



The Maryland State Medical Society

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MEDCHI REACTS TO TANNING BED REPORT

BALTIMORE, February 1, 2012 – Today, the minority staff of the Committee on Energy and Commerce issued a report describing the false and misleading health information provided to teens by the indoor tanning industry. The report, based on undercover interviews of tanning salon employees conducted by Committee investigators, finds that tanning salons target teenage girls with advertising and promotions, deny known risks of indoor tanning, provide false information on benefits of tanning, and fail to follow recommendations by the Food and Drug Administration on tanning frequency. Gene Ransom, CEO of MedChi, The Maryland State Medical Society, said “The report is further evidence that Maryland needs to act today to pass the indoor tanning ban for children.”

The report finds that:

- Nearly all of the salons denied the known risks of tanning. 90% of the salons stated that indoor tanning did not pose a health risk, while over half of the salons denied that indoor tanning would increase the risk of skin cancer.
- Nearly 80% of the salons asserted that indoor tanning would be beneficial to the health of a fair-skinned teenage girl. Several salons asserted that indoor tanning would prevent cancer.
- Tanning salons fail to follow FDA recommendations on tanning frequency. Three-quarters of salons allow customers to tan daily, despite FDA recommendations that it be limited to no more than three visits in the first week.
- Salons downplay health risks of indoor tanning stating that young people are not at risk for developing skin cancer; that rising rates of skin cancer are linked to increased use of sunscreen; that government regulators certified the safety of indoor tanning; and that “it’s got to be safe, or they wouldn’t let us do it.” Salons also frequently referred the investigators to industry websites that downplay indoor tanning’s health risks and tout the practice’s alleged health benefits.
- Tanning salons target teenage girls in their advertisements by offering student discounts and “prom,” “homecoming,” and “back-to-school” specials.

About MedChi

MedChi, The Maryland State Medical Society, is a non-profit membership association of Maryland physicians. It is the largest physician organization in Maryland. The mission of MedChi is to serve as Maryland’s foremost advocate and resource for physicians, their patients and the public health of Maryland. For more information, please visit www.medchi.org.



NEW REPORT REVEALS INDOOR TANNING INDUSTRY'S FALSE AND MISLEADING PRACTICES

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Feb 1, 2012

Today Reps. Henry A. Waxman, Diana DeGette, Frank Pallone, Jr., Rosa L. DeLauro, and Carolyn B. Maloney released a report prepared by the minority staff of the Committee on Energy and Commerce, describing the false and misleading health information provided to teens by the indoor tanning industry. The report, based on undercover interviews of tanning salon employees conducted by Committee investigators, finds that tanning salons target teenage girls with advertising and promotions, deny known risks of indoor tanning, provide false information on benefits of tanning, and fail to follow recommendations by the Food and Drug Administration on tanning frequency.

"We know that indoor tanning significantly increases skin cancer risks – especially for teens," said Rep. Waxman, Ranking Member of the Committee on Energy and Commerce. "Our report finds that the vast majority of tanning salons deny the known risks of indoor tanning and falsely claim that it is beneficial to a young person's health. Tanning salons should not be putting young women's health at risk by providing them with false and misleading information."

"I am deeply disturbed by the findings of this investigation, both for the deceitful and misleading practices it uncovered, and because that deceit is placing young girls on a path to a deadly cancer," said Rep. DeGette, Ranking Member of the Subcommittee on Oversight and Investigations. "From providing inaccurate information to disregarding federal safety recommendations, the systemic dishonesty of the indoor tanning industry is likely causing grave concern for parents across America, and it must be stopped."

"This investigative report brings light to some startling information about how tanning salons are providing misleading information to young teens," said Rep. Pallone, Ranking Member of the Subcommittee on Health. "Health risks are not being accurately relayed, while health benefits are being falsely claimed. Plain and simple, this is a public health issue that deserves the attention of our Committee."

"Skin cancer is the second most common form of cancer in America, and we know that studies indicate there is a 75% increase in the risk of melanoma for indoor tanning users. These statistics are frightening to anyone, and frustrating to me as a survivor of ovarian cancer, because this is one of the few cancers for which a preventative option truly exists," said Rep. DeLauro. "The American public should be aware of the potential health risks from tanning beds, and yet, as this report shows, the overwhelming majority of tanning salons misrepresent their danger."

"Tanning beds are brightly lit, cancer-causing coffins – plain and simple," said Rep. Maloney. "This report shows that teenage girls are being targeted by the tanning industry and as a result, melanoma is now the most common form of cancer among young adults 25-29 years old and is one of the fastest growing cancers in the United States and worldwide. We can no longer ignore the startling health effects of indoor tanning. I thank Reps. Waxman and DeGette for highlighting this troubling health problem."

Committee investigators representing themselves as fair-skinned teenage girls surveyed 300 tanning salons nationwide, including at least three in each state and the District of Columbia. The investigators questioned each salon about the benefits and risks of indoor tanning, how frequently customers could use tanning beds, and about any discounts for students or teens.

The report finds that:

- Nearly all of the salons denied the known risks of tanning. Ninety percent of the salons stated that indoor tanning did not pose a health risk, while over half of the salons denied that indoor tanning would increase the risk of skin cancer.
- Nearly 80% of the salons asserted that indoor tanning would be beneficial to the health of a fair-skinned teenage girl. Several salons asserted that indoor tanning would prevent cancer.
- Tanning salons fail to follow FDA recommendations on tanning frequency. Three-quarters of salons allow customers to tan daily, despite FDA recommendations that indoor tanning be limited to no more than three visits in the first week.
- Salons used many approaches to downplay the health risks of indoor tanning. Salons stated that young people are not at risk for developing skin cancer; that rising rates of skin cancer are linked to increased use of sunscreen; that government regulators had certified the safety of indoor tanning; and that "it's got to be safe, or else they wouldn't let us do it." Salons also frequently referred the investigators to industry websites that downplay indoor tanning's health

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risks and tout the practice's alleged health benefits.

