



Staff Report

September 2014

**Cigarette, E-Cigarette, and Other Tobacco Product
Advertisements and Imagery in Magazines with
Large Numbers of Teen Readers**

Prepared for:

**Rep. Henry A. Waxman
Rep. John D. Dingell
Rep. Frank Pallone, Jr.
Rep. Diana DeGette**

**Sen. Tom Harkin
Sen. Jay Rockefeller IV
Sen. Richard J. Durbin
Sen. Richard Blumenthal**

Executive Summary

Since 1999, there have been significant reductions in tobacco advertising in magazines. This has been due to a combination of factors including pressure from state attorneys general, federal efforts, and public awareness.

Unfortunately, recent data indicates that progress in reducing teens' exposure to tobacco advertisements in magazines may be being reversed. A 2013 CDC study found that the number of middle schoolers exposed to tobacco advertisements in magazines increased by almost 20% from 2009 to 2011. *Business Insider* reported that "cigarette advertising came back to the magazine business with a vengeance in Q1 2012." In 2013, R.J. Reynolds ended a five-year long company print advertising moratorium when it began running magazine advertisements for Camel Crush cigarettes. And recently manufacturers of a new kind of tobacco product, electronic cigarettes (e-cigarettes), have begun to advertise heavily in magazines, with spending increasing more than ten-fold between 2010 and 2013 and continuing to increase rapidly.

This investigation examines the extent to which youth are exposed to cigarette, e-cigarette, and other tobacco product advertising and images in magazines. It is based on a page-by-page review of 759 issues of 18 magazines with high teen readership published in 2012 and 2013. It finds that tobacco companies continue to glamorize smoking in advertisements in magazines with large youth readership and that magazines frequently contain alluring images of smokers in their editorial content. The investigation also finds that e-cigarettes are being widely promoted in these magazines.

Key findings include:

- **Tobacco advertising:** The majority of magazines – 10 of 18 – with high teen readership include tobacco advertisements. In total, these magazines ran 320 tobacco advertisements. Rolling Stone had the most tobacco advertisements (80), followed by Entertainment Weekly (68), ESPN The Magazine (49), US Weekly (31), and Glamour (24).
- **E-cigarette advertising:** E-cigarettes are also advertised in magazines with high numbers of teen readers – and this advertising is increasing rapidly. E-cigarettes were advertised 114 times in eight different magazines with high numbers of teen readers in 2012 and 2013. In 2012, the magazines ran 22 e-cigarette advertisements; in 2013, they ran 92, over four times as many advertisements. The most e-cigarette advertisements were found in Rolling Stone, US Weekly, and Entertainment Weekly.
- **Photographs and other images glamorizing smoking and e-cigarettes:** In addition to advertisements, many publications with high youth readership contain photographs, cartoons, or other images of tobacco and e-cigarettes in editorial or news content or in non-tobacco advertisements. In the publications reviewed by Committee staff, there were 427 photos or other images that showed people smoking. In nearly half of these images, a celebrity or famous personality was depicted smoking or holding a cigarette, cigar, or other tobacco product.

This analysis reveals that in spite of the progress made in reducing direct marketing of tobacco to teens, millions of teen readers continue to be exposed to tobacco and e-cigarette advertising and editorial and news content containing images of celebrities smoking and glamorizing tobacco use.

I. BACKGROUND

Cigarette smoking causes roughly one in five deaths in the United States.¹ Despite progress in reducing teen smoking, the Centers for Disease Control and Prevention reports that 3,200 individuals under age 18 smoke their first cigarette each day.² In 2012, almost one in four high school students and one in 14 middle school students reported that they currently used tobacco products.³ The use of electronic cigarettes is also growing rapidly among teens: e-cigarette use among both middle school and high school students tripled between 2011 and 2013.⁴

Exposure to advertisements for tobacco products plays a large role in teenagers' tobacco use. The 2012 Surgeon General's Report *Preventing Tobacco Use Among Youth and Young Adults* stated, "There is strong, consistent evidence that advertising and promotion influence the factors that lead directly to tobacco use by adolescents."⁵

