.5-0.7)</td>
<td>1.4 (1.0-1.9)</td>
<td>0.4 (0.3-0.7)</td>
<td>1.9 (1.4-2.6)</td>
<td>0.7 (0.5-1.0)</td>
</tr>
<tr>
<td>Kretes</td>
<td>1.1 (0.9-1.4)</td>
<td>0.5 (0.4-0.7)</td>
<td>0.9 (0.6-1.3)</td>
<td>0.4 (0.3-0.7)</td>
<td>1.3 (1.0-1.6)</td>
<td>0.6 (0.4-0.9)</td>
</tr>
<tr>
<td>Hookahs</td>
<td>1.0 (0.8-1.4)</td>
<td>1.3 (1.0-1.7)</td>
<td>1.0 (0.6-1.6)</td>
<td>1.0 (0.7-1.4)</td>
<td>1.1 (0.7-1.5)</td>
<td>1.5 (1.1-2.2)</td>
</tr>
<tr>
<td>Snus</td>
<td>0.9 (0.6-1.2)</td>
<td>0.8 (0.6-1.0)</td>
<td>0.8 (0.5-1.2)</td>
<td>0.6 (0.4-0.9)</td>
<td>1.0 (0.6-1.4)</td>
<td>1.0 (0.7-1.4)</td>
</tr>
<tr>
<td>Dissolvable tobacco</td>
<td>0.3 (0.2-0.4)</td>
<td>0.5 (0.4-0.8)</td>
<td>0.3 (0.2-0.5)</td>
<td>0.4 (0.2-0.6)</td>
<td>0.3 (0.1-0.5)</td>
<td>0.7 (0.4-1.1)</td>
</tr>
<tr>
<td>Electronic cigarettes</td>
<td>0.6 (0.4-0.9)</td>
<td>1.1 (0.9-1.3)</td>
<td>0.4 (0.2-0.7)</td>
<td>0.8 (0.6-1.1)</td>
<td>0.7 (0.4-1.3)</td>
<td>1.5 (1.1-2.1)</td>
</tr>
</tbody>
</table>

| High school               |           |           |           |           |           |           |
| Tobacco 1                 | 24.3 (22.1-26.6) | 23.3 (21.6-25.2) | 19.0 (17.0-21.1) | 18.1 (16.2-20.1) | 29.4 (26.6-32.4) | 28.3 (26.2-30.6) |
| Cigarettes                | 15.8 (13.7-18.1) | 14.0 (12.5-15.7) | 13.8 (11.7-16.2) | 11.7 (10.2-13.4) | 17.7 (15.2-20.4) | 16.3 (14.5-18.3) |
| Cigars                    | 11.6 (10.5-12.7) | 12.6 (11.4-13.9) | 7.4 (6.3-8.6) | 8.4 (7.2-9.8) | 15.7 (14.3-17.2) | 16.7 (15.0-18.5) |
| Smokeless tobacco         | 7.3 (5.9-9.0) | 6.4 (5.5-7.5) | 1.6 (1.2-2.2) | 1.5 (1.1-2.1) | 12.9 (10.8-15.9) | 11.2 (9.5-13.0) |
| Pipes                     | 4.0 (3.4-4.6) | 4.5 (4.0-5.2) | 2.8 (2.2-3.4) | 3.2 (2.7-3.9) | 5.1 (4.3-6.0) | 5.8 (5.0-6.7) |
| Bidis                     | 2.0 (1.6-2.5) | 0.9 (0.7-1.1) | 1.0 (0.7-1.4) | 0.5 (0.3-0.7) | 2.9 (2.3-3.7) | 1.3 (1.0-1.7) |
| Kretes                    | 1.7 (1.4-2.0) | 1.0 (0.8-1.2) | 0.8 (0.6-1.2) | 0.5 (0.3-0.7) | 2.4 (1.9-2.9) | 1.5 (1.1-1.9) |
| Hookahs                   | 4.1 (3.4-5.0) | 5.4 (4.6-6.3) | 3.5 (2.8-4.4) | 4.5 (3.7-5.4) | 4.8 (3.7-6.1) | 6.2 (5.3-7.3) |
| Snus                      | 2.9 (2.3-3.7) | 2.5 (2.0-3.0) | 0.8 (0.5-1.1) | 0.9 (0.7-1.3) | 5.1 (3.9-6.6) | 3.9 (3.2-4.9) |
| Dissolvable tobacco       | 0.4 (0.3-0.6) | 0.8 (0.6-1.0) | 0.1 (0.0-0.4) | 0.6 (0.4-0.9) | 0.6 (0.4-1.0) | 1.0 (0.8-1.4) |
| Electronic cigarettes     | 1.5 (1.2-2.0) | 2.8 (2.3-3.5) | 0.7 (0.5-1.0) | 1.9 (1.5-2.4) | 2.3 (1.7-3.1) | 3.7 (2.9-4.8) |

See table footnotes on page 896.

