

A Philip Morris advertisement for its heated tobacco product IQOS sets a troubling precedent

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Philip Morris was allowed to market its IQOS brand of heated (or 'heat-not-burn') tobacco in the USA in April 2019 after receiving a marketing order from the Food and Drug Administration (FDA) requiring it to follow existing tobacco marketing regulations, as well as new reporting requirements that mandate Philip Morris ensures consumers are properly informed about the dangers of IQOS and minors are not targeted.¹ However, as early as August 2019, Philip Morris already used covert marketing strategies that implied the FDA endorsed its product, violated FDA tobacco product regulations and circumvented the terms of the media channel it advertised on.

All of these concerns are illustrated in a single advertisement ([figure 1A](#)). A Google search for 'heat not burn' on 1 August 2019 returned as the first result an advertisement entitled 'What is heat-not-burn? | Discover the technology | Alternatives to smoking' that promoted a link to [pmscienceusa.com](#), a subsidiary of Philip Morris ([figure 1A](#)). A clickthrough to the advertised website displayed a banner asking visitors to accept that the 'purpose of the site [was] not [for] advertising or marketing' ([figure 1B](#)), yet Philip Morris was buying consumer-facing advertisements to promote this website. On accepting the statement, users entered the site which focused on Philip Morris-conducted research and made the claim that IQOS is a harm reduction device ([figure 1C,D](#)).

This may have been the first paid promotion by a tobacco company to mention the FDA as a selling point to US consumers, using 'FDA Process' as a stand-alone statement in the text of the advertisement. The FDA is one of the most trusted US governmental agencies, and the public views the FDA as a health and safety focused organisation.² This FDA cobranding may have wrongly suggested the FDA endorsed IQOS or Philip Morris. Unlike the approval process for evaluating medical products, receiving authorisation through a marketing order, like Philip Morris has received for IQOS, does not indicate that the FDA has 'approved' the tobacco product; rather, it means that the manufacturer has appropriately registered its product and complied with regulations to bring it to market.³ In fact, in the context of tobacco products, it is specifically prohibited to make 'any express or implied statement...through the media or advertising, that either conveys, or misleads or would mislead consumers into believing that [a tobacco] product is approved by the Food and Drug

Administration', making this use of the FDA potentially illegal.⁴ This nuance between how tobacco is treated relative to other products is likely unknown to most US consumers and leaves room for misinterpretation that might wrongly benefit Philip Morris.

The advertisement may also violate tobacco product marketing regulations by including claims about the safety of IQOS that require authorisation that Philip Morris has not yet obtained. The advertisement itself frames IQOS as a 'smoking alternative', which may imply reduced risk. The advertised website then states 'our [Philip Morris'] goal is to offer current adult smokers who would otherwise continue smoking non-combustible, or smoke-free, alternatives that have the potential to reduce the risk of developing smoking-related diseases as compared with continued smoking', coupled with an entire section entitled 'reducing risk'. Such marketing claims require explicit prior FDA review through completing the modified risk tobacco products (MRTP) application, and some of the claims have already been called into question by peer-reviewed research.⁵ Philip Morris is aware of these restrictions as it has filed an MRTP application with the FDA, but at the time of this advertisement the FDA had not granted authorisation through this process.

Advertising tobacco products is also against Google's terms of use.⁶ Specifically, Google does not allow advertisements 'for tobacco or any products containing tobacco' or 'products that form a component part of a tobacco product, as well as products and services that directly facilitate or promote tobacco consumption'. It is unclear how Philip Morris bypassed this restriction, but it is possible that Google's automated ad-vetting process does not yet identify 'heat not burn' as a tobacco product. As a result, when a substantial portion of the public searches for information about heated tobacco, as is expected based on search trends in test markets,⁷ they will learn about it from Philip Morris, including unauthorised claims.

The FDA should immediately address how it is cited in Philip Morris advertising and impose severe penalties for marketing IQOS as a safer alternative to smoking without authorisation. In fact, the FDA warned Philip Morris it 'may withdraw a marketing order if [the FDA], among other reasons, determines that the continued marketing of a product is no longer appropriate',¹ suggesting one retaliatory action. We also call on Google to take action against Philip Morris by disallowing this use of Google