A. Regulation of Cigarette and Tobacco Advertisements

The Public Health Cigarette Smoking Act of 1969 banned all cigarette advertisements on American radio and television, but did not contain any restrictions on print advertisements.⁶ The first effort to restrict print ads for cigarettes occurred in 1996, when the FDA asserted broad jurisdiction over cigarettes under the Federal Food, Drug, and Cosmetic Act. The agency issued a rule to restrict the sale and distribution of cigarettes to children and adolescents by limiting ads to a black-and-white, text-only format, banning the targeted sale of brand-identified promotional items, and prohibiting sponsorship of events using the brand name of a tobacco product.⁷ This regulation was struck down by the Supreme Court in 2000.⁸

¹ Centers for Disease Control and Prevention, *Tobacco-Related Mortality* (Feb. 6, 2014) (online at www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/tobacco_related_mortality/).

² Centers for Disease Control and Prevention, *Youth and Tobacco Use* (Feb. 14, 2014) (online at www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/).

³ *Id.*

⁴ Centers for Disease Control and Prevention, *More than a quarter-million youth who had never smoked a cigarette used e-cigarettes in 2013* (Aug. 25, 2014) (online at <http://www.cdc.gov/media/releases/2014/p0825-e-cigarettes.html>).

⁵ Surgeon General, *Preventing Tobacco Use Among Youth and Young Adults* (2012) at 508.

⁶ Public Health Cigarette Smoking Act of 1969, P.L. 91-222.

⁷ Food and Drug Administration, *Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents*, 61 Fed. Reg. 44396 (Aug. 28, 1996) (final rule).

⁸ *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120 (2000).

Separately, the 1998 Master Settlement Agreement (MSA) between state attorneys general and four major U.S. tobacco companies – Philip Morris, R.J. Reynolds, Brown & Williamson, and Lorillard – required the tobacco companies to stop “any action, directly or indirectly, to target youth in the advertising, promotion, or marketing of tobacco products.” The MSA did not place any specific restrictions on magazine, newspaper, direct mail, or Internet advertisements.⁹ But in 2007, several state attorneys general brought successful actions against R.J. Reynolds for violating a prohibition on marketing campaigns targeting youth audiences.

FDA next took action to restrict magazine advertising of cigarettes in 2010, under authorities granted by the Family Smoking Prevention and Tobacco Control Act of 2009. FDA issued a final rule banning tobacco brand name sponsorship of athletic, musical, and social or cultural events, prohibiting the distribution of promotional items with cigarette and smokeless tobacco brands or logos, and preventing audio advertisements for cigarettes and smokeless tobacco from using music or sound effects¹⁰. The rule also required that advertisements for cigarettes and smokeless tobacco only use black text on a white background in newspapers, magazines, periodicals, or other publications unless (1) less than 15% of the publication’s readership are individuals under age 18 and (2) fewer than two million individuals under age 18 are readers of the publication.¹¹ The restrictions on magazine advertisements, however, were struck down by the U.S. Court of Appeals for the Sixth Circuit in 2012, and they are not being enforced by the FDA.¹²

E-cigarette advertising is not regulated by either the FDA or the Master Settlement Agreement. FDA has proposed, but not yet finalized, rules to reduce teens’ access to e-cigarettes, including prohibiting individuals under 18 from purchasing these products, banning the sale of e-cigarettes in vending machines unless they are located in adults-only facilities, and prohibiting the distribution of free samples.¹³ But if this rule is finalized as proposed, e-cigarettes would still not be subject to any restrictions on federal television and radio advertisements, event sponsorship under the company’s brand name, and promotional items.

⁹ Campaign for Tobacco Free Kids, *Summary of the Master Settlement Agreement (MSA)* (July 9, 2003) (online at www.tobaccofreekids.org/research/factsheets/pdf/0057.pdf).

¹⁰ Department of Health and Human Services, *Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents*, 75 Fed. Reg. 13227 (Mar. 10, 2010) (final rule);

¹¹ *Id.*

¹² Department of Health and Human Services, *Guidance for Industry: Compliance with Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents* (Aug. 2013).

¹³ Department of Health and Human Services, *Deeming Tobacco Products To Be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act; Regulations on the Sale and Distribution of Tobacco Products and Required Warning Statements for Tobacco Products*, 79 Fed. Reg. 23147 (Apr. 25, 2014) (proposed rule).