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**Notes:**

- **Middle school** includes students in grades 6-8; **high school** includes students in grades 9-12.
- **Current use** was defined as using on or 1 day of the past 30 days.
- **Tobacco products** included cigarettes, cigars, smokeless tobacco, pipes, bidis, kreteks, hookahs, snus, dissolvable tobacco, and electronic cigarettes. For each product, current use was defined as using on or 1 day of the past 30 days.
- **Data were adjusted for nonresponse and weighted to provide national prevalence estimates with 95% confidence intervals for current tobacco use overall and by product, school level, sex, and race/ethnicity. Point estimate differences between 2011 and 2012 were assessed using a two-tailed t-test for current tobacco use overall and by product, school level, sex, race/ethnicity, and product.**

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5 The heading for the cigar section of the questionnaire changed between 2011 and 2012. In 2011, the heading was "Cigars." In 2012, the heading was "Cigars, cigarillos, or little cigars," and the question on ever use of cigars also included brand names. This change might have affected the results for cigars.

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6 The heading for the cigar section of the questionnaire changed between 2011 and 2012. In 2011, the heading was "Cigars." In 2012, the heading was "Cigars, cigarillos, or little cigars," and the question on ever use of cigars also included brand names. This change might have affected the results for cigars.

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7 The heading for the cigar section of the questionnaire changed between 2011 and 2012. In 2011, the heading was "Cigars." In 2012, the heading was "Cigars, cigarillos, or little cigars," and the question on ever use of cigars also included brand names. This change might have affected the results for cigars.

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8 The heading for the cigar section of the questionnaire changed between 2011 and 2012. In 2011, the heading was "Cigars." In 2012, the heading was "Cigars, cigarillos, or little cigars," and the question on ever use of cigars also included brand names. This change might have affected the results for cigars.
The recent increase in the use of tobacco products among high school students is concerning, as it indicates a growing trend towards nicotine use among adolescents. This is particularly troubling given the associated health risks and the potential for addiction. It is crucial that interventions are developed to address this issue, focusing on prevention and education efforts to discourage tobacco use among youth. Continuous monitoring of tobacco use patterns is essential to adapt these interventions effectively.

**Editorial Note**

The findings in this report indicate that during 2011–2012 significant increases occurred in current use of nonconventional tobacco products, such as electronic cigarettes and hookahs, among middle and high school students. In particular, hookah use doubled among conventional and nonconventional tobacco products among youths. This trend is concerning as hookahs can deliver nicotine and other harmful substances to users, potentially contributing to addiction and addiction-related health issues. Continued surveillance is necessary to track these trends and inform targeted public health strategies.
What is already known on this topic?

Nearly 90% of adult smokers began smoking by age 18 years.

What is added by this report?

Although decreases in the use of certain tobacco products (bids and kretek) have been observed, current cigarette use has increased among non-Hispanic black high school students (11.7% to 16.7%), and the use of nonconventional products, such as electronic cigarettes, has increased among middle school (0.6% to 1.1%) and high school (1.5% to 2.8%) students.

What are the implications for public health practice?

Current use of cigars and nonconventional tobacco products need to be monitored at local, state, and national levels. This is especially true for non-Hispanic tobacco and specific population subgroups. To reduce tobacco use among youths, national and state tobacco control programs can continue to implement evidence-based strategies, including those that will work in coordination with the Food and Drug Administration to regulate the manufacture, distribution, and marketing of tobacco products.

(1.7% to 3.0%) was observed for Hispanic middle school students; among high school students, an overall increase of more than 30% (4.1% to 5.4%) was observed, but for non-Hispanic whites, this increase was more than 40% (4.3% to 6.1%). The increase in use of electronic cigarettes and hookah tobacco could be attributed to low price, an increase in marketing, availability, and visibility of these products, and the perception that these tobacco products might be "safer" alternatives to cigarettes. Cigars, electronic cigarettes, hookah tobacco, and certain other new types of tobacco products are not currently subject to FDA regulation. FDA has stated it intends to issue a proposed rule that would deem products meeting the statutory definition of a "tobacco product" to be subject to the Federal Food, Drug, and Cosmetic Act.

