



Written by [Raven Clabough](#) on August 20, 2015

## Despite Evidence, FDA Targets E-Cigarettes With Proposed Regulations

Despite evidence that electronic cigarettes are both safer for users than tobacco and also help smokers kick the habit, the U.S. Food and Drug Administration has launched a campaign against them. According to FDA Commissioner Dr. Stephen Ostroff, the FDA is looking to enact a “deeming rule” that would expand the agency’s regulation of tobacco to include e-cigarettes, which do not use tobacco. Critics contend that such an illogical decision underscores that the FDA is at the [behest of lobbyists](#) that benefit financially from tobacco and nicotine addiction.



The U.S. Food and Drug Administration issued its proposal earlier this year for new rules on e-cigarettes, including reviewing new e-cig products before they are sold and outlawing sales of the e-cig devices to minors, as well as requiring health warning labels on the products. The public comment period for the proposed rulemaking ends on August 31.

The FDA has defended its proposal by asserting that e-cigarettes have not been properly studied, leaving consumers unaware of potential health effects related to their usage. (If only the government were so concerned about the lack of long-term studies on the genetically modified organisms it has approved for American consumption.)

The FDA’s stance on e-cigarettes got a boost of support from the Centers for Disease Control, which resorted to outright lies about e-cigarettes to convince users that they are no better than actual cigarettes. In May the CDC issued a statement, which read, “If you only cut down the number of cigarettes you smoke by adding another tobacco product, *like e-cigarettes*, you still face serious health risks. Smokers must quit smoking completely to fully protect their health — even a few cigarettes a day are dangerous.” (Emphasis added.) As previously mentioned, e-cigarettes are non-tobacco products.

Contrary to assertions by the CDC and the FDA, however, California Polytechnic State University professor of economics Michael Marlow asserts that e-cigarettes should be left alone, as they are valuable tools in helping smokers quit smoking. “If e-cigarettes help smokers reduce consumption of more harmful tobacco or maybe even allow them to quit cigarettes, even if e-cigarettes themselves are somewhat harmful, it still would be an overall reduction of harm,” Marlow states.

In fact, evidence shows that e-cigarettes have been the most successful tool to help smokers quit smoking. “E-cigarettes have become the greatest source of ‘creative destruction’ that we’ve seen against the tobacco industry,” Marlow claims, which may be the motivation behind the decision to regulate them. “Unfortunately, maybe it’s also a source of creative destruction for those who make a living out of tobacco control,” Marlow observed.

According to the *Tobacco Control Journal*, the nicotine replacement therapies that have been approved



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by the FDA, such as nicotine gum, have no better success rates than quitting cold turkey.

Some view the FDA's proposed regulations against e-cigarettes as an attempt to keep competitive products off the market, as the pharmaceutical companies behind those nicotine replacement therapies benefit from smokers' inability to quit.

Dr. Gilbert Ross, medical and executive director of the American Council on Science and Health, opines, "Some of the group's 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."

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 Food and Drug Administration's Center for Tobacco Products, which headed the regulation of e-cigarettes, is led by former lobbyist Mitch Zeller, whose consulting clients included GlaxoSmithKline.

The *Washington Examiner* writes on the power of pharmaceutical lobbying in Washington:

No industry spends more on lobbying in the U.S. than the drug industry, and drugmakers' agendas are often bigger government. Without the efforts of the drug lobby, for instance, Obamacare probably would have died in the summer of 2009. President George W. Bush's single biggest expansion of government was creating the Medicare prescription drug benefit — at the behest of the drugmakers.

"The alarmist concerns raised by the drug companies are understandable," Dr. Ross told the *Washington Examiner*, "because they're rent seeking [a term that refers to seeking profit through public policy]."

And while the drug companies profit off the sale of their ineffective smoking remedies, is it too cynical to note that the federal government makes a substantial amount of money off smokers' inability to quit?

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 *NY Times* article went on to explain how else the federal government profits from cigarette smoking:

But taxes are not the only government revenue from cigarettes. Settlements in the late 1990s to end state lawsuits against tobacco companies mean that the cigarette industry is paying states nearly \$250 billion over 25 years. Under the agreement, those payments to states will continue flowing even beyond 25 years as long as the tobacco industry is healthy. But the payments would phase out as cigarette company profits decline and would ultimately disappear if people stop smoking.

So the government has become a financial stakeholder in smoking, some would argue, even as public health officials warn people about its deadly consequences. Smoking declines as cigarette taxes increase, but a core group of smokers hang on to the habit.

Stephanie Saul, who wrote the *Times* article, was compelled to ask, "Would politicians shut down an industry that supplies so much money?"



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In other words, who else stands to lose from the impact that e-cigarettes can have on the tobacco industry?

Meanwhile, on the other side of the Atlantic, health officials are touting the benefits of e-cigarettes. This week, Public Health England has announced that vaping is safer than smoking and could lead to the destruction of the traditional cigarette.

*The Guardian* reports, “The health body concluded that, on ‘the best estimate so far’, e-cigarettes are about 95% less harmful than tobacco cigarettes and could one day be dispensed as a licensed medicine in an alternative to anti-smoking products such as patches.”

A 111-page [expert independent evidence review](#) found “no evidence so far that e-cigarettes are acting as a route into smoking for children or non-smokers,” a finding that directly contradicts a [study by the University of California](#) that found that adolescents who used the devices were more likely to smoke cigarettes.

“My reading of the evidence is that smokers who switch to vaping remove almost all the risks smoking poses to their health,” said Professor Peter Hajek of Queen Mary University, who co-authored the report with Professor Ann McNeill of King’s College London.

Maybe the FDA has not yet gotten the memo.



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