- Tanning salons target teenage girls in their advertisements. Print and online advertising to teenage and college-aged girls frequently offers student discounts and "prom," "homecoming," and "back-to-school" specials.

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Congressional Investigation Finds Tanning Salons Lie About Health Risks to Patrons

By MIKAELA CONLEY

Feb. 1, 2012—

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Few tanning salons tell the truth about the health risks of indoor bronzing, according to an investigative report conducted by the U.S. House Energy and Commerce Committee.

The committee requested an investigation to determine whether indoor tanning salons provide factual and sufficient information on the health risks associated with the practice.

Committee investigators posed as fair-skinned 16-year-old girls, and contacted 300 indoor tanning salons throughout the country. Of the salons contacted, 90 percent told the "girls" that indoor tanning did not pose health risks, and more than half the salons denied that the fake sun increased risk of cancer. Many described such statements as "rumor" and "hype," according to the report, and more than three-quarters of salons said indoor tanning is actually beneficial to the health of a teen girl.

"The potential effect of this report is huge," said Dr. Suzanne Connolly, vice president of the American Academy of Dermatology. "We must grab the attention of our population and educate them. It's a big opportunity for improving health by reducing risk through education."

Connolly said the AAD applauds the committee for taking the initiative to undertake the investigation.

"Tan represents damage," she said. "That is a fact."

Salons told the "teens" that the intense UV rays treat depression, induce vitamin D production, prevent and treat arthritis and help with weight loss, cellulite, depression and self-esteem. Employees also often referred to industry-sponsored websites that downplay or disregard the copious research that has found indoor tanning causes melanoma, the deadliest type of skin cancer.

"Their statements are in many cases directly contrary to the compelling, irrefutable evidence that the use of indoor tanning devices increase your risk of skin cancer," said Dr. William James, immediate past president of the American Academy of Dermatology.

While the FDA recommends against indoor tanning more than three times per week, the investigation found that salon employees told callers who were concerned about safety that, "it's got to be safe, or else [government regulators] wouldn't let us do it," according to the report.

James said he did "not find this report surprising at all." In fact, James said his own patients sometimes argue the same point.

"The comment that if indoor tanning was dangerous, the government or the FDA would not allow it is something my patients have said to me," said James.

But medical research has found that indoor tanning is a cause of skin cancer, including melanoma, the deadliest form of the disease. The World Health Organization grades indoor tanning beds as a "Group 1" carcinogen. Other "Group 1" substances include tobacco smoke and arsenic.

According to the International Agency for Research on Cancer, risk of melanoma increases by 75 percent when people begin using tanning beds before the age of 30. And according to the report, a recent study found that 76 percent of melanoma cases in people between the ages 18 and 29 years old was connected to indoor tanning bed use.

Melanoma rates have significantly increased in the last 10 years, says Dr. Darrell Rigel, clinical professor of dermatology at New York University Medical Center.

"The only attributable reason is the major increasing use of tanning beds, or, as we call them, 'tanning coffins,' in that

age group over the last 10 to 15 years," said Rigel.

But John Overstreet, executive director of the Indoor Tanning Association, refuted the dangerous claims, calling the report "bias." He said there is insufficient evidence to prove such health risks, and argued that parents join their teen daughters at the tanning salons and sign consent forms, which explain the health risks of tanning beds.

"I don't think you can draw conclusions from a report where a person is posing as a 16-year-old over the phone," said Overstreet, who said he regularly uses indoor tanning salons. "Asking questions over the phone is not what they're going to hear face-to-face with a parent beside them."

Asked whether he agrees with the FDA recommendation that people limit their tanning salon visits to no more than three times per week, Overstreet said, "you can't make a blanket recommendation for everyone."

Parental consent laws exist in 30 states, but Connolly said that, even where it is regulated, there is poor compliance. California is the only state that has banned indoor tanning for minors. Connolly said she hopes other states follow suit.

But Dr. Steven Feldman, professor of dermatology at Wake Forest Baptist Medical Center, disagreed, and there is already too much government regulation regarding such matters.

"I think people should educate themselves and be responsible for the risks they take," said Feldman, who noted that people who tan will destroy their skin. "However, this report suggests that tanning bed operators are, in some cases, misleading and mis-educating people. That should not be allowed."

A number of countries have enacted stricter regulations regarding indoor tanning including five Australia states, Britain, Brazil, France, Belgium, Spain, Scotland, Germany, Portugal and the province of New Brunswick in Canada, Connolly noted. The WHO has recommended stricter legislation that would prohibit the use of indoor tanning for those under 18 years of age.

"We must do this in our country," Connolly said.

U. S. HOUSE OF REPRESENTATIVES COMMITTEE ON ENERGY AND COMMERCE –
MINORITY STAFF

False and Misleading Health Information Provided to Teens by the Indoor Tanning Industry

Investigative Report

Prepared for Rep. Henry A. Waxman, Rep. Diana DeGette, Rep. Frank Pallone, Jr.,
Rep. Rosa L. DeLauro, and Rep. Carolyn Maloney

2/1/2012

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I. EXECUTIVE SUMMARY

The World Health Organization and the National Toxicology Program classify indoor tanning beds as a “known” human carcinogen. The American Academy of Pediatrics calls indoor tanning beds “generally unsafe for children” and, along with the American Academy of Dermatology Association, recommends a ban on their use by anyone under 18. Yet despite the mounting evidence of the dangers of indoor tanning, millions of young people use tanning salons each year – and this use is on the rise. The most frequent indoor tanners are young white females.