The findings in this report are subject to at least six limitations. First, data were only collected from youths who attended either public or private schools and might not be generalizable to all middle and high school-aged youths. Second, data were self-reported; thus, the findings are subject to recall and response bias. Third, current tobacco use was defined by students who responded to questions about at least one of the 10 tobacco products but might have had missing responses to any of the other tobacco products that were assessed; missing responses were considered as nonsmoke, which might have resulted in conservative estimates. Fourth, in 2012, the question wording for bids and kretek was modified, and cigar brand examples were added to the heading and ever cigarette use question of the survey; therefore, any observed changes in prevalence estimates across years might be attributed in part to these wording modifications. Fifth, the NYTS overall response rate of 73.6% in 2012 and 72.7% in 2011 might have resulted in nonresponse bias, even after adjustment for nonresponse. Finally, estimates might differ from those derived from other youth surveillance systems, in part because of differences in survey methodology, survey type and topic, and age and setting of the target population. However, overall relative trends are similar across the various youth surveys.

Effective, population-based interventions for preventing tobacco use among youths are outlined in the Surgeon General’s report (1) and the World Health Organization’s MPOWER package (10). Interventions include increasing the price of all tobacco products, implementing 100% comprehensive smoke-free laws and policies in workplaces and public places, warning about the dangers of all tobacco use with tobacco use prevention media campaigns, increasing access to help quitting, and enforcing restrictions on all tobacco product advertising, promotion, and sponsorship. Interventions are best implemented as part of comprehensive tobacco control programs, which are effective in decreasing tobacco use in the United States (2). Full implementation of comprehensive tobacco control programs at CDC-recommended funding levels, in coordination with FDA regulations of tobacco products, would be expected to result in further reductions in tobacco use and changes in social norms regarding the acceptability of tobacco use among U.S. youths (1,2,10).

References

Erratum

Vol. 62, No. 45

In the report, "Tobacco Product Use Among Middle and High School Students — United States, 2011 and 2012," an error occurred in the first paragraph on pages 893 and 894. The sixth sentence of that paragraph should read, "During the same period, significant decreases occurred in bidi* and kretek† use among middle and high school students."
November 19, 2013

The Honorable Margaret Hamburg, Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Re: Lorillard Letter on FDA Regulation of E-Cigarettes

Dear Commissioner Hamburg:

On October 23, 2013, Lorillard Inc., which owns blu eCigs, submitted to you a letter expressing support for Food and Drug Administration (FDA) regulation of electronic cigarettes (e-cigarettes). In its letter, Lorillard insists that e-cigarettes are not a product for youth and claims to have voluntarily implemented "responsible measures" to prevent the sale and marketing of e-cigarettes to youth. At the same time, however, the company questions new research by the Centers for Disease Control and Prevention (CDC) that shows a sharp increase in youth use of e-cigarettes.¹

Lorillard's attack on CDC's research is unwarranted, and its claim of corporate responsibility with respect to youth access to its products is utterly misleading.

Youth Use of E-Cigarettes Has Increased

The CDC recently reported that youth use of e-cigarettes among high school students more than doubled from 2011 to 2012 (from 4.7% to 10%). The CDC estimates that nearly 1.8 million U.S. youth (grades 6-12) had tried e-cigarettes as of 2012, and 160,000 of those who tried e-cigarettes had never used conventional cigarettes.² This is a significant and alarming trend and suggests that e-cigarettes may be encouraging greater youth experimentation with tobacco products. Rather than recognizing the adverse implications of these findings for public health, Lorillard dismisses the CDC findings as "dramatically overstated" and lacking evidence. Lorillard's absence of concern for this documentation of underage use of e-cigarettes is troubling and at odds with its claims of being a responsible manufacturer.

Like cigarettes, e-cigarettes contain nicotine; and nicotine is extremely addictive. Kids and adolescents are more susceptible to the effects of nicotine, because they are still going through critical periods of growth and their brains are still developing.³ Research shows that youth can experience symptoms of dependence—

¹ See October 23, 2013 Lorillard letter to Commissioner Hamburg regarding FDA regulation of e-cigarettes
including withdrawal and tolerance—after minimal exposure to nicotine. Thus, e-cigarettes could serve as a gateway to nicotine addiction and increase kids’ risk of initiating other tobacco products.

As a result of nicotine addiction, approximately three out of four teen smokers end up smoking into adulthood, even if they intend to quit after just a few years. Research also shows that the earlier a young person first tries smoking, the higher his or her chances of ultimately becoming a regular smoker, and the less likely he or she is to quit. Lorillard dismisses CDC’s data, asserting that it “includes youth who took only so much as one puff from an e-cigarette” but, as FDA’s Tobacco Products Scientific Advisory Committee has stated, “Regular cigarette smoking begins with experimentation.” The sharp increase in experimentation with e-cigarettes and its potential to draw youth into a lifetime of addiction is, therefore, a cause for great concern and worthy of more serious attention, and responsive action, than shown by Lorillard.