B. Trends in Cigarette, Tobacco, and E-Cigarette Advertising

The halting efforts to reduce tobacco advertising in magazines is reflected in the advertising data. There was a large drop in advertising in magazines between 1999 and 2008. But since then, spending has leveled off or even increased.

The Federal Trade Commission keeps data on advertising expenditures by cigarette manufacturers. Overall spending is on the increase.¹⁴ Between 1998, when the Master Settlement Agreement was signed, and 2011, the most recent year for which data is available, cigarette advertising and promotional expenditures increased from \$6.7 billion to nearly \$8.4 billion.¹⁵ Until recent years, one exception to this trend had been spending on advertisements in magazines. Data from the Federal Trade Commission (FTC) shows that tobacco companies' spending on magazine advertisements for cigarettes peaked in 1984 at nearly \$426 million. It declined rapidly and steadily over the next 24 years to just over \$25 million in 2008.¹⁶

However, there are increasing concerns that the decline in cigarette advertising in magazines has plateaued or been reversed, with reported expenditures increasing in 2009 and 2010.¹⁷ *Business Insider* reported that in the first quarter of 2012, "cigarette advertising came back to the magazine business with a vengeance," increasing by 11% from the first quarter of 2011.¹⁸ In May 2013, R.J. Reynolds, which had not advertised in magazines since 2007, began running magazine advertisements in periodicals like *ESPN the Magazine*, *Entertainment Weekly*, *People*, and *Rolling Stone*, for Camel Crush cigarettes.¹⁹

Advertising in magazines by e-cigarette manufacturers has also been on the increase; in fact, it soared by over 1,000% in just three years. E-cigarette manufacturers' spending on magazine advertisements rose from \$3.4 million in 2010 to \$6.2 million in 2011, \$13.7 million in 2012, and \$48.1 million in 2013.²⁰ Spending on magazine advertisements for e-cigarettes accounted for 58% of all e-cigarette marketing expenditures in the third quarter of 2013.²¹

¹⁴ Federal Trade Commission, *Cigarette Report* (May 2013) (online at www.ftc.gov/sites/default/files/documents/reports/federal-trade-commission-cigarette-report-2011/130521cigarettereport.pdf).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Business Insider, Cigarette Advertising in on the Increase Again - And It's Entertainment Weekly's Fault* (Apr. 18, 2012).

¹⁹ *Advertising Age, Camel Cigarettes Return to Magazine Advertising After Five Years* (May 31, 2013).

²⁰ *Legacy Foundation, E-Cigarette Competitive Update* (June 17, 2014).

²¹ *Id.*

The data on youth exposure to tobacco advertising reflects these trends. A recent analysis by CDC scientists found that between 2009 and 2011, the percentage of middle school students exposed to tobacco advertisements in magazines increased from 46% to 54%.²² In the case of e-cigarettes, nearly 40% of youth between 12- and 17-years-old saw e-cigarette advertisements in magazines in 2009.²³

II. PURPOSE AND METHODOLOGY

Rep. Henry A. Waxman, the Ranking Member of the Committee on Energy and Commerce; Rep. John D. Dingell; Rep. Frank Pallone, Ranking Member of the Energy and Commerce Subcommittee on Health; Rep. Diana DeGette, Ranking Member of the Energy and Commerce Subcommittee on Oversight and Investigations; Sen. Tom Harkin, Chairman of the Senate Committee on Health, Education, Labor & Pensions; Sen. John Rockefeller IV, Chairman of the Senate Committee on Commerce, Science, and Transportation; Sen. Richard J. Durbin, Assistant Majority Leader; and Sen. Richard Blumenthal asked the Democratic staff of the Energy and Commerce Committee to examine the prevalence of tobacco advertising and tobacco imagery over the last two years in magazines with high youth readership.

To conduct the investigation, Committee staff first identified 20 magazines with high teen readership (see Table 1). These magazines were chosen because publicly available reports indicate that they are among those that have the highest numbers of teen readers.²⁴

²² Journal of Adolescent Health, *Pro-Tobacco Influences and Susceptibility to Smoking Cigarettes Among Middle and High-School Students - United States 2011* (2013).