Rep. Henry A. Waxman, Ranking Member of the House Committee on Energy and Commerce, Rep. Diana DeGette, Ranking Member of the House Committee on Energy and Commerce Subcommittee on Oversight and Investigations, and Rep. Frank Pallone, Jr., Ranking Member of the House Committee on Energy and Commerce Subcommittee on Health, along with Reps. Rosa L. DeLauro and Carolyn Maloney, requested this investigation to determine if tanning salons are providing accurate information about cancer and other risks to teenage girls who purchase indoor tanning sessions. Committee investigators representing themselves as fair-skinned teenage girls contacted 300 tanning salons nationwide, including at least three in each state and the District of Columbia. The investigators asked each salon a series of questions about its policies and the risks and benefits of tanning. Committee investigators also reviewed the print and online advertising of tanning salons.

The vast majority of tanning salons contacted by Committee investigators provided false information about the serious risks of indoor tanning and made specious claims about the health benefits that indoor tanning provides. Specifically, Committee investigators found:

- **Nearly all salons denied the known risks of indoor tanning.** When asked whether tanning posed any health risks for fair-skinned teenage girls, 90% of the salons stated that indoor tanning did not pose a health risk. When asked about the specific risk of skin cancer, over half (51%) of the salons denied that indoor tanning would increase a fair-skinned teenager’s risk of developing skin cancer. Salons described the suggestion of a link between indoor tanning and skin cancer as “a big myth,” “rumor,” and “hype.”
- **Four out of five salons falsely claimed that indoor tanning is beneficial to a young person’s health.** Four out of five (78%) of the tanning salons claimed that indoor tanning would be beneficial to the health of a fair-skinned teenage girl. Several salons even said that tanning would prevent cancer. Other health benefits claimed by tanning salons included Vitamin D production, treatment of depression and low self-esteem, prevention of and treatment for arthritis, weight loss, prevention of osteoporosis, reduction of cellulite, “boost[ing] the immune system,” sleeping better, treating lupus, and improving symptoms of fibromyalgia.

- **Salons used many approaches to downplay the health risks of indoor tanning.** During their calls, Committee investigators representing themselves as fair-skinned teenage girls were told that young people are not at risk for developing skin cancer; that rising rates of skin cancer are linked to increased use of sunscreen; that government regulators had certified the safety of indoor tanning; and that “it’s got to be safe, or else they wouldn’t let us do it.” Salons also frequently referred the investigators to industry websites that downplay indoor tanning’s health risks and tout the practice’s alleged health benefits.
- **Tanning salons fail to follow FDA recommendations on tanning frequency.** The Food and Drug Administration recommends that indoor tanning be limited to no more than three visits in the first week. Despite this recommendation, three quarters of tanning salons reported that they would permit first-time customers to tan daily; several salon employees volunteered that their salons did not even require 24-hour intervals between tanning sessions.
- **Tanning salons target teenage girls in their advertisements.** The print and online advertising for tanning salons frequently target teenage and college-aged girls with student discounts and “prom,” “homecoming,” and “back-to-school” specials. These youth-oriented specials often feature “unlimited” tanning packages, allowing frequent — even daily — tanning, despite research showing that frequent indoor tanning significantly increases the likelihood that a woman will develop melanoma, the deadliest form of skin cancer, before she reaches 30 years of age.

II. BACKGROUND

A. The Growing Popularity of Indoor Tanning

Tanning salons first appeared in the U.S. in the 1970s. Their popularity grew slowly at first. By 1988, only 1% of American adults reported using indoor tanning facilities. But by 2007, that number had reached 27%.¹

Millions of young people use tanning salons each year — often without full knowledge of the risks of indoor tanning — and this use is on the rise. The most frequent indoor tanners are young white females. Researchers consistently find high rates of indoor tanning among white 16- to 18-year-old girls, with some studies reporting that as many as 40% of youth in this

¹ Denis K. Woo and Melody J. Eide, *Tanning Beds, Skin Cancer, and Vitamin D: An Examination of the Scientific Evidence and Public Health Implications*, Dermatologic Therapy (2010) (hereinafter, “*Tanning Beds, Skin Cancer, and Vitamin D*”).

demographic have used indoor tanning facilities.² Having a parent or guardian who has used indoor tanning in the last year is associated with a 70% increase in the likelihood that a young person will visit a tanning salon.³

Tanning salons tend to be concentrated in areas with more teenagers and young women aged 15 to 24.⁴ This proximity is itself associated with a 40% increase in likelihood of indoor tanning among teens.⁵

B. Cancer and Other Health Risks

Ultraviolet (UV) light is electromagnetic radiation with a wavelength longer than visible light but shorter than X-rays. Sunlight contains UV radiation and emits three bands of the UV spectrum: UVA, UVB, and UVC. Exposure to either UVA or UVB light can cause DNA damage that leads to carcinogenesis.⁶ The primary culprit in sunburn is UVB, and scientists once believed it to be the only carcinogenic part of the solar spectrum. Recent research, however, has confirmed that UVA exposure also contributes to development of skin cancer.⁷

Indoor tanning is a potent source of ultraviolet radiation, especially UVA. While many assume that the lamps in tanning beds contain less or similar amounts of light to that emitted by the sun, the UVA radiation emitted by these devices can be as much as 10 to 15 times more powerful than midday sunlight. Tanning lights also emit UVB radiation, although depending on the type of tanning device, the UVB emitted may be similar to or less powerful than the UVB emitted by the sun.

This radiation makes tanning beds dangerous. Medical research has identified indoor tanning as a cause of skin cancer, including melanoma, the deadliest form of the disease. The World Health Organization's International Agency for Research on Cancer (IARC) classifies tanning beds as a "Group 1" carcinogen, a category that also includes asbestos, arsenic, and

² *Id.*; Joni A. Mayer et al., *Adolescents' Use of Indoor Tanning: A Large-Scale Evaluation of Psychosocial, Environmental, and Policy-Level Correlates*, *American Journal of Public Health* (May 2011) (hereinafter, "*Adolescents' Use of Indoor Tanning*").

³ *See Adolescents' Use of Indoor Tanning.*

⁴ Vilma Cokkinides et al., *Indoor Tanning Use among Adolescents in the US, 1998 to 2004*, *Cancer* (Jan. 2009) (hereinafter, "*Indoor Tanning Use among Adolescents*").

