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## E-cigarette brand mocks tobacco control warning labels

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It is a fact—new regulations are coming down the pike for e-cigarettes now that they fall under the FDA’s authority, as per the Deeming Rule enacted in August 2016. Ahead of new warning label requirements for e-cigarettes, one e-cigarette brand (Blu) has been poking fun at this tobacco control policy.

Blu’s 2017 ‘Something Better’ print ad campaign prominently featured ad claims in the visual style of tobacco warning labels (‘Important: Contains flavor’; ‘Important: Vaping blu smells good’; ‘Important: No ashtrays needed’) (see figure 1). The fake and sarcastic ‘warnings’ are featured in large text boxes at the top of the ads, which ran in June–November 2017 issues of popular magazines including *Esquire*, *ESPN*, *Rolling Stone* and *US Weekly*. While e-cigarette ads are prohibited from making any overt claims that they are less harmful than tobacco cigarettes, some of the ‘warnings’ advertise other types of ‘harm-reduction’ benefits (eg, ‘Important: Less harmful to your wallet’).

These ads do provide actual warnings but they are barely visible, presented in extremely small font in low contrast at the bottom left of the ad. The warnings state that the product is not for sale to minors and that it includes nicotine, an addictive chemical. To date, e-cigarette ads and packaging have not been required to carry warnings although some have been doing so voluntarily and/or in anticipation of new FDA requirements.<sup>1–3</sup> Indeed, the nicotine warning included in the recent Blu ads is identical to that in the *proposed* Deeming Rule and similar to the final single warning e-cigarettes will be required to carry by August 2018: “WARNING: This product contains nicotine. Nicotine is an addictive chemical”.<sup>4</sup>

Although preliminary research about the potential resonance and effectiveness of the FDA nicotine addiction warning has been mixed,<sup>25–8</sup> a basic prerequisite for warning label impact is warning exposure and attention.<sup>9</sup> The Deeming Rule outlines specific layout and formatting requirements for the new warning to enhance noticeability—it must occupy at least 20% of ad space, appear in the upper portion of the ad, include a rectangular border, use a font size large enough to occupy the greatest portion of the warning area (12 point

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minimum) and use contrasting colour (ie, black text on white background or vice versa). Although some e-cigarette brands like MarkTen have adopted rather detailed and prominent warnings on their own<sup>27</sup> (see figure 2), these Blu ads underscore the importance of mandating formatting requirements for uniformity in the display of e-cigarette warnings moving forward.

It is also worth noting that this is not the first time Blu has taken aim at tobacco control. Blu, which started as an independent brand in 2009 but has been owned by major tobacco companies since 2012 (Lorillard, RJ Reynolds and Imperial Tobacco Company, its current owner), has used themes of rebelliousness and freedom throughout its history. A 2012 Blu ad featured an image of an older woman giving us the middle finger with the headline, 'Dear Smoking Ban',<sup>10</sup> and other early ads featured images of actor Stephen Dorff vaping in indoor settings such as coffee shops and taxis with the slogan 'take back your freedom'. As far as the most recent campaign, it is not clear whether the faux warnings are a humorous persuasive attempt to increase the brand's likability or whether they might work to inoculate e-cigarette users and prospective users against e-cigarette warnings. Either way, we would like to suggest Blu add another 'warning' to its ads—'WARNING: These are not warnings'.

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**Figure 1.** Ads from Blu’s 2017 ‘Something Better’ ad campaign, featuring ad claims in the visual style of tobacco warning labels. Actual nicotine addiction warning is barely visible in the lower left corner of ads. Ads ran in June–November 2017 issues of popular magazines including *Esquire*, *ESPN*, *Rolling Stone* and *US Weekly*. Images and source information obtained from the Trinkets and Trash tobacco advertising collection ([www.trinketsandtrash.org](http://www.trinketsandtrash.org)).



**Figure 2.**  
2017 ad for MarkTen e-cigarettes featuring a detailed text warning at the bottom of the ad. Image obtained from the Trinkets and Trash tobacco advertising collection ([www.trinketsandtrash.org](http://www.trinketsandtrash.org)).