E-Cigarette Marketing Targets Youth

Lorillard states in its letter that “Responsible e-cigarette manufacturers, including blu eCigs, do not market to youth.” Unfortunately, Lorillard’s actions contradict its words. The marketing strategies Lorillard uses to promote blu are the same as the marketing strategies that have long been used by tobacco companies to market cigarettes to kids. They include:

- **Kid-friendly flavors:** Lorillard is the only one of the top three e-cigarette manufacturers to sell its product in flavors. In addition to classic tobacco and menthol varieties, blu e-cigarette cartridges are available in candy and fruit flavors, like cherry crush, vivid vanilla, piña colada, and peach schnapps. (See Exhibit A.) Tobacco companies have regularly used flavored products to appeal to youth, who may otherwise be turned off by the harsh taste of nicotine. It was for that reason that Congress approved the prohibition on flavored cigarette sales when it passed the Family Smoking Prevention and Tobacco Control Act in 2009. Current research confirms that flavored tobacco products are particularly popular among youth. A recently published national study found that 42.4 percent of youth smokers use flavored little cigars or flavored cigarettes. Data from the 2013 Florida Youth Tobacco Survey show that 18.7 percent of high school students have tried a flavored tobacco product at least once. It is reasonable to expect that flavored e-cigarettes would appeal to youth in the same way as other flavored tobacco products.

- **Magazine advertisements:** Lorillard regularly places advertisements for blu in magazines with high youth readership, including *Rolling Stone, ESPN The Magazine*, and *Sports Illustrated*. (See Exhibit B.)
Youth readership (ages 12-17) for these three magazines alone is more than five million; the reach for all magazines would be millions more.\textsuperscript{10} With images of rugged men, glamorous women, and depictions of e-cigarette use as masculine, sexy, and rebellious, these advertisements likely appeal to many teenage boys and girls.

- **Celebrity endorsements:** Lorillard’s advertisements for blu feature TV personality Jenny McCarthy and actor Stephen Dorff. Lorillard may be right that both celebrities are over 40 years old, but they are pictured in trendy settings, such as night clubs, speaking about the ways in which blu enhances their social and dating lives—scenes and topics that are familiar and important to many youth. This strategy mirrors tobacco companies’ strategies from the 1940s and 1950s, when they used celebrities to associate a specific lifestyle and personality with their cigarettes in an effort to construct positive social norms around smoking.\textsuperscript{11} And while Lorillard asserts that its TV advertisements featuring these celebrities were shown during time slots when at least 85 percent of the viewing audience was 18 years of age or older, it neglects to mention that these advertisements also are posted on YouTube, a public video-sharing website that is popular with youth. (See Exhibit C.) As such, these advertisements—which associate glamour with the use of blu—can be viewed by individuals of all ages at any time.

- **Sports, music, and other event sponsorships:** Although federal law prohibits Lorillard from sponsoring sporting and music events with its cigarette brands, it continues to take advantage of these popular, youth-friendly events to market blu. (See Exhibit D.) Blu currently sponsors cars in the IndyCar and Nascar circuits. It has sponsored numerous musical festivals, including The Governors Ball Music Festival in New York City, June 2013; the Bonnaroo Music and Arts Festival in Tennessee, June 2013; and Sasquatch! music festival at the Gorge in Washington state, May 2013. Blu has also sponsored “vaping areas,” which show signs displaying the blu logo, in at least one Six Flags theme park in California. Six Flags is an amusement park that attracts thousands of visitors each year—many of which are families and young adults.\textsuperscript{12}

- **Cartoons:** The website for blu has featured an animated cartoon pitchman named “Mr. Cool.” The cartoon, which included an animated video, is reminiscent of the notorious Joe Camel cartoon character that effectively marketed cigarettes to kids in the 1990s. (See Exhibit E.)

**Lorillard’s Age Verification for Access to Its E-Cigarette Website is Superficial**

Lorillard prides itself on its two-step age screening process for the blu website www.blucigs.com. A visit to the website, however, quickly shows that the age verification is superficial and inadequate to prevent youth access.

To access the blu website, an individual only needs to click on an icon that states “18+ (ENTER).” No validation of age is required. The individual is then directed to the full blu website, which includes information on e-cigarettes, a store, customer reviews, a support center, and more. This is a stark contrast to the age verification required to access Lorillard’s website for Newport, its leading brand of cigarettes. Accessing the Newport website is a multi-stage process that first requires individuals to enter their date of birth. Individuals are then directed to a second page where they must enter their full name, address, driver’s license number, and birth year.