²³ Legacy Foundation, *Vaporized: E-Cigarettes, Advertising, and Youth* (May 2014).

²⁴ These magazines report teen readership through the Alliance for Audited Media or BPA Publisher's Statements.

Table 1: Magazines with Large Teen Audiences Included in this Analysis²⁵

Magazine	2012 Teen (12-17) Audience
Seventeen	3,433,000
People	3,163,000
Game Informer	2,809,000
National Geographic	2,599,000
ESPN the Magazine	2,002,000
Teen Vogue	1,989,000
National Geographic Kids	1,799,000
Sports Illustrated	1,727,000
J-14	1,598,000
Rolling Stone	1,289,000
Sports Illustrated for Kids	1,190,000
Time	1,127,000
Vogue	1,127,000
Glamour	1,096,000
Reader's Digest	1,069,000
Better Homes & Gardens	1,060,000
Cosmopolitan	956,000
Entertainment Weekly	897,000
US Weekly	855,000
M	770,000

Of these 20 magazines, 18 were available for Committee staff to review in the Library of Congress or other local libraries. The staff then reviewed issues of the 18 magazines between January 2012 and December 2013 that were available in the libraries.²⁶ The magazines were reviewed to identify three categories of images: (1) advertisements for cigarettes, cigars, smokeless tobacco, and other tobacco products; (2) advertisements for e-cigarettes; and (3) photographs, cartoons, and other images that were included as part of editorial or news content or advertisements for nontobacco products.

III. TOBACCO AND E-CIGARETTE ADVERTISEMENTS AND IMAGERY IN MAGAZINES WITH LARGE NUMBER OF TEEN READERS

The findings of this investigation reveal that despite efforts to prevent tobacco companies from advertising to teens, many magazines with high youth readership continue to run tobacco advertisements. Many of these magazines also expose youthful readers to photos of celebrities using tobacco products in their news content.

²⁵ Campaign for Tobacco Free Kids.

²⁶ Staff were unable to review J-14 or M magazine. Approximately 85% of issues of the other 18 magazines from this time period were available to investigators.

A. Tobacco Advertisements

Committee staff identified 320 advertisements for tobacco products in ten publications in 2012 and 2013. This is an average of more than one advertisement per month in each of these popular magazines in 2012 and 2013.

Figure 1: Advertisement for Camel, Rolling Stone Magazine (Oct. 10, 2013)



Rolling Stone, with an estimated 1.3 million teen readers, had the most tobacco advertisements (80), followed by Entertainment Weekly (68), ESPN The Magazine (49), US Weekly (31), and Glamour (24) (see Table 2). Combined, the ten magazines with tobacco advertisements have a total audience of over 16 million teens. Figure 1 shows one representative advertisement that appeared in Rolling Stone.

Eight magazines reviewed by committee staff – Better Homes and Gardens, Cosmopolitan, National Geographic, National Geographic Kids, Readers Digest, Seventeen, Teen Vogue, and Sports Illustrated Kids – did not contain any tobacco advertisements.

Table 2: Tobacco Advertisements by Publication

Magazine	Number of Tobacco Advertisements (2012-2013)
Rolling Stone	80
Entertainment Weekly	68
ESPN	49
US Weekly	31
Glamour	24
Time	22
Sports Illustrated	19
People	15
Vogue	11
Game Informer	1
	286

B. E-Cigarette Advertisements

The investigation also found that e-cigarette companies advertise their products in publications with high levels of teen readership. Committee staff identified 114 advertisements for e-cigarettes in eight publications in 2012 and 2013.

Figure 2: E-Cigarette Ad for blu E-Cigarettes, ESPN The Magazine (Jan. 6, 2013)



Rolling Stone, with an estimated 1.3 million teen readers, had the most e-cigarette advertisements (37), followed by US Weekly (30), and Entertainment Weekly (13) (see Table 3). Figure 2 shows one representative ad that appeared in ESPN The Magazine.

Previous congressional investigations have revealed that e-cigarette manufacturers' promotional activities and spending are increasing rapidly, finding that between 2012 and 2013, five leading e-cigarette companies increased their spending on advertising and promotion by 164%.²⁷ This investigation's findings are consistent with these previous findings: Committee staff identified 22 e-cigarette advertisements appearing in three publications in 2012, and 92 e-cigarette advertisements appearing in eight publications in 2013 – an increase of 318%.