⁵ *Indoor Tanning Use among Adolescents; Tanning Beds, Skin Cancer, and Vitamin D; Adolescents' Use of Indoor Tanning.*

⁶ Exposure to UVC is also carcinogenic, but UVC rays from the sun do not reach the earth's surface, so they do not present the same human health risks as UVA and UVB.

⁷ *See Tanning Beds, Skin Cancer, and Vitamin D.*

tobacco smoke.⁸ Similarly, the National Toxicology Program classifies tanning beds as “known to be human carcinogens.”⁹

The risk of melanoma is especially high for youth and young adults who engage in indoor tanning. According to the IARC, the melanoma risk is “increased by 75% when use of tanning devices starts before 30 years of age.”¹⁰ For those who report having undergone ten or more indoor tanning sessions in the first three decades of life, the risk of being diagnosed with melanoma before the age of 30 is six times higher than the risk for those who have never tanned indoors.¹¹ Scientists have found this risk to persist after controlling for sunburns and outdoor sunbathing habits of melanoma victims.¹² One recent study determined that for young people diagnosed with melanoma between the ages of 18 and 29 years old, “76% of melanomas were attributable to sunbed use.”¹³

Indoor tanning can cause “sunburn,” just like too much sun exposure. Nearly 60% of indoor tanners report experiencing burns after indoor tanning sessions, a major risk factor for melanoma.¹⁴ The risk of melanoma is highest for women reporting sunburns during adolescence.

Scientists have also documented a link between indoor tanning and other forms of skin cancer. Researchers have found that a single use of a tanning bed can increase one’s chance of acquiring basal cell carcinoma, even after controlling for a history of sunburns, sun exposure, and sunbathing.¹⁵ Recently published peer-reviewed research by scientists at the Yale Cancer

⁸ See International Agency for Research on Cancer, *Agents Classified by the IARC Monographs, Volumes 1-102* (available online at <http://monographs.iarc.fr/ENG/Classification/ClassificationsGroupOrder.pdf>) (visited Jan. 26, 2012).

⁹ U.S. Department of Health and Human Services, Public Health Service, National Toxicology Program, *Report on Carcinogens, 12th ed.: Exposure to Sunlamps or Sunbeds* (2011).

¹⁰ *Special Report: Policy, A Review of Human Carcinogens — Part D: Radiation*, The Lancet (Aug. 2009); see also *Tanning Beds, Skin Cancer, and Vitamin D*.

¹¹ Anne E. Cust et al., *Sunbed Use During Adolescence and Early Adulthood Is Associated with Increased Risk of Early-Onset Melanoma*, International Journal of Cancer (May 2011) (hereinafter, “*Sunbed Use During Adolescence and Early Adulthood*”).

¹² See Marit Bragelien Veirød et al., *A Prospective Study of Pigmentation, Sun Exposure, and Risk of Cutaneous Malignant Melanoma in Women*, Journal of the National Cancer Institute (Oct. 2003); J Westerdahl, *Risk of Cutaneous Malignant Melanoma in Relation to Use of Sunbeds: Further Evidence for UV-A Carcinogenicity*, British Journal of Cancer (2000).

¹³ See *Sunbed Use During Adolescence and Early Adulthood*.

¹⁴ See *Indoor Tanning Use among Adolescents*.

¹⁵ See *Tanning Beds, Skin Cancer, and Vitamin D*.

Center showed that young people who have ever tanned indoors see a 69% increase in risk for developing basal cell carcinoma before the age of 40. Approximately one in four of these cancers, and 43% of the basal cell carcinomas in young women, could be prevented if people never used indoor tanning beds.¹⁶ The IARC found a similar link between indoor tanning and squamous cell carcinomas.¹⁷ The risk associated with indoor tanning is especially high for people with fair skin.¹⁸

The increased popularity of indoor tanning has coincided with a sharp rise in skin cancer.¹⁹ Melanoma is now the most common form of cancer for white women between the ages of 15 and 29 years old. Since 1980, the rate of melanoma in this group has increased by 50%.²⁰ Non-melanoma skin cancers have also seen a dramatic rise; by 2007, about 13 million Americans had had at least one such cancer. According to peer-reviewed research published in the Archives of Dermatology, the rate of non-melanoma skin cancer in the U.S. is “reaching epidemic proportions.”²¹

In addition to increasing cancer risks, tanning can cause ocular damage, premature aging of the skin, and exacerbate other medical conditions.²²

There are no health benefits to indoor tanning that outweigh the risks associated with the practice. There is no “safe or moderate tan.” Even short exposure to tanning can cause DNA damage. While many indoor tanners report using tanning beds to develop a “base tan” to protect against sunburns, researchers have concluded that indoor tanning offers no effective sunburn protection.

The tanning industry frequently promotes the benefits of Vitamin D and its association with UV light as an advantage of indoor tanning. Peer-reviewed medical research, however, shows that indoor tanning is an ineffective source of Vitamin D promotion. Although exposure to UVB light can produce Vitamin D, those most at risk of Vitamin D deficiency — people with darker skin — photosynthesize less Vitamin D. Moreover, the amount of UVB emitted from

¹⁶ See Leah M. Ferrucci et al., *Indoor Tanning and Risk of Early-Onset Basal Cell Carcinoma*, *Journal of the American Academy of Dermatology* (Dec. 2011).

¹⁷ See *Tanning Beds, Skin Cancer, and Vitamin D*.

¹⁸ Rutao Cui et al., *Central Role of p53 in the Suntan Response and Pathologic Hyperpigmentation*, *Cell* (Mar. 2007) (hereinafter, “*Central Role of p53*”); *Tanning Beds, Skin Cancer, and Vitamin D*.

¹⁹ *Tanning Beds, Skin Cancer, and Vitamin D*.

²⁰ National Cancer Institute, *NCI Cancer Bulletin* (July 2008).