\textsuperscript{10} GfK Mediamark Research & Intelligence. Youth readership is 2,002,000 for ESPN The Magazine, 1,289,000 for Rolling Stone, and 1,727,000 for Sports Illustrated.


\textsuperscript{12} Americans for Nonsmokers’ Rights. “Do you think Blue-cigarettes should be promoted at Six Flags?” http://anr.nosmoke.org/site/MessageViewer?am_id=29281.
license number, and the last four digits of their social security number. Only after this information and the individual's age are verified are they able to enter the website. (See Exhibit F.)

Having set up a more rigorous age verification system for its leading cigarette brand, Lorillard clearly has the knowledge and experience to set up a more advanced screening process for its e-cigarette brand. It has not, however; and the company offers no explanation for why the age verification processes differ. As a result, youth can be introduced to blu e-cigarettes just as easily as any adult.

Lorillard states that a second screening process takes place before an individual is allowed to purchase a product from the blu website. As before, however, this system lacks the rigor needed to effectively prevent youth from completing a purchase. Individuals need only enter a name, birthdate, and credit card information—information that could easily be taken from an older individual. A driver's license and social security number are not required for age verification.

Lorillard claims to be a responsible e-cigarette manufacturer and implies that it is part of the solution for reducing tobacco-related harms. Its actions, however, show that it still is part of the problem. The strategies used to market blu e-cigarettes are the same irresponsible marketing strategies used by tobacco companies to market cigarettes to kids.

I urge the FDA to move quickly to regulate e-cigarettes and ensure that tobacco companies, like Lorillard, do not continue to market their addictive products to another generation of kids.

Sincerely,

Matthew L. Myers
President
Campaign for Tobacco-Free Kids
Exhibit A: Screenshot of blu eCigs Website, November 1, 2013

**blu**

**FREE SHIPPING**

**ONE YEAR WARRANTY**

**Products**

- Starter Kits
- Cartridges
- Disposable E-Cigarettes
- Pouches
- Batteries
- Chargers

**Need Help?**

**LIVE CHAT**

- My Cart
- You have no items in your shopping cart.

**Reviews**

- We received mixed reviews on the quality. Some are satisfied, while others report issues with the electronic cigarettes.

**Premium100 Electronic Cigarette Flavor Cartridges**

<table>
<thead>
<tr>
<th>Product</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classic Tobacco Pack</td>
<td>$12.00</td>
</tr>
<tr>
<td>Magnificent Menthol Pack</td>
<td>$12.00</td>
</tr>
<tr>
<td>Java Jolt Pack</td>
<td>$12.00</td>
</tr>
<tr>
<td>Cherry Crush Pack</td>
<td>$12.00</td>
</tr>
</tbody>
</table>

**WWW.TOBACCOFREEKIDS.ORG**
Exhibit B: Magazine Ads in Magazines with High Youth Readership

Magazine Ad Found In:

Rolling Stone: April 25, 2013; May 23, 2013; June 20, 2013; July 4-18, 2013

Car and Driver: June 2013; July 2013

Men’s Journal: June 2013; July 2013; August 2013

Esquire: June 2013

Field and Stream: June 2013; July 2013

Playboy: June 2013; July/August 2013

Popular Mechanics: June 2013; July/August 2013

Source: Trinkets & Trash, www.trinketsandtrash.org

Magazine Ad Found In:

Rolling Stone - May 2012

Source: Trinkets & Trash, www.trinketsandtrash.org
Exhibit C: Screenshots of blu TV Advertisements on YouTube

Stephen Dorff's Rise From the Ashes - Brought to you by blu Cigs

Published on Oct 1, 2012
Further Info

blu eCigs 2013 TV Commercial: "Freedom" featuring Jenny McC...
Exhibit D: Sports, Music, and Other Events Sponsorships

blu IndyCar sponsorship

Exhibit E: Screenshot of "Mr. Cool" Cartoon on blu eCigs Website

blu sponsorship of Bonnaroo Music and Arts Festival

WWW.TOBACCOFREEKIDS.ORG8
September 19, 2013

The President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We write you today to ask for your leadership in ensuring that the Food and Drug Administration (FDA) moves forward promptly with a rule that would assert the agency’s authority over all tobacco products, including e-cigarettes, little cigars, cigars and other tobacco products not currently under its jurisdiction. More than two years ago, FDA announced its intent to take this action, yet no progress has been made. This delay is having very real public health consequences.

