



Out of Home Advertising Association of America

Non-Tobacco Nicotine (NTN) Advertising Guidance

NTN products are regulated by the federal Food and Drug Administration (FDA), which requires manufacturers to obtain pre-market approval and adhere to strict marketing guidelines. Out of home (OOH) media companies may accept NTN product advertising but should be mindful of required warnings and the best suggested practices below.

It is recommended that OOH media consider adult environments and avoid youth exposure and misleading health claims.

Background:

The 2022 amendment to the Family Smoking Prevention and Tobacco Control Act ([H.R.2471 - Consolidated Appropriations Act, 2022](#)) extended FDA authority to regulate nicotine-containing products not made or derived from tobacco (NTN). This includes synthetic nicotine products such as pouches, gums, and vapes. Therefore, NTN products are subject to many of the same marketing restrictions as traditional tobacco products.

Below are best suggested practices for NTN advertising.

- **FDA required warning.** Must include “WARNING: This product contains nicotine. Nicotine is an addictive chemical.” Such warning must occupy at least 20% of the advertising copy, appear in at least 12-point Helvetica bold or Arial bold (or other similar sans serif font), in black text with white background or vice versa, be centered, and surrounded by not less than a 3mm nor more than 4mm rectangular border of the same color as the text.
- **Include any additional required warnings.** Depending on the type of NTN product, advertising copy may also be required to contain additional warnings depicted pursuant to certain specific formatting requirements.
- **Do not include any false or misleading information.** Ads must not imply FDA approval or certification. Claims like “safer than smoking” or “helps you quit” are prohibited unless backed by FDA authorization.
- **Do not advertise within 1,000 feet of schools or playgrounds.**
- **Comply with state and local ordinances.** Ensure compliance with state and municipal laws that may restrict ad size, placement, and proximity to schools, public transit, etc.
- **Limit placement to adult-only venues.** Advertisements rendered in other than black text on a white background should be placed only in areas where minors (less than 21 years of age) are not permitted, such as bars, adult clubs, and age-restricted retail stores.
- **Avoid youth-oriented imagery or language.** Ads must not use cartoons, bright colors, slang, or pop culture references that appeal to minors.

- **No giveaways or promotional items.** Free samples, coupons, or branded merchandise are banned in connection with NTN product advertising.

Prior to your acceptance of any NTN product advertisement(s), you should consult with an attorney for specific guidance as to the possible impact of federal, state, and/or local laws and regulations on such advertisement(s).