

# Settlement with Indoor Tanning Association Regarding Claims Characterizing Disease Risks for Tanning and Vitamin D Supplements

May 19, 2010

On May 19, 2010, the Federal Trade Commission (FTC) approved a [final settlement order](#) with the Indoor Tanning Association charging that the association exaggerated the health benefits of indoor tanning and misrepresented that indoor tanning increases the risk of skin cancer. The settlement bars the Association from making misrepresentations about the health and safety of indoor tanning and requires that future advertisements from the association that make health or safety claims be accompanied by clear and prominent disclosures about the risks of indoor tanning. The Indoor Tanning Association represents tanning facilities and suppliers of tanning equipment.

According to the FTC, the Association disseminated false and misleading health and safety claims about indoor tanning through print, broadcast, Internet, and point-of-sale marketing material, including claims that:

- Indoor tanning does not increase the risk of contracting melanoma cell and other types of skin cancers;
- Studies show that “the risks of not getting enough UV light far outweighed the hypothetically minute risk of skin cancer;”
- Indoor tanning is a safer alternative to outdoor tanning because the amount of ultraviolet light exposure is controlled in indoor tanning;
- Supplement-based vitamin D, as opposed to vitamin D naturally produced through exposure to ultraviolet light, may actually harm the body’s ability to fight disease; and
- Indoor tanning is approved by the government.

These and similar claims appeared throughout the Association’s national marketing campaign designed to portray indoor tanning as safe and beneficial to consumers’ health, including appearing in national newspaper ads, television ads, websites, a communications guide, and point-of-sale marketing materials that were provided to Association members for distribution in local markets.

Further, the FTC alleged that the Association failed to disclose material facts in its advertising, such as disclosing that consumers can increase their vitamin D levels through ultraviolet exposure levels lower than the amount needed to get a tan, and that ultraviolet radiation can injure the eyes and increase the risk of skin cancer.

The FTC's settlement prohibits the Association from making the misrepresentations challenged in the complaint or similar claims without adequate substantiation, from misrepresenting the results of any tests or studies, and from disseminating deceptive advertisements to Association members. Further, the settlement requires the Association to provide clear and prominent disclosures on marketing material that makes claims about the safety or health benefits of indoor tanning, or the usefulness of indoor tanning for vitamin D intake. These disclosures include statements that exposure to ultraviolet radiation may cause skin cancer and eye injury, and that a tan is not necessary for skin to absorb vitamin D.