This Sunday, September 22, marks the four-year anniversary of the prohibition of candy-flavored cigarettes. The prohibition of candy-flavored cigarettes was one of the very first measures implemented as a result of the enactment of the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act), which passed the Congress with overwhelming bipartisan majorities and you signed into law on June 22, 2009. As a result, the tobacco industry is no longer able to use candy- and fruit-flavored cigarettes with characterizing flavors such as strawberry, grape, pineapple, chocolate and vanilla to attract and addict our nation's children to cigarettes.

The Tobacco Control Act gave the FDA immediate authority over cigarettes, smokeless and roll-your-own tobacco and gave the authority to the Secretary of Health and Human Services to deem other tobacco products subject to FDA’s jurisdiction. Until this occurs, there is no federal oversight of these products, nor restrictions in
place to protect the public health against risks posed by these products, particularly to the health of our children. For example, at present FDA has no authority to stop the use of candy-and fruit-flavors in other tobacco products and cannot require the disclosure of the ingredients disclosure of those products. There is no reason for further delay.

The use of e-cigarettes is increasing, including among youth. The e-cigarette industry is using a number of marketing techniques originally employed by the cigarette companies to addict youth, including the use of candy- and fruit-flavors. E-cigarettes come in cotton candy, gummy bear, bubble gum flavors, Atomic Fireball, orange soda, as well as grape, apple and strawberry. Earlier this month, the Centers for Disease Control and Prevention (CDC) released alarming new data about e-cigarette use among youth. In just one year (2011 to 2012), the number of students in grades 6-12 reporting having ever used an e-cigarette doubled from 3.3 percent to 6.8 percent. Recent use of e-cigarettes among 6-12 year olds increased from 1.1 percent to 2.1 percent. Adults are also reporting greater use of e-cigarettes. CDC estimates that one in five adults have tried an e-cigarette, doubling from ten percent in 2010 to 21 percent in 2011.

Cigarette use declined 33 percent between 2000 and 2011, while the use of large cigars increased 233 percent over this period. Cigar smoking is the second most common form of tobacco use among youth. According to national surveys, 17.8 percent of high school boys currently smoke cigars (i.e., large cigars, cigarillos, and small cigars), and each day more than 3,000 kids under 18 years old try cigar smoking for the first time. Again, the unregulated cigar and little cigar industry is using candy- and fruit-flavored flavors such as Swisher Sweets Sweet Chocolate Blunts, Phillies Sugarillos Cigarillos (described on the box as “when sweet isn’t enough!”), White Owl grape Blunts Xtra, and Optimo peach Blunts.

The Tobacco Control Act is already paying health dividends. The FDA has implemented regulations to curb the marketing and sales of cigarettes and smokeless tobacco products to children and is working with states and local governments to enforce the law that prohibits the sale of these products to children. It has also worked to end misleading brand descriptors including light, low and mild. The FDA has also launched a significant research collaboration with the National Institutes of Health to investigate major questions associated with tobacco use.

Given the enormity of the burden of death and disease caused by tobacco products, the public health of our nation cannot afford further delay. FDA must issue a rule to regulate all tobacco products, including cigars, little cigars, e-cigarettes and other tobacco products. We urge you do everything in your power to ensure that FDA takes this action without further delay.

Most respectfully,

Thomas K. McInerny, M.D., FAAP
President
American Academy of Pediatrics

Douglas E. Henley, M.D.
Executive Vice President and CEO
American Academy of Family Physicians

Harold Wimmer
National President and CEO
American Lung Association

Christopher W. Hansen
President
American Cancer Society Cancer Action Network
Hal C. Lawrence III, MD, FACOG  
Executive Vice President and CEO  
American College of Obstetricians and Gynecologists

Molly Cooke, MD, FACP  
President  
American College of Physicians

Michael A. Barry, CAE  
Executive Director  
American College of Preventive Medicine

Nancy A. Brown  
Chief Executive Officer  
American Heart Association

Georges C. Benjamin, MD, FACP, FACEP (E)  
Executive Director  
American Public Health Association

Stephen C. Crane PhD MPH  
Executive Director  
American Thoracic Society

Matthew L. Myers  
President  
Campaign for Tobacco-Free Kids

Cheryl G. Heaton, DrPH  
President and CEO  
Legacy

Robert M. Pestronk, MPH  
Executive Director  
National Association of County and City Health Officials

Paula T. Rieger, RN, MSN, CAE, FAAN  
Chief Executive Officer  
Oncology Nursing Society

Rose Matulionis  
Executive Director  
Partnership for Prevention

Debra K. Katzman, MD, FSAHM  
President  
Society for Adolescent Health and Medicine

Cc: The Honorable Kathleen Sebelius, Secretary, Department of Health and Human Services  
The Honorable Margaret Hamburg, Commissioner, Food and Drug Administration  
Mitch Zeller, Director, Center for Tobacco Products, Food and Drug Administration
The CDC recently reported that rates of electronic cigarette use among U.S. youth more than doubled from 2011 to 2012, when 10 percent of high school students reported ever having used e-cigarettes.