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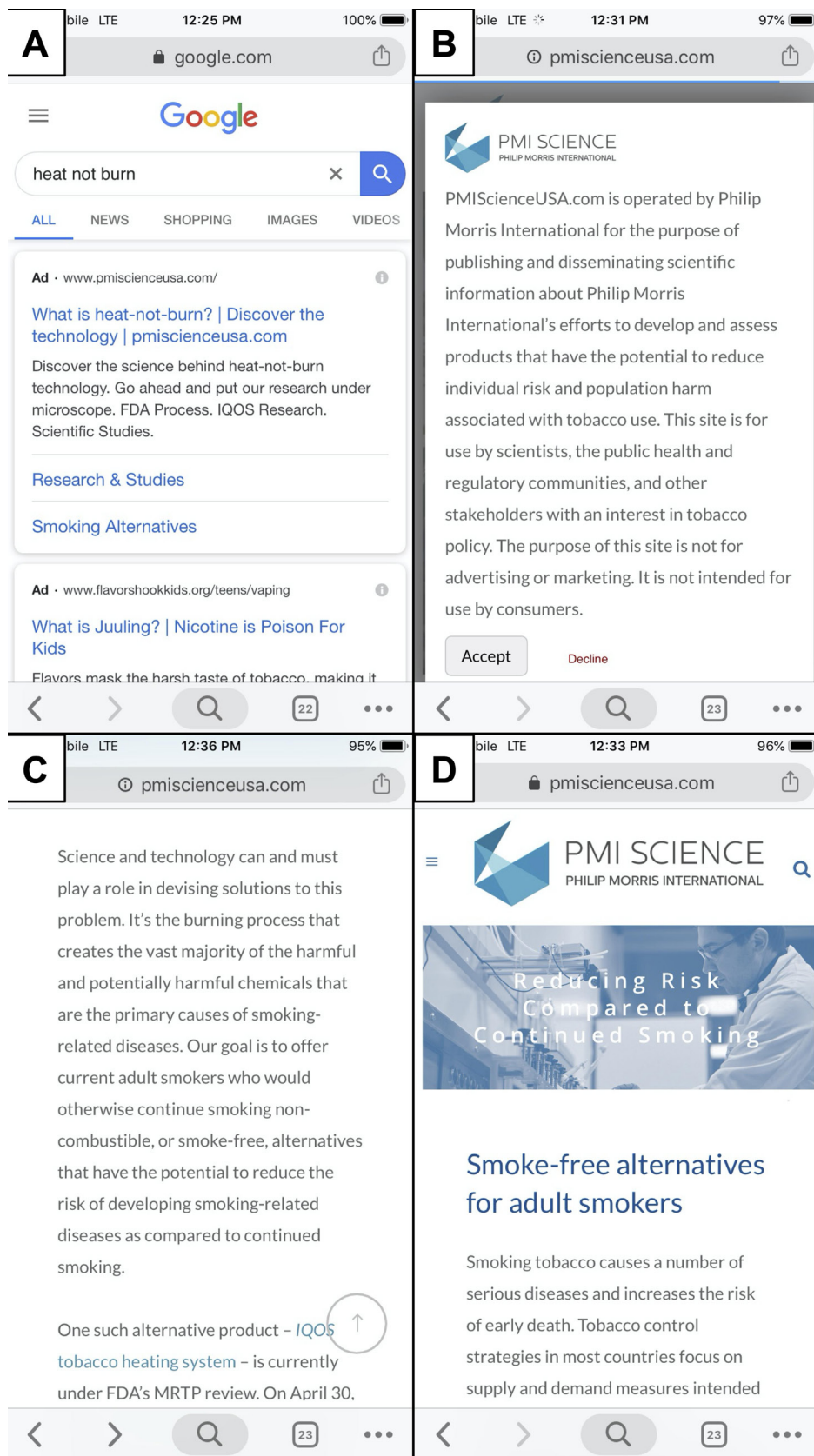


Figure 1 Heat-not-burn (IQOS) paid link advertisement and promoted website. (A) Paid Google ad displaying a Philip Morris website at the top of the search results. (B) Banner requiring visitors to 'accept' that the website is not for advertising or marketing before entering. Note that 'MRTP review' stands for modified risk tobacco product review, a Food and Drug Administration (FDA) process for tobacco manufacturers seeking to market a product as reduced risk. (C) Example of text on the main page that implies that the company develops products that reduce the risk of smoking and claiming that IQOS is such a product. (D) Subsection describing the company's efforts to develop products that reduce the risk of using tobacco.

adwords to market tobacco and to update its ad monitoring to identify cases such as these in the future.

The advertising strategy Philip Morris has deployed harkens back to an era when tobacco companies used unverified (and nearly always dubious) medical science to promote its dangerous products as safe.⁸ Rather than relying on a paid doctor's endorsement as in the 1930s–1950s, Philip Morris is using its scientific subsidiary Philip Morris Sciences as part of its efforts to target consumers. An immediate and strong reaction from the FDA should follow to protect public health and ensure compliance with its regulatory authority. Failing to take action against a market leader that is flagrantly violating its marketing authorisation would set a dangerous precedent.

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