A.G. Schneiderman Announces Agreements Barring National Tanning Salon Chain Hollywood Tans And Manhattan Franchise From Making Health Claims

Ongoing A.G. Investigation Finds That UV Tanning Industry's False Claims Target Teens, Who Are At Highest Risk

Schneiderman: My Office Will Not Tolerate Consumers Being Misled About Health

NEW YORK – Attorney General Eric T. Schneiderman today announced that his office has reached agreements with HT Franchising Management LLC, doing business as Hollywood Tans, and Hollywood Tans NYC, a Manhattan-based franchise of the national chain, requiring them to stop making health-related representations to promote tanning services. The parent corporation has six other franchises in New York State and more than 100 franchises across the country. The agreements prohibits all Hollywood Tans franchises in New York from making health claims, from offering “unlimited” tanning packages, and from targeting high school students.

Concerned with the cancer risks associated with indoor tanning, particularly for young people, the Attorney General launched an investigation last year into suspected misleading advertising in the indoor tanning salon industry. As part of that investigation, the office found that Hollywood Tans NYC, through its website, blog and social media outlets, made numerous misleading and false representations about the safety and health benefits associated with UV tanning. These included health benefits associated with increased vitamin D production, such as: “Tanning booths can be therapeutic. It can help your body create vitamin D to prevent cancer,” and, “More Sun Means Less Cancer: New Study.”

“There is a clear consensus in the medical and scientific communities on the harms associated with indoor or UV tanning – including significant increases in the likelihood of skin cancer – and especially for young people,” Attorney General Schneiderman said. “It is important that consumers know the risks of indoor tanning, and that the science isn’t distorted by any advertising or marketing that uses false, misleading, or unsubstantiated health-related representations to confuse consumers.”

Hollywood Tans NYC’s website, blog and social media outlets advertised using misleading representations including: “The American Cancer Society doesn’t want you to know the truth about tanning booths,” “Sunlight prevents skin cancer and other cancers. It’s absolutely true,” and “Vitamin D prevents brain cancer, bone cancer, liver cancer and other types of cancer.”
While vitamin D production is frequently promoted as a benefit of UV tanning, research shows that indoor tanning is neither a reliable nor an advisable source. Sufficient vitamin D levels can be maintained through diet and supplements without the risks posted by indoor tanning.

Dr. Sophie J. Balk, attending pediatrician at The Children's Hospital at Montefiore, Professor of Clinical Pediatrics at the Albert Einstein College of Medicine and lead author of the American Academy of Pediatrics’ statement on UV radiation, said, “This is a pediatric issue because first exposures to tanning beds usually occur during the teen years. We need to protect children from false claims that are likely to mislead them into believing indoor tanning is safe because, in reality, it’s harming them. Because this is such an important public health issue, the American Academy of Pediatrics, an organization dedicated to the health and well-being of children and adolescents, strongly urges its member pediatricians to discuss the risks of tanning beds with their pediatric patients.”

Dr. David Fisher, Professor and Chairman of the Department of Dermatology, Massachusetts General Hospital, Harvard Medical School, said, “Indoor tanning is not a legitimate means of maintaining vitamin D because we do not recommend a cancer-causing agent to obtain a vitamin that can be taken easily as a pill. Additionally, indoor tanning appears to have addictive features, which are deleterious to health in multiple ways.”

Dr. Martin Weinstock, Professor of Dermatology and Epidemiology, Brown University Warren Albert Medical School, said, “Indoor tanning is contributing to the increases we are seeing in skin cancer among young people, and that current evidence indicates a large proportion of the melanomas that we see in indoor tanners under the age of 30 appears to be due to their indoor tanning.”

Alan Geller, Senior Lecturer at the Harvard School of Public Health, said, “We now have very strong evidence that indoor tanning causes melanoma and other skin cancers. Far too many teen girls are using tanning beds, and attempts by state legislatures in many states, and Attorney General Schneiderman’s actions in New York State, can lead to fewer young people using tanning beds and ultimately reduce the number of young people affected by this disease.”

Under the settlements, in addition to prohibiting health-related representations promoting UV tanning, Hollywood Tans franchises in New York may not refer to high school students in their marketing materials. This is significant, as 30%-35% of U.S. teen girls use tanning beds by age 17. What’s more, studies increasingly indicate that tanning is addictive, particularly in younger individuals -- indoor tanning has been associated with both tanning addiction disorder and problematic tanning behavior in children 13 to 17 years of age.

New York law currently prohibits tanning for children under 17 and requires parental consent for children between the ages of 17 and 18. Additionally, New York law requires that warning signs be posted outside of tanning beds, that tanning hazards information sheets and acknowledgement forms be distributed to tanning patrons, and that free protective eyewear be made available to tanning patrons.
Hollywood Tans NYC operates a retail tanning salon at 750 6th Avenue. The parent corporation, headquartered in Sewell, N.J., has six other franchisees in New York State. Five are located on Long Island, in Lindenhurst, Massapequa, Stewart Manor, Levittown and Lynbrook. The sixth is in New Rochelle, Westchester County. The agreement with the parent corporation prohibits New York Hollywood Tan salons from making claims in all future advertisements and promotions regarding the safety or health-related benefits or risks of tanning and vitamin D – including that tanning is a safe way to obtain vitamin D. New York’s Hollywood Tan salons will also be prohibited from advertising “unlimited” tanning packages and are required to change all references in their advertising and promotional materials from “student” to “college student.” In addition, Hollywood Tans will be required to submit and obtain approval from the parent corporation for all self-generated advertising materials.

Other investigation targets operate tanning salons around New York State, including in the Capital Region, Western and Central New York and the Southern Tier. Two of them were recently notified that they may face lawsuits.

In addition to investigating tanning salons for using false advertisements to promote UV tanning services, the Attorney General submitted comments in August to the Food and Drug Administration supporting the FDA’s Proposed Order, which added a number of important protections for consumers and new warnings on sunlamps. The Attorney General also urged the FDA to further clarify that its approval of sunlamp products is for cosmetic purposes only, and that advertising sunlamp products as devices that provide health benefits is not permissible in light of the carcinogenic consequences from sunlamp exposure and the significant nationwide increases in melanoma. A copy of the FDA letter is available here.

The investigation is being handled by the Attorney General’s Health Care, Consumer Frauds and Protection, and Environmental Protection bureaus. The settlements relating to Hollywood Tans were handled by the Health Care Bureau’s Assistant Attorney General Brant Campbell and Environmental Scientist Charles Silver, Ph.D. Assistant Attorneys General Ellen Fried and Kathryn DeLuca are handling related tanning salon investigations. The Health Care Bureau is led by Lisa Landau, the Consumer Frauds and Protection Bureau is led by Jane Azia, and the Environmental Protection Bureau is led by Lemuel Srolovic.

Consumers with questions or concerns about health care matters may call the Attorney General’s Health Care Bureau Helpline at 1-800-428-9071.