²⁷ Offices of Senator Richard J. Durbin, Representative Henry A. Waxman, et. al., *Gateway to Addiction? A Survey of Popular Electronic Cigarette Manufacturers and Targeted Marketing to Youth* (Apr. 14, 2014) (online at democrats.energycommerce.house.gov/sites/default/files/documents/Report-E-Cigarettes-Youth-Marketing-Gateway-To-Addiction-2014-4-14.pdf).

Table 3: E-Cigarette Advertisements by Publication

Magazine	Number of E-Cigarette Advertisements in 2012	Number of E-Cigarette Advertisements in 2013
Rolling Stone	10	27
US Weekly	11	19
Entertainment Weekly	0	13
Sports Illustrated	1	11
TIME	0	11
ESPN the Magazine	0	9
People	0	1
Cosmopolitan	0	1
Total	22	92

Blu e-cigarettes had 93 advertisements in this two-year period, FIN had 10 advertisements, MarkTen had 6 advertisements, and NJOY had 5 advertisements. Blu also features a celebrity spokesperson, Stephen Dorff, in many of its magazine advertisements, a tactic historically used by tobacco companies.

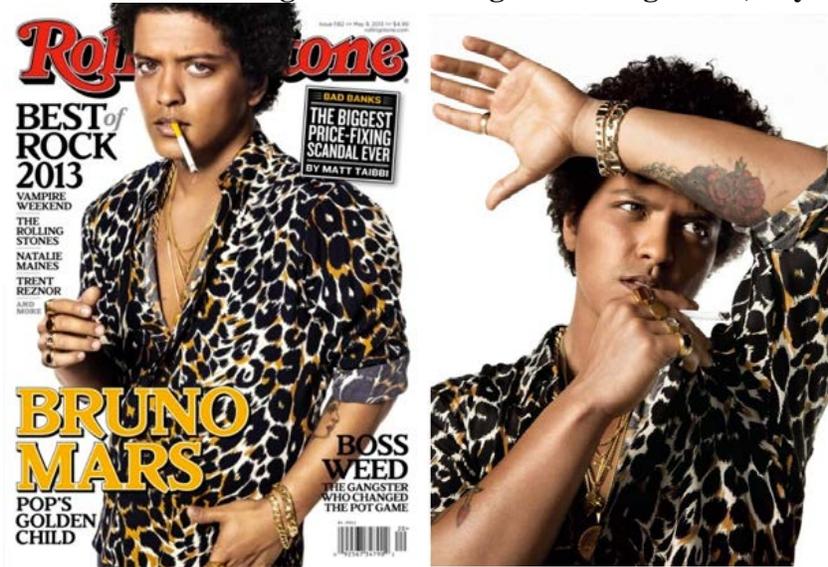
C. Photographs and Images of Tobacco Products in Magazines with High Number of Teen Readers

In addition to the cigarette, e-cigarette, and other tobacco product advertisements that appear throughout many publications with high youth readership, these publications also contain many images of tobacco product use in editorial and news content or advertisements for nontobacco products. These images are often presented in a way that glamorizes tobacco and e-cigarette use.

For example, in the March 9, 2013, edition of Rolling Stone magazine, pop star Bruno Mars was featured in an article titled “The Golden Child.” The cover of the magazine and a photo of Mr. Mars with the article showed seductive photos of him smoking a cigarette (see Figure 3). The article described Mr. Mars at the peak of his popularity.²⁸

²⁸ Rolling Stone, *The Golden Child* (Mar. 9, 2013) (online at www.rollingstone.com/music/news/the-golden-child-20130509#ixzz34ZZOdql0).

