PRO/CON: Should e-cigs be regulated just like cigarettes?

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Child-proof refill bottles of liquid nicotine at Salt Lake Vapors, in Salt Lake City, Utah. Poison control workers say that as the e-cigarette industry has boomed, the number of children exposed to the liquid nicotine that gives hand-held vaporizing gadgets their kick also is rising. Photo: AP Photo/Rick Bowmer

PRO: E-cigarettes abound in unproven health claims

In 2014, the Oxford English Dictionary's (OED) word of the year was "vape." The Food and Drug Administration (FDA) should take a hint from the OED and write its own definition of e-cigarettes — a definition that will treat them as a tobacco product.

Congress created the FDA in 1906. It was a time of concern over the quality and purity of America's food and drug supply, which was awash in toxic dyes and preservatives, and shaped by the outrageous claims of "patent medicines," fake miracle cures also known as "snake oil."

The agency's creation reflected a belief that consumers could not, on their own, always make decisions about whether a product was safe, reliable and healthy.

In short, the FDA was made to regulate products just like e-cigarettes.

A Booming Industry

E-cigarettes have created an industry that abounds in unproven health claims; an industry in which more than 16 million children can legally buy e-cigs and administer unspecified amounts of nicotine to themselves; an industry in which the accidental ingestion of liquid nicotine has caused a huge uptick in the number of cases reported to local poison control centers — including the death of a toddler in upstate New York two months ago.

And it is an industry that is booming. Last year, analysts at Wells Fargo bank estimated the overall value of the e-cigarette market at $2.5 billion and predicted that it will grow to $10 billion annually by 2017.

The product's growth can be attributed in part to aggressive marketing. Yet, the other part of that growth is the high adoption rates among high school students attracted to the variety of e-cig flavors, including cotton candy, gummy bear and root beer float.

This nicotine-fueled movement should be regulated, not banned. The FDA is the only agency that can do that. The FDA should prohibit sales and marketing to kids and make sure that health claims made by e-cig companies are true. It should also require companies to add ingredient lists to e-cig juice.

Flavored Nicotine Solution

"Juice" is a misleadingly harmless euphemism for a flavored nicotine solution. The liquid nicotine is heated through a battery-powered cylinder, which can look like a cigarette, a pen or a kazoo.

The devices vaporize a flavored nicotine solution that users then inhale and exhale. Users inhale this flavored vapor and not burning tobacco, which means e-cigs are safer compared to cigarettes.

But, then again, cigarettes kill 6 million people per year. In the words of historian Robert Proctor, they are the deadliest invention in human history.

And herein lies the potential virtue of the e-cigarette: it could be a powerful tool for saving millions of lives if smokers switched from puffing to vaping to, ideally, nothing.

The problem is that the safety and health claims of e-cigarettes have not been proven. Particularly in the online vaping community, anecdotes abound testifying to the e-cig's usefulness in helping folks kick the habit. But in the words of Mitch Zeller, head of the FDA's Tobacco Products Division, "FDA can't make regulatory policy on the basis of anecdotal evidence."

Initial evidence from a major new study should give regulators pause. Initial findings from the Population Assessment of Tobacco and Health indicate high levels of "dual use" of tobacco products, meaning that smokers frequently use both e-cigarettes and regular cigarettes.

False Advertising?

These findings are consistent with other studies that have found that rather than helping people quit smoking, e-cigarettes may actually make it harder for smokers to quit.

Nevertheless, e-cigarettes are frequently advertised as proven tools of public health. Researchers at the University of California-San Francisco found that 95 percent of e-cig websites either made outright claims that they had health benefits, or implied there were some. Sixty-four percent made claims directly related to helping users quit smoking.

This is false advertising. Nicotine is addictive and it is a poison — two facts that the FDA should make clear by requiring warning labels on e-cigarette devices and vials of e-juices. Skin contact with even small quantities of liquid nicotine can cause dizziness, vomiting and seizures. Ingestion can be deadly.

A world in which a dangerous product is marketed and sold as a healthy one is exactly what the FDA exists to prevent.