²¹ *Study Finds “Epidemic” of Skin Cancer*, ABC News (Mar. 2010).

²² See James M. Spencer and Rex A. Amonette, *Indoor Tanning: Risks, Benefits, and Future Trends*, *Journal of the American Academy of Dermatology* (1995).

tanning devices varies, with some popular devices emitting relatively low levels. For most individuals, five to thirty minutes of midday sun twice each week accompanied by a healthy diet provides sufficient Vitamin D. For those with Vitamin D deficiency, physicians recommend oral supplements rather than increased exposure to UV radiation.²³

C. Federal and State Regulation

Under the Federal Food, Drug, and Cosmetic Act (FDCA), the Food and Drug Administration currently regulates tanning beds as Class I medical devices, the most lightly regulated device category. Other medical products regulated as Class I devices include band-aids, rubber gloves, and tongue depressors. Class I devices are subject to limited federal oversight; they are supposed to be those devices that “present minimal potential harm” to the user.

Tanning beds are subject to FDA’s general controls for medical devices (including rules about good manufacturing practices, recordkeeping, reporting, adulteration, and misbranding) and performance standards specific to tanning beds.²⁴ These standards: (1) establish limits on a tanning bed’s irradiance emissions; (2) require a mechanism by which a user of the device may terminate the tanning session at any time; (3) mandate that tanning bed manufacturers include protective eyewear with their products when distributed; (4) mandate the presence of a timer on each tanning bed (though the regulations state explicitly that “[t]he timer requirements do not preclude a product from allowing a user to reset the timer”); and (5) require that all tanning beds include the following warning label:

DANGER--Ultraviolet radiation. Follow instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer. WEAR PROTECTIVE EYEWEAR; FAILURE TO MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult physician before using sunlamp if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from the use of this product.²⁵

While FDA does not prescribe any particular limits on the frequency or duration of indoor tanning sessions, it has issued guidance to manufacturers on recommended exposure frequency during the first week of indoor tanning. FDA requires that manufacturers of tanning devices provide directions for a tanning device’s use to purchasers. These directions must include a recommended exposure schedule, and FDA guidance suggests that this schedule

²³ See *Tanning Beds, Skin Cancer, and Vitamin D*.

²⁴ 21 U.S.C. § 360c(a)(1)(B).

²⁵ 21 C.F.R. § 1040.20(c)-(d).

recommend no more than three tanning sessions in the first week of indoor tanning exposure.²⁶

FDA is presently considering a reclassification of tanning beds, potentially triggering more stringent protections. On March 25, 2010, the General and Plastic Surgery Devices Panel of FDA's Center for Devices and Radiological Health Advisory Committee met to review recent scientific literature on risks posed by indoor tanning and to recommend whether changes to the devices' classification or regulatory controls are needed. The panel considered a presentation by FDA staff and testimony from the medical community and tanning salon industry. Testifying on behalf of the American Academy of Pediatrics, Johns Hopkins University Professor of Pediatrics and Dermatology Bernard Cohen stated that "the Academy believes that tanning lamps are generally unsafe for children and calls on the Food and Drug Administration to regulate them as such." He said the American Academy of Pediatrics supports a ban on tanning by children and teenagers, testifying: "In order to safeguard children and adolescents from the dangers of unsafe ultraviolet radiation exposure, the American Academy of Pediatrics recommends a ban on the use of tanning devices by individuals under the age of 18, unless under the guidance of their physician."²⁷

The FDA advisory panel concluded unanimously that tanning beds should not be Class I medical devices, with panelists split as to whether they should be Class II devices or Class III devices, which are subject to the strictest FDA controls. A majority of the panel favored age restrictions for tanning bed use. The panel also recommended enhanced education, training, and testing of tanning bed operators and improved labeling of tanning beds. In the words of one physician on the panel, dermatologist Dr. Erin Walker, such revisions to current regulations must make clear the medical consensus that "there is no such thing as a safe tan."²⁸ The FDA is currently considering these recommendations.

Some states have responded to the growth in the tanning industry and the mounting medical evidence of a link between tanning and skin cancer with regulations limiting access to tanning beds by children and adolescents. Over 30 states have enacted legislation regulating indoor tanning by teens — most commonly, by requiring parental consent for use of a tanning bed.²⁹ Even in states with these restrictions, the effectiveness of the regulations remains a

²⁶ FDA, Consumer Health Information, *Indoor Tanning: The Risks of Ultraviolet Rays* (Nov. 2009).

²⁷ FDA, Transcript of General and Plastic Surgery Devices Panel Meeting (Mar. 25, 2010) (available online at <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/GeneralandPlasticSurgeryDevicesPanel/UCM210232.pdf>) (visited Jan. 26, 2012).

²⁸ *Id.*

²⁹ See *Indoor Tanning Use among Adolescents; Tanning Beds, Skin Cancer, and Vitamin D*. Over twenty states have enacted laws requiring parental permission for children who wish

concern. Studies of compliance with parental consent laws in Texas, North Carolina, and Minnesota and Massachusetts have found tanning salon compliance rates of 11%, 13%, and 19%, respectively.³⁰ Despite an increase over the last decade in states requiring some form of parental permission for indoor tanning, researchers have found no measurable decrease in indoor tanning among older adolescent girls.

