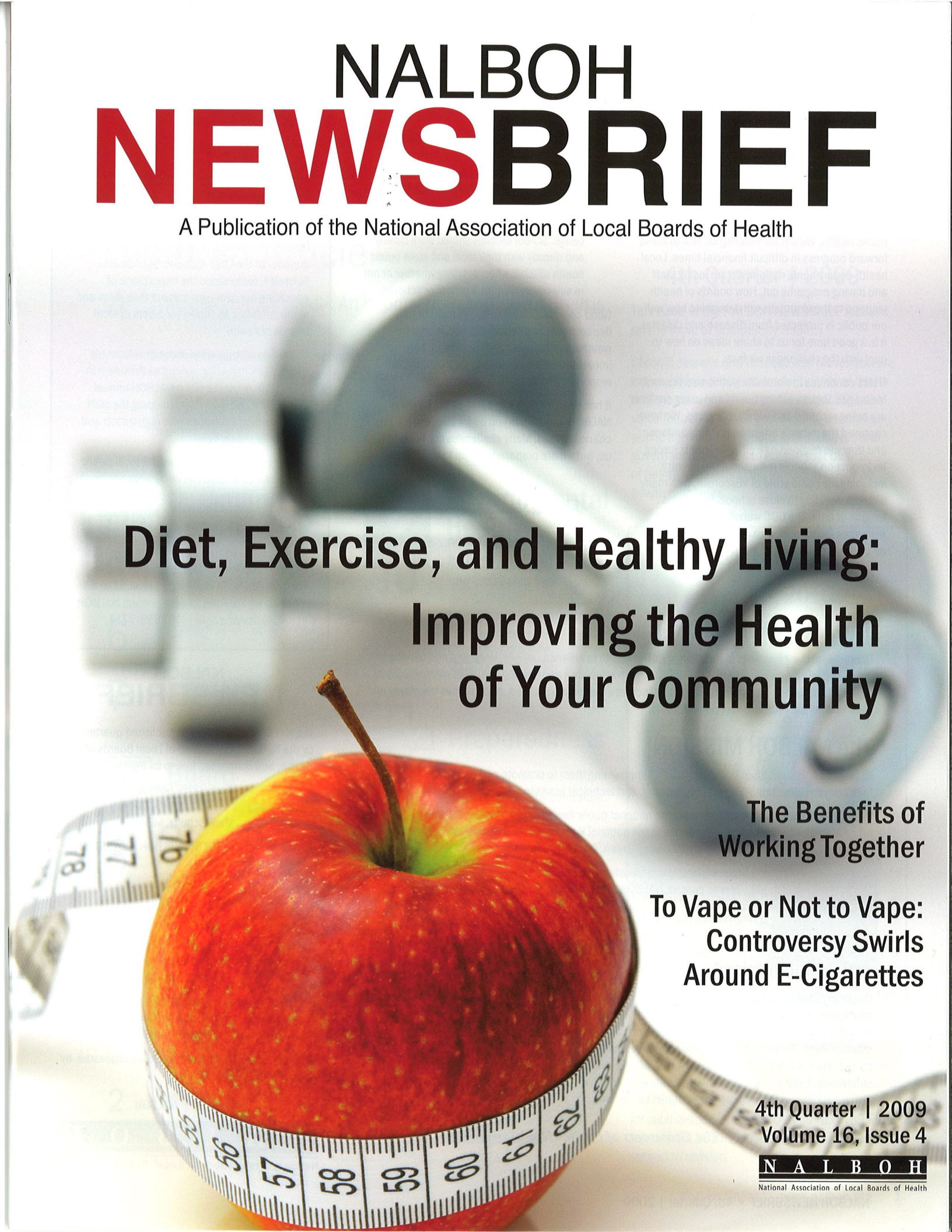


NALBOH NEWSBRIEF

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Around E-Cigarettes

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To Vape or Not to Vape: Controversy Swirls Around E-Cigarettes

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If you haven't heard of vapers, vaping, or even "the right to vape," there's still a good chance you've heard of e-cigarettes. That a vocabulary has begun to emerge along with these "emerging tobacco products" suggests a staying power that few would have predicted in 2004, when smokeless electronic cigarettes were first introduced in the U.S. from China.