E-cigarettes are not snake oil. But gummy bear, cotton candy and sour apple shouldn't make them any easier to swallow.

> *ABOUT THE WRITER: Sarah Milov is an assistant professor of history at the University of Virginia. She currently is writing a book about tobacco in the 20th century. Readers may write her at 435 Nau Hall South Lawn, Charlottesville, VA 22904.*
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CON: Vaping is not as bad as smoking

In 1964, the Surgeon General's Advisory Committee on Smoking and Health released its very first report on tobacco smoking.

It analyzed scientific evidence consisting of over 7,000 articles relating to smoking and disease. Based on those studies, the report cited tobacco smoking as a major cause of lung and throat cancer and chronic bronchitis.

The report launched a "war on smoking" that soon required health warnings on cigarette packages and bans on cigarette commercials on radio and television. In recent years, it has led to bans on smoking in certain areas, like restaurants and other public places.

Over this half-century of cigarette regulation, two facts have been impressed upon the nation: 1) smoking tobacco kills people; 2) once a person is addicted to smoking cigarettes, or, rather, to the nicotine one ingests by smoking cigarettes, it is very hard for a person to quit.

Beating Cigarette Addiction

Then an invention came along — e-cigarettes. They supply nicotine in much the same way as a tobacco cigarette, but without any apparent link to cancer or lung disease. Many people cheered the innovation.

Finally there was a product that could help those who were addicted to cigarettes and for whom the available anti-smoking gum and patches had not been helpful.

Lives could be saved. People could replace their tobacco cigarettes with e-cigarettes; switch out smoke and carcinogens with water vapor and the horrible smell with no smell at all — or the light scent of a chosen flavor, such as mint or strawberry.

Lives could be saved.

One would expect the response of the public health community to be a near-universal "hurrah" — and in some quarters, it has been.

Asking "What If?"

But for those who appear to be addicted to regulation, and not to public health, e-cigarettes provide an unwelcome challenge.

How do they go about banning access to a product that saves lives? And what do they say when people, quite reasonably, ask, "Why do you want to?"

For many of these regulators, the answer is as "what if." "What if" vaping turns out to be harmful? "What if" people who vape decide to start smoking?

These "what ifs" are quite unlikely. However, it is on the basis of them that some people support bans. Some want bans on the sale of e-cigarettes, or grossly high taxes on e-cigarettes, or even outright bans on the use of e-cigarettes in public.

But such policies mean nicotine addicts will be less likely to use e-cigarettes. Instead they may be more likely to keep smoking tobacco. The obvious and predictable result is relatively more tobacco smoking and thus, more illness and death.

"Dying From The Tar"

The director of the Food and Drug Administration's Center for Tobacco Products, Mitch Zeller, J.D., made the key point clear in an interview with the Robert Wood Johnson Foundation's New Public Health: "People are smoking for the nicotine, but dying from the tar."

He says e-cigarette regulation should take into account the "continuum of risk: that there are different nicotine-containing and nicotine-delivering products that pose different levels of risk to the individual," and regulate accordingly.

Which means America should not treat e-cigarettes and vaping just like tobacco smoking and smoking. Smoking is clearly far more dangerous than vaping.

In fact, because vaping can cause people to voluntarily stop smoking, a carefully crafted regulatory policy that steers Americans from smoking toward vaping as a replacement provides "an extraordinary public health opportunity."

Zeller makes a lot of sense. By contrast, there are the regulation zealots who are the enemy of public health.

Smoking kills. Vaping is a safer alternative, and our nation's regulatory policy will save lives if it reflects this fact.

ABOUT THE WRITER: Amy Ridenour is chairman of the National Center for Public Policy Research in Washington, DC. (www.nationalcenter.org), a conservative think-tank on Capitol Hill. She can be reached at 501 Capitol Court NE, Washington, DC 20002 or by email at aridenour@nationalcenter.org., a conservative think tank on Capitol Hill. She can be reached at 501 Capitol Court NE, Washington, DC 20002 or by email at aridenour@nationalcenter.org.