California recently enacted legislation banning indoor tanning by children altogether.³¹ The law took effect on January 1, 2012. California is the first and only state to protect children via a ban on indoor tanning. The indoor tanning industry opposed California's ban, while the American Academy of Dermatology praised it, commending the state for "protecting youth from the dangers of indoor tanning."³²

III. PURPOSE AND METHODOLOGY

Ranking Members Waxman, DeGette, and Pallone, along with Reps. DeLauro and Maloney, requested that the Democratic Committee staff investigate how tanning salons communicate risks to teens who seek information about indoor tanning sessions. In response to this request, Committee staff investigators, including college students interning with the Committee, telephoned indoor tanning salons across the country representing themselves as fair-skinned 16-year-old girls considering purchasing indoor tanning sessions for the first time.

to purchase indoor tanning sessions, with the age at which this requirement expires varying from 15 to 18. *See, e.g.,* Ariz. Admin. Code R 12-1-1414 A2; Ark. Stat. Ann. § 20-27-2202; Conn. Gen. Stat. § 19a-232; Fla. Stat. Ann. tit. § 381.89; Ga. Code Ann. § 31-38-8; Ind. Code Ann. § 25-8.4-15, 16; Ky. Rev. Stat. § 217.922; La. Rev. Stat. Ann. § 40:2701-18; Md. Health Code Ann. § 20-106; Mass. Gen. Laws Ann. ch. 111 Pub. Health § 211; Mich. Comp. Laws Ann. § 333.13405; Minn. Stat. Ann. § 325H.08; Miss. Dept. of Health Regs. tit. 15 part III subpart 78 ch. 2; Ohio Admin. Code 4713-19-09(B); OAR 333-119-0090(2); R.I. Dept. of Health Rules and Regs. for the Registration of Tanning Facilities, Part III § 9.5; S.C. Code Ann. ch. 61 § 106-4.5; Tenn. Code Ann. § 68-117-104; Utah Code Ann. § 26-15-13; Va. Code § 59.1-310.3; Wyo. Enrolled Act 26. Several other states require parental permission for older adolescents and prohibit indoor tanning for very young children, typically under the age of 14. *See, e.g.,* Del. Code Ann. tit. 16 § 30D; Ill. Admin. Code tit. 77 § 795.190(c); 10-144 Maine Dept. of Human Servs. Ch. 223 12A(3)(f); N.H. Rev. Stat. Ann. § tit. XXX 313-A:31; N.J. Rev. Stat. § C.26:2D-82.1; N.Y. Pub. Health Law § 3555; N.C. Gen. Stat. § 104E-9.1; N.D. Cent. Code § 23-39; Tex. Health and Safety Code Ann. § 145.008. Wisconsin has banned indoor tanning for those under 16, but has no parental consent requirements for older children. Wis. Code Ann. § 255.08(9)(a).

³⁰ *See Indoor Tanning Use among Adolescents in the US; Tanning Beds, Skin Cancer, and Vitamin D.*

³¹ Cal. Bus. and Prof. Code §§ 22706, 2241.3.

³² *See California Bans Indoor Tanning for Minors*, N.Y. Times (Oct. 10, 2011).

Committee investigators spoke with employees at 300 indoor tanning salons nationwide, including at least three salons in all 50 states and the District of Columbia.

On calls with salons, investigators asked: (1) whether the salon offered discounts to students or teens; (2) how frequently a new customer would be permitted to use the salon's tanning beds; (3) whether indoor tanning posed any risks for people with fair skin; (4) whether indoor tanning increased one's risk of acquiring skin cancer; and (5) whether indoor tanning provided any health benefits. When salons referred callers to information provided on a website, investigative staff reviewed these materials.

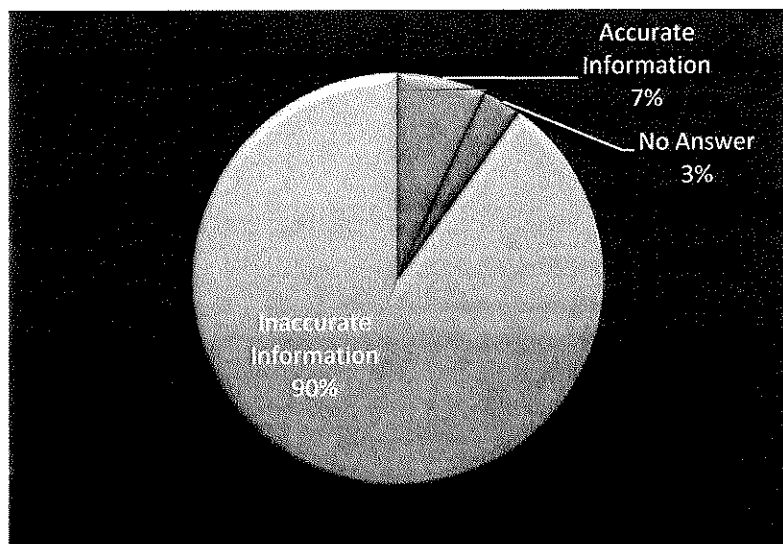
Committee staff also collected and reviewed advertising and promotional material created by indoor tanning salons. In particular, staff reviewed tanning salon websites, Facebook pages and posts for and by tanning salons, and print advertising.

IV. FINDINGS

A. Tanning Salons Provided False Information about the Health Risks of Indoor Tanning

The vast majority of the 300 tanning salons contacted by Committee staff provided inaccurate and misleading information about the health risks of indoor tanning. When Committee staff representing themselves as fair-skinned 16-year-old girls asked tanning salons whether indoor tanning would present any health risks, 90% of the salons reported that it presented no risk and only 7% reported that risks were present. The remaining 3% of salons did not provide clear answers about health risks.

