

ASH PRESS RELEASE [7/30/09]

State AGs Asked to Ban All E-Cigarette Sales Success in OR Could Serve as Model/Precedent

Attorneys general in 49 states are being petitioned to ban the further sale of e-cigarettes until their safety can be determined by the Food and Drug Administration [FDA]. They are being petitioned to follow the lead of the Oregon Attorney General's office which has just obtained such court orders, by Action on Smoking and Health (ASH), the group whose legal petition, and scheduled appearance on NBC-TV Nightly News, precipitated last week's FDA warning about some of the dangers of e-cigarettes. SEE: <http://www.pr-inside.com/fda-to-regulate-e-cigarettes-as-toxins-r1403601.htm> AND <http://ash.org/ecigpetition>

The Oregon Department of Justice today filed two legal settlements that prevent two national travel store chains from selling "electronic cigarettes" in Oregon. The action is the first of its kind in the country, and prevents Oregonians from buying potentially dangerous products that the FDA has yet to review or approve.

SEE: <http://www.doj.state.or.us/releases/2009/rel073009.shtml>

ASH, which in the past successfully urged state attorney generals to crack down on the illegal sale of cigarettes over the Internet, and to take action against the use of cartoon characters in cigarette ads, is providing the attorneys general with background information about the known dangers of e-cigarettes, information about the successful legal action in Oregon, and information about many of the potential dangers of e-cigarettes not included in last week's FDA report. These include:

1. Current smokers who would otherwise be persuaded to quit -- by health warnings, restrictions on public and workplace smoking, etc. -- may instead switch to e-cigarettes; a move which may reduce their overall health risks, but is a course of action still far more dangerous than quitting.
2. Current smokers at elevated risk for cardiovascular problems may switch to e-cigarettes, thinking that they are far safer. But actually any decrease in health risk relates to cancer (since e-cigarettes reportedly contain far fewer carcinogens), and not to cardiovascular problems (as to which nicotine is the main culprit).
3. E-cigarettes may be less likely to reduce nicotine dependence than other nicotine replacement products because the almost-instantaneous absorption of nicotine through the lungs is more likely to provide the nicotine "kick" or "high" addicted smokers crave than other methods where the absorption is much more gradual.
4. Those in the vicinity of e-cigarette users -- including infants breastfeeding and in arms, other young children, the elderly and others at higher risk -- will be forced to inhale a mixture of nicotine (a deadly poison) and propylene glycol; the health consequences of which are not known.
5. E-cigarettes -- especially those sold with flavors -- may serve as training wheels for youngsters still too young to smoke, but not too young to become addicted to nicotine, and to becoming accustomed to the gestures and mannerisms of smokers. Being able to imitate older teens who smoke, while avoiding the smell of real smoking, may be tempting to young children; a temptation apparently not present with nicotine gum, patches, sprays, etc.
6. Regardless of the safety of any particular e-cigarette, the danger of the FDA's failure to take decisive action is that it can open the door to many other nicotine-delivery products which may be even more dangerous, and as to which smokers will serve as guinea pigs. All other nicotine

delivery products are regulated by the FDA, and must contain warnings. Some still require prescriptions.

ASH emphasizes that only scientific experiments and medical studies can determine the magnitude and importance of these and other potential risks, and that they must be evaluated by an impartial and competent body like the FDA, not by Chinese manufacturers and American importers who have an obvious bias.

"The role of the FDA is not just to warn people about new drug products once they are on the market, but rather to insure that they are not marketed until their safety have been authoritatively and impartially established, and then only with appropriate safeguards like warnings and possibly even prescription requirements," suggests Prof. Banzhaf, Executive Director of Action on Smoking and Health (ASH), America's first antismoking organization.

Banzhaf notes that all other nicotine administration products -- including nicotine gum, nicotine patches, nicotine inhalers, and nicotine sprays -- could only be sold after approval by the FDA. All must bear appropriate health warnings, and some are available only with a doctor's prescription.

"Favor," a cigarette-like product similar to e-cigarettes, which likewise released nicotine but used a different method, was banned from the market by the FDA after the agency received a legal complaint from ASH. Nicotine lollipops have likewise been banned.

THE FOLLOWING LINKS PROVIDE ADDITIONAL BACKGROUND INFORMATION IF DESIRED:

SUMMARY OF FDA ANALYSIS OF E-CIGARETTES:

<http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm>

COMPLETE FDA ANALYSIS OF E-CIGARETTES:

<http://www.fda.gov/downloads/Drugs/ScienceResearch/UCM173250.pdf>

E-CIGARETTE CRITICS ACCUSED OF "LIBEL" AND "SLANDER" // BUT FDA IS ALREADY ASSERTING JURISDICTION OVER PRODUCT <http://www.pr-inside.com/e-cigarette-critics-accused-of-libel-and-r1402964.htm>

ASH'S LEAD FOLLOWED; BILL BANS E-CIG USE IN NO-SMOKING SECTIONS

[http://www.legislatorcooper.com/pressrelease\\_259.html](http://www.legislatorcooper.com/pressrelease_259.html)

FDA BEGINS REGULATING E-CIGARETTES AS DRUG-DELIVERY DEVICES // ASH'S LEGAL PETITION SPURS/EXPLAINS ACTION <http://www.pr-inside.com/fda-begins-regulating-e-cigarettes-as-r1262323.htm>

ASH SEEKS REGULATION OF E-CIGARETTES - COPY OF PETITION

<http://ash.org/ecigpetition>

FOUR NEW DANGERS TO NONSMOKERS - INCLUDING E-CIGARETTES

<http://ash.org/4dangers.html>