

Congress of the United States
Washington, DC 20510

December 16, 2020

Jack Bowles
Chief Executive Officer
British American Tobacco
4 Temple Place
London, England
WC2R 2PG

Dear Mr. Bowles:

We write regarding a recent study by public health experts at Stanford University that revealed that numerous tobacco companies - including several subsidiaries of British American Tobacco (BAT) – have “chosen to exploit a global pandemic for marketing purposes.” They have used the coronavirus disease 2019 (COVID-19) pandemic to unethically – and perhaps illegally - promote the sale of their tobacco and e-cigarette products, often on social media platforms primarily used by children and young adults.¹ Advertisements for vaping products have offered free gifts of scarce supplies – such as hand sanitizer, toilet paper, and masks, with the purchase of one of their products and have “profess[ed] the healthfulness of the company’s products” while pitching their “purported stress and anxiety relieving effects” during the pandemic.² This attempt to profit off the back of a global health crisis, reminiscent of decades of false and misleading advertising about cigarettes by tobacco companies, represents a callous indifference to the lives and well-being of millions of people across the world. To understand the scope of, and rationale for these abusive sales tactics we request information about your sales, research, and advertising since the pandemic began.

Since February 2020, the COVID-19 pandemic has wreaked havoc in communities across the world.³ To date, more than 71 million cases have been detected and nearly 2 million people have died across the globe. The United States alone has recorded more than 16.5 million cases, and nearly 300,000 Americans have been killed by the virus.⁴ Similar to the larger family of coronaviruses, COVID-19 is a disease that primarily affects the respiratory system. Symptoms can range from a cough or shortness of breath to pneumonia or acute respiratory distress

¹ Tobacco Control Journal, “Exploitation of the COVID-19 pandemic by e-cigarette marketers,” Robert K. Jackler, et al., August 27, 2020, <https://tobaccocontrol.bmj.com/content/early/2020/08/26/tobaccocontrol-2020-055855>.

² *Id.*

³ World Health Organization, “Coronavirus disease (COVID-19) pandemic,” <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>.

⁴ Johns Hopkins University, “Coronavirus Resource Center,” <https://coronavirus.jhu.edu/>.

syndrome, both of which can be deadly. The long-term effects of contracting COVID-19 are just now beginning to come to light.⁵

Individuals with a history of chronic respiratory illness such as asthma are at greater risk for suffering more severe symptoms of COVID-19. Among this at-risk group are individuals that smoke or use e-cigarettes.⁶ In August 2020, a peer-reviewed study found significant links between vaping and an increased risk of contracting COVID-19.⁷ The study found people who have vaped even once in their lives were five times more likely to receive a COVID-19 diagnosis than people who have not. A COVID-19 diagnosis was 4.7 times more likely for someone who had vaped in the last 30 days.⁸ Vaping can also cause inflammation in the lungs and suppress the body's immune system, which could prolong and intensify lung infections including COVID-19.⁹ And because "vaping is typically a group social activity that often involves sharing of devices," and involves repetitive hand to mouth motion, a highly discouraged behavior during the pandemic, it may exacerbate the spread of COVID-19.¹⁰ Overall, there is a large body of evidence that demonstrates the use of e-cigarettes increases one's risk of COVID-19.

Despite the clear increased risk for COVID-19 for individuals that vape, several companies have exploited the ongoing pandemic to promote their e-cigarette products. An August 2020 study by Stanford researchers, published in the journal *Tobacco Control*, found that since the pandemic began, 21 e-cigarette brands and 41 online vaping stores published more than 300 COVID-19 themed promotional images and advertisements.¹¹ Many of these advertisements offered supplies such as toilet paper, hand sanitizer, or face masks emblazoned with the company's logo as gifts after a purchase of a vaping or tobacco product, at a time when they were scarce and difficult to find.¹² Alarming, the hand sanitizer was offered in the same bottle as the companies' flavored nicotine liquids, creating the risk that a user could accidentally vaporize and inhale the sanitizer.¹³ Companies also sought to expand access to their products through targeted COVID-19 discount codes for doctors, nurses, and other front line staff and increased contactless delivery options.¹⁴

⁵ Elsevier Public Health Emergency Collection, "COVID-19 pathophysiology: A review," Koichi Yuki et al., April 20, 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7169933/>; Centers for Disease Control and Prevention, "Long-Term Effects of COVID-19," December 1, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/long-term-effects.html>.

⁶ Centers for Disease Control and Prevention, "People with Certain Medical Conditions," November 2, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.

⁷ Journal of Adolescent Health Volume 67, Issue 4, "Association Between Youth Smoking, Electronic Cigarette Use, and COVID-19," Shivani Mathur Gaiha Ph.D., Jing Chend, Ph.D., Bonnie Halpern-Felsher, Ph.D., October 2020, <https://www.sciencedirect.com/science/article/pii/S1054139X20303992>.