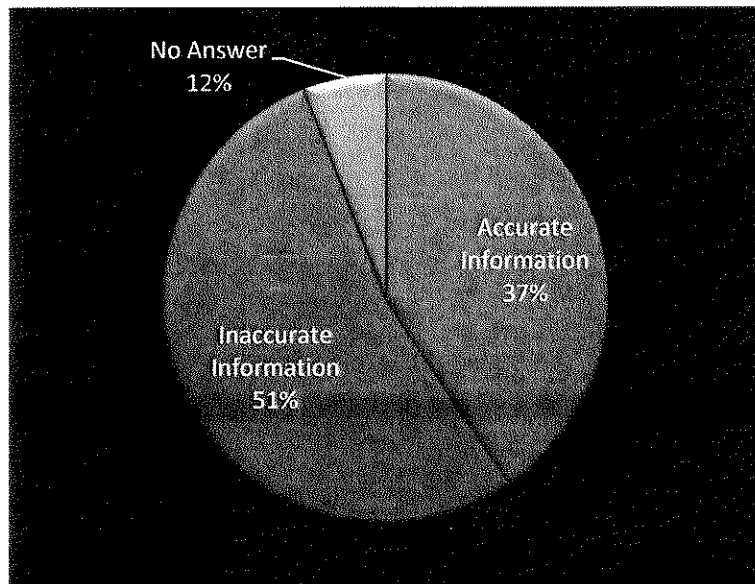
Figure 1:
90% of Salons Provided Inaccurate Information about Tanning Risks



When Committee investigators pressed salons about the specific threat of skin cancer, the majority of tanning salons provided information that was inaccurate and misleading. More than half (51%) of the 300 salons claimed that indoor tanning would not increase a young, fair-skinned person's risk of developing skin cancer. "No, no, no — that's not true whatsoever," insisted one salon employee. "Tanning

beds do not cause melanoma,” another assured Committee staff. Others described cancer risks as “a big myth,” “rumor,” and “hype” that had not been “proven.” “People who are meant to get skin cancer are just going to get skin cancer,” one employee explained. “We wouldn’t offer it if we thought it caused cancer,” stated another.

Figure 2:
51% of Salons Denied a Link between Indoor Tanning and Skin Cancer



Even salons that accurately reported skin cancer risks misleadingly described those risks. One equated the skin cancer risk associated with indoor tanning as similar to that posed by the sunlight absorbed while “walking to your car.” Another compared the risk of cancer from indoor tanning to that presented by “standing in front of the microwave” oven.

Several salons provided misleading advice about who is at risk for skin cancer.

Employees at two salons told investigators representing themselves as 16-year-olds that skin cancer from indoor tanning is only a concern for “for an old person” or “older people.” Another suggested that use of sunscreen could actually increase one’s risk for skin cancer, explaining that “skin cancer rates increased when sunscreen started being promoted.”

In discussing cancer risks, some salons pointed to the regulatory environment for indoor tanning as evidence of a lack of risk. These salons suggested that the current state of regulation amounted to confirmation of the practice’s safety, telling Committee investigators: “If it was incredibly bad for you, you wouldn’t be allowed to do it”; “It’s got to be safe, or else they wouldn’t let us do it”; “you can get skin cancer from being outside . . . but our [tanning] beds are certified and regulated”; and “the FDA wouldn’t approve tanning salons if it weren’t safe.”

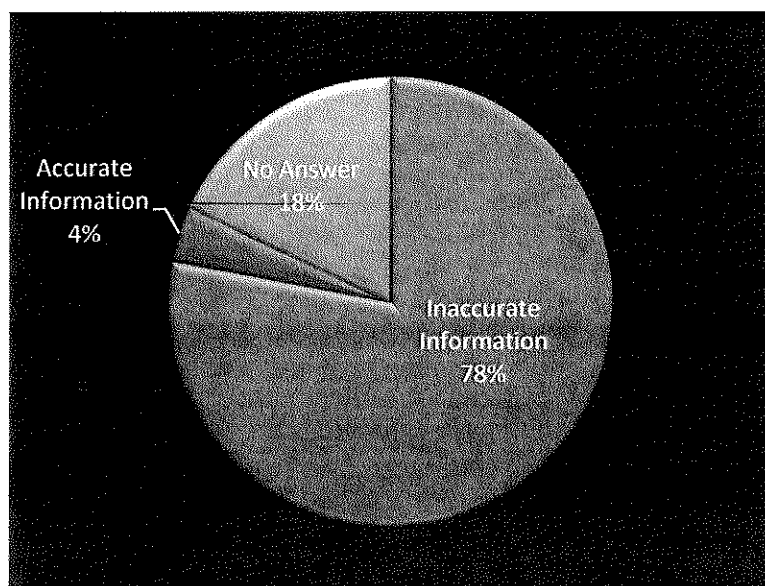
Salons also provided false information about skin damage and the risk of burns that might occur in a fair-skinned, first-time indoor tanner. Several suggested that indoor tanning is significantly less risky than casual exposure to natural sunlight. Others were unconcerned about skin damage from any source. One suggested that “aggressive tanning” is necessary when trying to build a tan in a fair person. Another told the caller that fair-skinned clients “just have to get that burning out of the way.”

B. Tanning Salons Provided Inaccurate or Misleading Information about Health Benefits of Indoor Tanning

Tanning salons frequently claimed that indoor tanning would be beneficial to the health of teenagers, despite medical consensus to the contrary. Overall, 78% of the salons reached by Committee staff claimed that indoor tanning would provide health benefits. "Tanning is very good for you," one salon employee volunteered.

Figure 3:

78% of Salons Claimed Indoor Tanning Is Beneficial to Health



The most common benefit claimed by salons was promotion of Vitamin D production, with 60% of salons asserting that indoor tanning would be a good source of Vitamin D. Physicians do not recommend indoor tanning as a source of Vitamin D, however. Those most at risk of Vitamin D deficiency are least likely to increase Vitamin D levels through tanning because they typically have darker skin. Moreover, the level of UVB radiation from tanning devices,

which is what can produce Vitamin D, can vary considerably, with several popular devices emitting relatively low levels that would not contribute significantly to Vitamin D production.

Employees at eleven salons claimed that indoor tanning would prevent cancer. One named skin cancer, breast cancer, colon cancer, and prostate cancer as diseases that could be prevented through use of tanning beds.

Other health benefits mentioned by salons contacted by Committee staff include treatment of depression and low self-esteem, treatment for acne, prevention of and treatment for arthritis, weight loss, prevention of osteoporosis, "skin tightening," reduction of cellulite, "boost[ing] the immune system," improved sleeping, treating lupus, and improving symptoms of fibromyalgia.