These numbers are troubling but not surprising. There has been an explosion in e-cigarette marketing in recent years, and e-cigarette manufacturers are using the same slick tactics long used to market regular cigarettes to kids.

Here's how.
1. They have celebrity spokespeople

Like cigarette ads of old, television, online and print ads for e-cigarettes feature catchy slogans and celebrity endorsers, including actor Stephen Dorff.

Stephen Dorff’s Rise From the Ashes - Brought to you by blu Cigs

https://www.youtube.com/watch?v=VZishwAt_RM

... and TV personality Jenny McCarthy for blu eCigs ...

Scientific tests prove Lucky Strike milder than any other principal brand!

MARLENE DIETRICH says
"I smoke a smooth cigarette—Lucky Strike!"

L.S./M.F.T. — Lucky Strike Means Fine Tobacco

Let your own taste and thrift be the judge! For the rich taste of fire-ripened tobacco—for smoothness and mildness.

THERE'S NEVER A ROUGH PUFF IN A LUCKY!
... and rock musician **Courtney Love** for NJOY.

**The message:** Using these products is trendy and cool.

NJOY Presents: Relax...It's Courtney Love!
2. Their magazine ads feature rugged men...
... and glamorous women

These ads feature today's equivalents of the Marlboro Man and the Virginia Slims woman, depicting e-cigarette use as masculine, sexy or rebellious. E-cigarette ads have appeared in magazines that reach millions of teens, including Rolling Stone, Sports Illustrated, InStyle and Us Weekly.

SMOKE IN STYLE
With blu Electronic Cigarettes
Freedom never goes out of fashion. Control when and where you want to smoke with blu electronic cigarettes. blu produces no tobacco smoke and no ash, only vapor, making it the ultimate accessory and the smarter alternative to regular cigarettes. Step out in style with blu.

You've come a long way, baby.

blucigs.com

18+ ID required

SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide.
3. They know sex sells

Like cigarette companies have long done, e-cigarette makers portray use of their products as sexually attractive.
4. They sponsor sports ...
For decades tobacco companies used sponsorships of sports and entertainment events, especially auto racing and music festivals, to promote cigarettes to huge audiences, including kids. Cigarette sponsorships are now banned, but e-cigarette brands have auto racing sponsorships of their own.
5. Their products come in sweet flavors

A 2009 federal law banned fruit- and candy-flavored cigarettes, but many e-cigarette companies gleefully pitch similar flavors. Apollo Vapors, for example, offers Almond Joyee (“the candy bar taste without the calories!”), French Vanilla (“like biting into a deliciously sweet vanilla cupcake”) and Banana Cream (“yummy ambrosia of bananas and whipped cream”).
6. They use cartoons

The web site for Blu e-Cigs has featured a cartoon pitchman named “Mr. Cool.” It was reminiscent of the Joe Camel cartoon character that so effectively marketed cigarettes to kids in the 1990s.
7. Their ads say, “Switch, Don’t Quit.”

Tobacco companies have long tried to discourage smokers from quitting by marketing cigarette changes as reducing health risk. Some e-cigarette ads carry a similar message.
No wonder youth e-cigarette use is on the rise.

These developments underscore the need for the FDA to quickly regulate e-cigarettes and take steps to prevent their marketing and sale to kids.

www.TobaccoFreeKids.org
Samples of E-Cigarette Marketing

1-5: Flavored e-cigarettes, refill cartridges, and refill liquids

6: Promotional events

7: Branded items

8-9: Health and cessation claims

10-12: Retail marketing
KRAVE® 300 - Disposable Flavored Electronic Cigarette

- LASTS UP TO 300 PUFFS / INHALATIONS
- READY TO SMOKE RIGHT OUT OF THE PACK

Overall puff efficiency is estimated and can vary depending on size, duration, and strength of inhalations.

Price:
$10.95

Options:
- Please Select
- Qty:

Add to Wishlist
Add to Compare

facebook twitter

Screenshot taken July 2, 2013
Vapor Couture

Vapor Cartridges

- **Bombshell**
  - This rich, smooth blend is a great fit for the tobacco lovers!

- **Rodeo Drive**
  - The perfect hearty and rich, traditional All-American tobacco flavor

- **Fresh Mint**
  - Our wonderful and invigorating menthol is fresh, cool and delicious.