⁸ *Id.*

⁹ Tobacco Control Journal, "Exploitation of the COVID-19 pandemic by e-cigarette marketers," Robert K. Jackler, et al., August 27, 2020, <https://tobaccocontrol.bmj.com/content/early/2020/08/26/tobaccocontrol-2020-055855>.

¹⁰ *Id.*

¹¹ *Id.*

¹² Appendix A-C.

¹³ Tobacco Control Journal, "Exploitation of the COVID-19 pandemic by e-cigarette marketers," Robert K. Jackler, et al., August 27, 2020, <https://tobaccocontrol.bmj.com/content/early/2020/08/26/tobaccocontrol-2020-055855>.

¹⁴ Appendix D-E.

These advertisements also misused public health slogans promoted by governments and public health authorities to encourage the continued use of e-cigarette and vaping products. Slogans such as “Stay Safe, Stay Home,” and “Keep calm and [vape] at home,” were common across several advertisements - a perversion of public health messages to instead sell addictive e-cigarettes that increase risk for users, while falsely creating the impression that e-cigarette and vape products may ease the stress of social distancing.¹⁵

In perhaps the most dangerous advertisements, companies even touted their products’ supposed health benefits, claiming that vaping could help users cope with the ramifications of social distancing and avoid loneliness.¹⁶ Some companies used advertising to dispute the validity of peer-reviewed studies showing a link between vaping and an increased risk for COVID-19, calling such findings “misinformation... spreading faster than the virus itself.”¹⁷ This comes despite the growing body of evidence that shows a clear link between vaping and an increased risk of contracting COVID-19.

Finally, the vast majority of these advertisements were placed on popular social media platforms such as Instagram and Twitter, which are largely utilized by youth and adolescent users.¹⁸ This is not the only step some companies have taken to attract younger users. Exacerbating these concerns, one company temporarily waived identification and age verification to minimize points of contact - a technique that could contribute to increased underaged, illegal use.¹⁹

These advertisements are a blatant exploitation of a pandemic that has killed over a million people across the world and devastated the lives of countless more. They are reckless and endanger millions, especially as countries around the globe are experiencing yet another surge in cases.²⁰ These efforts may also be illegal. According to the Stanford University experts:

The US Food and Drug Administration’s (FDA) regulations prohibit e-cigarette marketers from advertising their products as beneficial to health. By linking e-cigarettes to the COVID-19 pandemic, marketers are implicitly, and at times explicitly, implying a health benefit of their products. Claims of reduced risk are prohibited by the FDA.²¹

¹⁵ Appendix F-G; Tobacco Control Journal, “Exploitation of the COVID-19 pandemic by e-cigarette marketers,” Robert K. Jackler, et al., August 27, 2020, <https://tobaccocontrol.bmj.com/content/early/2020/08/26/tobaccocontrol-2020-055855>.

¹⁶ Tobacco Control Journal, “Exploitation of the COVID-19 pandemic by e-cigarette marketers,” Robert K. Jackler, et al., August 27, 2020, <https://tobaccocontrol.bmj.com/content/early/2020/08/26/tobaccocontrol-2020-055855>.

¹⁷ Appendix H; CNN, “Vaping ad tactics ‘exploited’ the pandemic, study says,” Michael Nedelman and Lauren Mascarenhas, August 28, 2020, <https://www.cnn.com/2020/08/27/health/vaping-ad-tactics-exploited-pandemic/index.html>.

¹⁸ Centers for Disease Control and Prevention, “E-cigarette Ads and Youth,” <https://www.cdc.gov/vitalsigns/ecigarette-ads/index.html>.

¹⁹ Tobacco Control Journal, “Exploitation of the COVID-19 pandemic by e-cigarette marketers,” Robert K. Jackler, et al., August 27, 2020, <https://tobaccocontrol.bmj.com/content/early/2020/08/26/tobaccocontrol-2020-055855>.


²⁰ Associated Press, “Europe, US reel as virus infections surge at record pace,” David Crary, Carla K. Johnson, and Geir Moulson, October 15, 2020, <https://apnews.com/article/virus-outbreak-netherlands-italy-france-czech-republic-987993953a51f39a861c0f481c0e38f8>.

²¹ Tobacco Control Journal, “Exploitation of the COVID-19 pandemic by e-cigarette marketers,” Robert K. Jackler, et al., August 27, 2020, <https://tobaccocontrol.bmj.com/content/early/2020/08/26/tobaccocontrol-2020-055855>.