Figure 3: Bruno Mars Images from Rolling Stone Magazine (May 9, 2013)



This was not the only instance where Rolling Stone included an image of a celebrity featured prominently on the cover of the magazine while holding or smoking a tobacco product. One month earlier, on April 11, 2013, Jon Hamm, the star of the show *Mad Men*, was described as “TV’s Hottest Star” and featured on the cover while smoking a cigarette (see Figure 4). In total, there were three separate issues of the magazine in 2012 and 2013 featuring celebrities on the covers smoking cigarettes.²⁹

Figure 4: Jon Hamm on the Cover of Rolling Stone Magazine (Apr. 11, 2013)



²⁹ Charlie Sheen on the Cover of Rolling Stone Magazine (June 21, 2012); Jon Hamm on the Cover of Rolling Stone Magazine (Apr. 11, 2013); and Bruno Mars on the Cover of Rolling Stone Magazine (May 9, 2013).

In total, the investigation identified 427 photographs, cartoons, and other images in news and editorial content or nontobacco advertisements in the 18 magazines with high teen readership. Almost half of these images (182) were images in which a celebrity or famous personality was depicted to be smoking or holding a cigarette, cigar, or other tobacco product. Figures 5, 6, and 7 show other representative examples.

Figure 5: Katy Perry image from Rolling Stone Magazine (Sept. 26, 2013)

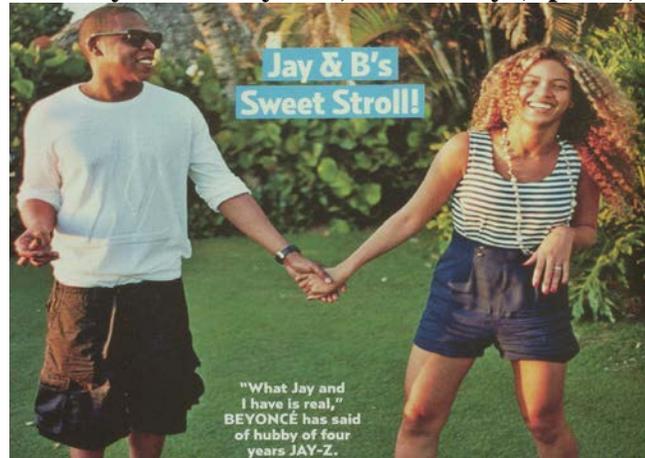


Figure 6: January Jones from the show “Mad Men,” Entertainment Weekly (Nov. 9, 2012)



Some of these images show a celebrity posing with a cigarette for the publication's photographer. Other images depict a scene from a movie or television show in which an actor is smoking a cigarette, cigar, or other tobacco product. In others, the celebrity is depicted in their everyday life smoking a cigarette, cigar, or other tobacco product.

Figure 7: Jay-Z and Beyoncé, US Weekly (Apr. 23, 2012)



In each case, the publication could have selected a photograph that did not highlight the subject to be smoking or using a tobacco product. In cases where the publication took the photograph, the publication could have requested the subject not hold the cigarette. For images from movies or television shows, the publication could have captured an image from a scene in which the subject was not consuming a tobacco product. For the “real-life” images, the publication could elect to only use candid pictures of subjects while they were not consuming tobacco products.

Entertainment Weekly, with almost 900,000 teen readers, had the highest number of these images (75), followed by Rolling Stone (53), People (19), and US Weekly (13) (see Table 4). *Bettors Homes and Gardens*, *Cosmopolitan*, *Game Informer*, *National Geographic*, *National Geographic Kids*, *Seventeen*, *Sports Illustrated Kids*, and *Teen Vogue* did not have any of these types of images.

Table 4: Photographs and Images of Tobacco Products by Publication

Magazine	Celebrity Images
Entertainment Weekly	75
Rolling Stone	53
People	19
US Weekly	13
Time	8
Vogue	5
Glamour	4
Readers Digest	2
Sports Illustrated	2
ESPN	1
Total	182

The remaining 245 images in the publications posed a lesser concern either because they did not include a celebrity figure, were small enough on the page that they would be difficult to discern, or depicted the tobacco product as a component of a related news article.

IV. CONCLUSION

Tobacco is the most deadly consumer product available in America, causing hundreds of thousands of deaths each year. Despite efforts to prevent tobacco companies from promoting their products to youths, this investigation identified hundreds of tobacco, e-cigarette, and other tobacco product advertisements, photos, or other images glorifying tobacco use in magazines with high numbers of teen readers. Exposure to glamorous images and advertising for cigarettes, e-cigarettes, or other tobacco products has the potential to influence the decisions of youths to begin using these products.