Back then, the news of a battery-powered cigarette-shaped tube that heats and vaporizes a liquid nicotine solution for users to inhale was largely greeted with bemused skepticism by a public wary of tobacco-related gimmicks. Soon, however, thanks to aggressive marketing promoting the safety, convenience, and cost-effectiveness of e-cigarettes over conventional cigarettes, smokers began to take note. The rise in smoke-free bars, restaurants, and night clubs provided e-cigarette manufacturers such as Njoy with an opportunity to tout the benefits of a product that "looks, feels, and tastes like a cigarette or cigar," but is perfectly legal to use wherever traditional tobacco products are prohibited. As the number of e-cigarette manufacturers increased, so did sales: according to the Electronic Cigarette Association, a trade association of 20 e-cigarette companies formed earlier this year, 2009 e-cigarette revenues are expected to reach \$100 million.

The electronic cigarette market has also inspired inevitable spin-offs: e-cigarettes that can be charged in USB computer ports, so-called "vitamin-enhanced" e-cigarette cartridges, e-cigars, and kid-friendly flavors such as grape, fruit punch, bubble gum, and chocolate chip cookie. Promotional tactics include gift certificates for e-cigs ("Buy now before the holiday rush!"), free trial starter kits, e-cigarette newsletters, blogs and forums, commission-driven affiliate marketing ("The more you sell, the more you make!"), and online calculators for smokers to compute their monthly/annual cost savings using e-cigarettes instead of traditional cigarettes.

E-cigarettes are available in shopping malls throughout the U.S., but most are sold online. Websites for products such as Luci, Crown 7, and Smoking Everywhere are studied with user testimonials. Here's Gina C. from Benson, NC, a former smoker: "Since using the electronic cigarette, I have felt better than I have in the last 9 years. I wake up with more energy, I can breathe better...."

Thank you, people at E Cigarettes National, for allowing me the privilege of purchasing this life-saving product!"

The public health community's response to this new product has been less enthusiastic. The Food and Drug Administration and many leading public health organizations, such as the American Lung Association, American Cancer Society, American Heart Association, and Campaign for Tobacco-Free Kids, have expressed concern about the lack of clinical studies on the potential health risks posed by e-cigarettes and the way these products are marketed (especially to youth) without appropriate health warnings or legal age restrictions. In September, the World Health Organization announced that it does not consider e-cigarettes an effective nicotine-replacement therapy and that these products need to undergo toxicity analyses and "operate within the proper regulatory framework."

And therein lies the rub. What is the proper regulatory framework? For the moment, at least, the regulatory status of e-cigarettes is unclear. While the newly enacted Family Smoking Prevention and Tobacco Control Act expanded the FDA's regulatory authority over tobacco products, e-cigarettes do not contain tobacco and thus would not be covered under this regulation. Still, most electronic cigarettes deliver vaporized chemicals that include nicotine, a highly addictive chemical. Nicotine delivery products, such as nicotine gum, patches, and inhalers, are considered drug or medical devices that require pre-approval, registration, and listing with the FDA under the Federal Food, Drug, and Cosmetic Act of 1938. E-cigarette manufacturers respond that their products are neither marketed nor sold as drug-delivery or smoking cessation devices, but as smokeless alternatives to standard cigarettes.

These differences of opinion about e-cigarettes—safety concerns, marketing claims, regulatory status—have naturally led to litigation. Earlier this

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year, the U.S. Customs Service detained several shipments of e-cigarettes at the border claiming that they were unapproved drugs or devices and that the manufacturers had failed to submit data showing that these products were safe (drugs) or effective (devices). The FDA is currently conducting laboratory analyses of e-cigarettes and issued a notice on July 22, warning the public of health concerns involving a sample of two leading brands of e-cigarettes. The industry in turn has challenged the FDA's jurisdiction over e-cigarettes, and other e-cigarette lawsuits are also underway.

What's more, the debate about e-cigarettes has divided members of the public health community. While most agree on the need for further scientific study to confirm the products' unproven safety claims, some tobacco control advocates see e-cigarettes as gateway products to tobacco abuse and nicotine addiction and support their removal from the market. Others view them as far less hazardous alternatives to combustible cigarettes, which include at least 60 known carcinogens and other poisons and are responsible for more than 400,000 deaths in the U.S. each year.

The story is far from over. As e-cigarettes are studied in labs and litigated in courtrooms, countries such as Australia, Canada, Brazil, Israel, Mexico, and Hong Kong, and even the state of Oregon, have decided that too many questions remain about the products and have banned their sale. And in the meantime, e-cigarettes continue to be promoted and purchased online, and die-hard customers like Gina C. keep on vaping.