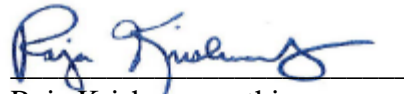
Exploiting the COVID-19 pandemic of a respiratory disease to promote a product that increases risk for the very same disease is unconscionable. BAT represents a significant portion of the e-cigarette and vaping market both in the United States and globally.²² It is imperative that you work to combat the spread of misinformation and advertisements that are potentially harmful to public health. In order to better understand BAT's involvement in the creation of these advertisements and the companies' work to combat potentially harmful messages we request the follow information no later than December 30, 2020. We appreciate your attention to this important matter.

1. Please provide copies of, or links to, all advertising content released by BAT for tobacco, e-cigarette, or other nicotine products since March 1, 2020.
2. Please provide a list of all subsidiaries of BAT that manufacture, distribute, or sell tobacco, e-cigarette, or other nicotine products. Please include copies of, or links to, all advertising content released by these subsidiaries since March 1, 2020.
3. Please provide any internal documents from BAT, and its subsidiaries discussing the companies' promotional strategies during the COVID-19 pandemic and the publication of any COVID-19-related advertisements.
4. Please include copies of any and all communications with FDA or other federal government public health officials regarding the content of these advertisements.

Sincerely,



Elizabeth Warren
United States Senator



Raja Krishnamoorthi
Member of Congress



Richard Blumenthal
United States Senator

_____/s/_____

Diana DeGette
Member of Congress



Richard J. Durbin
United States Senator

²² Business Wire, "Global E-Cigarette Market 2020-2024," February 6, 2020, <https://www.businesswire.com/news/home/20200206005636/en/Global-E-Cigarette-Market-2020-2024-Evolving-Opportunities-with-Altria-Group-Inc.-and-British-American-Tobacco-Plc-Technavio>.

Appendix A:



FREE Hand + Sanitiser.
With every order at podsalt.com

HURRY WHILST STOCK LASTS

PODSALT
with 1ml drops

Hand + Sanitiser.
70% Alcohol

podsalt • Follow

podsalt **FREE HAND SANITISER, WHILST STOCK LASTS**
We have teamed up with the team @myvapery to offer free Hand Sanitisers with every order placed from today and beyond, WHILST STOCK LASTS!


THIS OFFER ALSO INCLUDES FREE DELIVERY (LINK IN BIO)

#podsalt #vapeation #niciaa #saltic #vapefan #vapefile #quitsmoking #stopsmoking #nosmoking #vape #vaping #vapecommunity #vapeshop #vapenow #vapeworld #springvapesales #vapedevice #cloudchasers #vapertricks #cigarette #vapefamily #ejuice #juice #freedeliveru #freshnicia

117 likes
MARCH 27

Add a comment... Post

Appendix B:



BLVK KLEAN TOILET PAPER

blvkuniceornejuice • Follow

blvkuniceornejuice Say NO to mess, and YES to KLEAN! Introducing the newest addition to our product line up, BLVK KLEAN toilet papers. For all of you toilet paper hoarders out there, we've got your back (pun intended)! Achieve maximum comfort with the help of the plush 2-ply sheets found in each roll of BLVK KLEAN toilet paper. Tested for strength on wet/dry applications results in using less product while absorbing

1,135 views
5 DAYS AGO

Add a comment... Post

Appendix C:



abik.official • Follow

abik.official Я останусь сегодня дома!
А вы соблюдаете карантин?
Друзья, не стоит рисковать и без особой надобности покидать свои убежища.
Пользуйтесь масками и берегите себя.
Правда, маски нужно ещё купить.
Спасибо @glo.kz за то, что подарили мне такую маску!
И вы можете получить такую в glo адрес по адресу:
Пр. Назарбаева 100 Г.

#todaywillstayhome
#glo.kz
#glomask
#kapan-te-glo.kz

7,757 likes
5 DAYS AGO

Add a comment... Post

Appendix F:



Appendix G:



Appendix H:

**WARNING: This product contains nicotine.
Nicotine is an addictive chemical.**

MYTH:
**VAPING MAY LEAD TO INCREASED
RISKS FROM COVID-19.**

FACT:
CONTRARY TO STATEMENTS BY MISINFORMATION
SOURCES, THERE IS SIMPLY NO EVIDENCE SUGGESTING
THAT VAPING HAS THE CAPACITY TO AFFECT NEGATIVELY
THE IMMUNE BODY RESPONSE IN ORDER TO PRODUCE
THE DEVELOPMENT AND PROGRESSION OF THE DISEASES
CAUSED BY COVID-19 ON E-CIGARETTE USERS.



blvkunicejuice • Follow



blvkunicejuice It's truly sad to see the media take advantage of the current Covid-19 outbreak to yet again cause fear and report misinformation about vaping towards the general public. We hope ya'll are #StayingSafe out there #VapeFam! Keep doing your part during these times, and we will get through this together.

•
WARNING: This product contains nicotine.
Nicotine is an addictive chemical.

1w



drewski.cka Mongrel dogs, no wonder people DIE



267 likes

MARCH 25

Add a comment...

Post