



Written by [Raven Clabough](#) on June 26, 2019

## Nanny State: San Francisco Approves Ban on E-cigarette Sales

San Francisco is at it again with its nanny state policies, this time having the honor of being the first city to officially ban the sale of e-cigarettes and vape pens within city limits.

On Tuesday, the city's Board of Supervisors voted in favor of the ban, which reads: "no person shall sell or distribute an electronic cigarette to a person in San Francisco."



Under the ban, the sale of e-cigarettes in both brick-and-mortar shops and online stores is forbidden inside San Francisco city limits. The ban does not, however, apply to vaping in public if the user has obtained an electronic device and is over the age of 21, the *Daily Wire* notes.

The ban will only be lifted if e-cigarettes become approved for use by the Food and Drug Administration. But the odds of that happening are slim.

The FDA has been campaigning against vaping for years, despite evidence that it is less harmful than smoking cigarettes and more effective in helping smokers to quit than any other alternatives.

The FDA announced in August 2017 it would "pursue a new, strategic public health education effort designed to prevent youth from using e-cigarettes and other electronic nicotine delivery systems (ENDS)." By October of the same year, it announced it would be expanding the "Real Cost" campaign to "educate teens about the dangers of nicotine on the developing brain."

The FDA has even proposed an expansion of tobacco regulations to include e-cigarettes, even though they do not use tobacco. The FDA defended this move by claiming that e-cigarettes have not been properly studied, leaving consumers unaware of their potential health effects.

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Earlier this month, the FDA issued its final guidance for e-cigarette makers to submit their premarket applications for tobacco products, with companies having to show that their products "would be appropriate for the protection of the public health," the *Washington Post* reports.

Meanwhile, health officials in Europe have long touted the benefits of e-cigarettes. In 2015, Public Health England announced that vaping was safer than smoking and could potentially destroy the traditional cigarette after finding e-cigarettes to be about 95 percent less harmful than tobacco cigarettes.

*Tobacco Control Journal* found that e-cigarettes were a successful tool in helping smokers quit smoking, particularly when compared to the abysmal success rates of nicotine replacement therapies. In fact, a study published in January by the *New England Journal of Medicine* found e-cigarettes were almost twice as effective at helping smokers to quit than other nicotine replacement therapies.

In the absence of scientific evidence against vaping, critics contend that the FDA's campaign against e-cigarettes signals that the agency is working at the behest of the pharmaceutical companies that stand



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to lose a lot as e-smoking becomes increasingly popular.

Dr. Gilbert Ross, medical and executive director of the American Council on Science and Health, [opined](#) in 2015, “Some of the groups advocating for this anti-science, anti-public health charade ... are influenced by undisclosed but generous financial support from the pharmaceutical industry, which is devoted to keeping effective competition to its poorly performing nicotine replacement therapy patches, gums, and drugs off the market.”

Furthermore, the *New York Times* has reported that GlaxoSmithKline, which sells Nicorette gum, and Johnson & Johnson, which manufactures nicotine patches, have helped lead a “strong opposition” against e-cigarettes. What’s more, the FDA’s Center for Tobacco Products, which headed the regulation of e-cigarettes, is led by former lobbyist Mitch Zeller, whose consulting clients included GlaxoSmithKline.

And drug companies are not the only ones profiting off of the sale of ineffective nicotine replacement therapies. In 2008, the *New York Times* reported that the federal government collected nearly \$7 billion annually in cigarette excise taxes. In 2010, the number was as high as \$15.5 billion, wrote the *Daily Caller*. The Centers for Disease Control reports that federal and state excise taxes account for 44.4 percent of the retail price of cigarettes on average.

It’s worth noting that San Francisco is home to Juul Labs, the industry’s leading e-cig brand with 2019 revenues expected to reach \$3.4 billion. It’s not clear how Juul will react to the city’s latest example of overreach, but the company has voiced its opposition to the ban.

“This will primarily drive adult smokers back to cigarettes, which remain untouched by this legislation, even though they kill 40,000 Californians every year,” company spokesman Ted Kwong said in a statement.

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