- **Passion Fruit**
  - Fruity and bold, this is a full-bodied flavor treat with a hint of captivating passion.

- **Strawberry Champagne**
  - Fruity, full-bodied flavor treated with a hint of passion.

- **Arctic Mint**
  - Sensuous Arctic blast of minty flavor.

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**18+ or Older to Purchase**

**CALL TOLL FREE**
1.877.95. VAPOR
1.877.958.2767

**Live Support is Online**
**Need Order Help?**

**Vapor Couture Shop**
**Vapor Couture Starter Kits**
**Vapor Couture Cartridges**
**Vapor Couture Batteries**
**Vapor Couture Accessories**

**More Vapor Couture**
**Currency USD**
**Gift Certificates**
**Cart**
**My Account**
**Log in**

**Accessories**

**Vapor Cartridges**

- **Strawberry Champagne**
  - Fruity-full-bodied flavor treated with a hint of Arctic Mint

- **Bombshell**
  - The perfect hearty and rich, traditional All-American tobacco flavor

- **Rodeo Drive**
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- **Arctic Mint**
  - Sensuous Arctic blast of minty flavor.
SweetTarts e-Liquid

SweetTarts e-Liquid from Juicy eJuice has been created with care to bring you that fun flavour of SweetTarts candy.

- Buy the Best e-Liquid
  You can buy the best e-Liquid online directly from the Juicy eJuice Shop.

You can buy the best e-Liquid online directly from the Juicy eJuice Shop.
Rocket Pop

A blend of cherry, lime and raspberry that will take you back to long-forgotten summers of the past.

$6.50

Nicotine *

- Please Select -

Volume *

- 10 ml
- 30 ml + 50-50

Add to Cart

Quantity: 1

Screenshots taken August 15, 2013

Product Description  Reviews  Product Tags

A blend of cherry, lime and raspberry that will take you back to long-forgotten summers of the past. Made in the USA by Rocket Fuel - Kansas City 70/30 Mix 100% diacetyl-free ingredients and byproducts.
Resemblance to liquid candy products:
Say NO to Chemicals and YES to Electronic Cigarettes

Electronic cigarette vs. Traditional Cigarettes

Here is an alarming statistic: To date, traditional cigarettes contain over 7,000 known chemicals. Hundreds of these are toxic and around 70 are directly linked to cancer. This is to say nothing of the toxins and chemicals found within secondhand smoke. Many scientists suspect that there are an additional 50,000 unidentified chemicals contained within the cigarette and the cigarette smoke.

In short, when you smoke a tobacco cigarette, you are exposing yourself to much more than tobacco and nicotine — and you really have no way of knowing what you are putting into your body.

What is in an Electronic Cigarette?

Things are a little different when you draw a comparison with electronic cigarettes. While the number and type of ingredients can vary depending on brand, on average, e-cigs generally only contain a handful of ingredients.

For instance at Blu Cigs, our e-liquid (also referred to as smoke juice) contains:

- Citric Acid
- Nicotine
- Distilled Water
- Natural and Artificial Flavors
- USP Grade Glycerin

Then, because e-cigarettes do not produce combustion, they do not produce smoke. So instead of exposing yourself and all those around you, to the thousands of dangerous toxins and chemicals found within tobacco smoke, electronic cigarettes simply produce a water vapor — meaning you can enjoy your e-cigarette without the worry of offending those around you.
Do you want to quit your habit of smoking cigarettes?

If yes, then you must be determined to achieve your goals. Since continuous usage of cigarettes make the person addicted to the ritual, it turns hard on the part of the individual when it comes to eliminating this bad habit from their day to day life. If you are also a victim of these circumstances than try your hand with the new Nicocure electronic cigarettes.

The number of carcinogens and harmful toxins and ingredients present in those traditional cigarettes are uncountable. Exposing yourself to these will affect your health and lead to severe complications in the body and brain. So make change, before it's too late. This advanced e-cigs are absolutely free from tar which reduces the risk of diseases in the body.

**CLAIM YOUR NICOCURE STARTER KIT!**

How does these product work?

Using the latest ECIG technology these pack of electronic cigarettes comes with-

1. cartomizers
2. rechargeable lithium batteries
3. wall charger
4. USB charger
5. durable storage case
6. and offers the user five variety of flavors

So with this new technology of e-cig you can smoke anywhere in the public, whether you are in the restaurant or in the garden. The choice is yours...!!
Hess Gas Station, Central New Jersey, January 2013

Courtesy of Trinkets and Trash
Truck stop convenience store, York, Nebraska, April 2013
Courtesy of Counter Tobacco