C. Tanning Salons Regularly Disregarded FDA Safety Recommendations

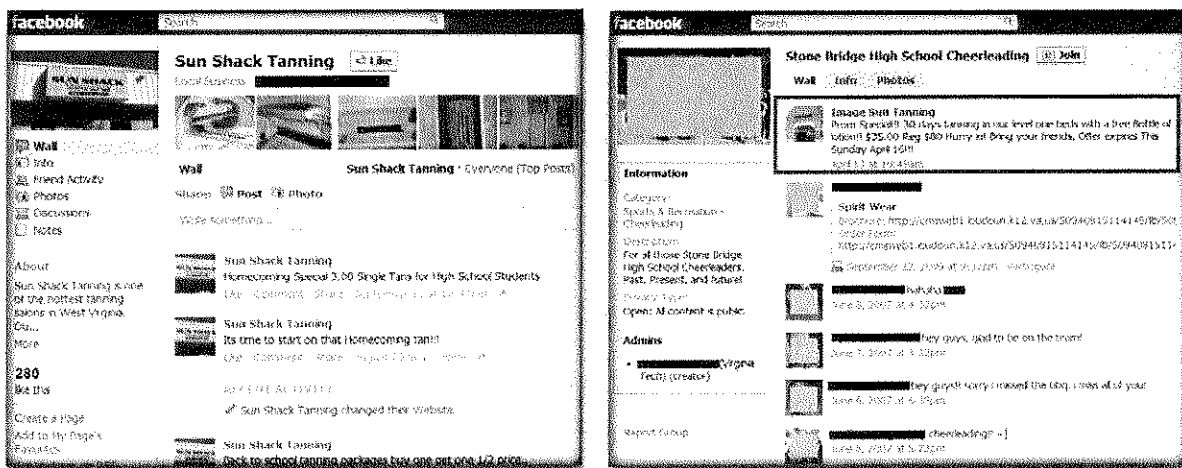
Three quarters of tanning salons did not follow FDA recommendations on tanning frequency. The FDA recommends that indoor tanning be limited to no more than three visits in

the first week. Despite this recommendation, 74% of the salons that Committee staff contacted stated that they would permit first-time, fair-skinned teenage girls to tan daily, and four salon employees volunteered that their salons did not require 24-hour intervals between tanning sessions.

D. Tanning Salons Targeted the Teen Market in Advertisements

The tanning salons contacted by Committee investigators frequently targeted youth in their marketing promotions. Among the tanning salons contacted by Committee investigators, over half (52%) offered discounts to students or teens.

Committee investigators reviewed over one hundred tanning salon websites and newspaper advertisements and found that “prom,” “homecoming,” and “back-to-school” specials are common. “It’s time to start on that Homecoming tan!!!” states a typical advertisement. Committee investigators also found that tanning salons are active users of social media, with many maintaining Facebook pages and Twitter accounts. Salons post notices about discounts on their own social media sites and also on Facebook pages for student groups, such as cheerleading squads.



The most common discounts offered to young people in the advertising materials reviewed by Committee staff were reduced rates on “unlimited” tanning packages, which allow customers to visit a salon as often as they wish in a particular period of time (typically, one month). This type of discounting raises concern because, while any use of indoor tanning increases skin cancer risks, frequent tanning sessions significantly increase the chance of acquiring melanoma.



E. Tanning Industry Websites Provide Misleading Information

When presented with requests for health information about indoor tanning, tanning salons frequently directed investigators to tanning industry websites that create a misleading picture of the risks and benefits of indoor tanning. Most commonly, they suggested that teens curious about the health impact of indoor tanning visit www.tanningtruth.com or www.smarttan.com. Both sites are associated with the "International Smart Tan Network," a tanning industry trade association. The sites downplay the cancer risk associated with indoor tanning and tout the practice's alleged health benefits.

Visitors to www.tanningtruth.com see a series of large-print pro-tanning statements running across the top of the screen while navigating the website. The statements begin with an assertion that “[s]aying sunlight is harmful and therefore we should avoid it is as misleading as saying that water causes drowning, and therefore we should avoid it.” Statements that follow suggest that medical advice about the use of sunscreen and avoidance of indoor tanning is driven by the profit motives of pharmaceutical companies and dermatologists.

The website’s discussion of the health impacts of tanning present a different picture than that provided by peer-reviewed medical research. Under a tab labeled “What are the real risks of indoor tanning?” the industry website questions the link between indoor tanning and melanoma, saying that “the relationship between melanoma and ultraviolet light remains unclear.” Under a tab labeled “Are there any benefits to indoor tanning?” the trade association claims that tanning is “nature’s sunscreen,” treats cosmetic skin conditions, and promotes Vitamin D production. The site then suggests that indoor tanners produce a “sufficient” level of Vitamin D, “non-tanners” produce a “deficient” level, and dermatologists experience a “severe deficiency” of Vitamin D.

The other industry website, www.smarttan.com, also provides misleading information about Vitamin D and tanning. On this website, salon operators may purchase “D-Angel” training, which “teaches [salon] employees why Smart Tanning is vindicated and why they should spread the truth about UV and Vitamin D to their friends and family.” It provides a link to a website for the “Vitamin D Council,” which suggests that Vitamin D promotion yields a host of health benefits, including prevention of cancer, heart disease, diabetes, autism, multiple sclerosis, chronic digestive diseases, food allergies, and tuberculosis, as well as treatment for lupus.

V. CONCLUSION

Indoor tanning significantly increases skin cancer risks and presents a number of other significant health concerns. These risks are particularly acute for teenagers and young adults. Indoor tanning salons, however, regularly deny these risks. When Committee investigators contacted 300 tanning salons to ask about the risks indoor tanning posed to fair-skinned teenage girls, the vast majority of salons denied that indoor tanning increases health risks.

The dangers to teenage girls are exacerbated by tanning industry practices. Committee investigators found that the marketing practices of tanning salons target teenagers and young adults, often offering back-to-school, homecoming, and prom promotions.