

United States Senate

WASHINGTON, DC 20510

December 18, 2015

The Honorable Edith Ramirez
Chairwoman
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Dear Chairwoman Ramirez:

We write to bring to your attention what appear to be the unfair or deceptive acts of liquid-nicotine retailers and to ask for the Federal Trade Commission to investigate the matter. A recent report by the child advocacy organization First Focus documents many cases of these retailers advertising liquid nicotine as recognizable brand names of candy, breakfast cereal, and other foods and drinks.¹ Use of these trademarked images in this manner appears intended to make the liquid-nicotine products attractive to younger smokers and perhaps even to children. These unseemly trade practices warrant action by the Federal Trade Commission.

Letters have also been sent to 147 liquid-nicotine retailers and 25 corporations whose trademarks those retailers appear to be misusing, demanding that the retailers stop these marketing efforts and asking the corporations if they are aware of these practices and how they have responded or intend to respond. Examples of the letters sent to those companies are enclosed.

Nicotine's dangerous and addictive properties are well documented. Liquid nicotine poses an especially serious threat to children. Ingesting as little as one-half teaspoon of liquid nicotine can cause severe stomachaches, vomiting, seizures, increased heart rate, difficulty breathing, and even death.² Children do not understand that liquid nicotine is a poison. They may be drawn to liquid-nicotine bottles bearing labels with familiar brands, whose contents have a flavorful smell and taste.³ We must not tolerate the marketing of a harmful chemical to teenagers and children, especially under the imprimatur of recognizable brands — an advertising activity plainly undertaken to create a new generation of nicotine-addicted smokers or “vapers.”

¹ <http://firstfocus.org/resources/report/the-new-joe-camel-in-your-pantry-marketing-liquid-nicotine-to-children-with-candy-and-cereal-brands/>.

² <http://www.preventchildinjury.org/resources/site1/General/MediaGuides/Liquid-Nicotine-Toolkit-Media-Guide-PCI.pdf>.

³ <http://firstfocus.org/resources/report/the-new-joe-camel-in-your-pantry-marketing-liquid-nicotine-to-children-with-candy-and-cereal-brands/> at 3.

Thank you for your attention to this important matter. Please address any questions you might have to Andrew Cohen at 202-224-2742 or Andrew_Cohen@markey.senate.gov.

Sincerely,

Edward J. Markey
United States Senator

Sherrod Brown
United States Senator

Jack Reed
United States Senator

Richard Blumenthal
United States Senator

Al Franken
United States Senator

Jeff Merkley
United States Senator

Barbara Boxer
United States Senator

Richard J. Durbin
United States Senator

Patty Murray
United States Senator

Enclosures