



August 8, 2014

MADIGAN URGES FDA TO BETTER REGULATE E-CIGARETTES

Madigan & 28 Attorneys General Urge the FDA to Strengthen Proposed Regulations of E-Cigarettes to Better Protect Youth

Chicago — Attorney General Lisa Madigan today joined with 28 other state attorneys general to urge the U.S. Food and Drug Administration (FDA) to strengthen its proposed regulations of electronic cigarettes to better protect children and young adults from nicotine addiction.

In comments submitted to the FDA this morning, Madigan and the attorneys general specifically urged the agency to prohibit marketing tactics designed in particular to attract children and young adults. The attorneys general pressed the FDA to prohibit manufacturers from selling e-cigarettes with flavors and to apply the same advertising and marketing restrictions that traditional tobacco manufacturers must comply with to ensure that ads are not targeting children and young people.

"Manufacturers and their advertisers are targeting young people with flashy marketing campaigns," Madigan said. "We appreciate the FDA's first step toward regulating e-cigarettes, but the agency must strengthen its proposal to make sure more young people do not become addicted to nicotine."

E-cigarette use among teens and youth has increased exponentially in recent years. In 2013, the U.S. Centers for Disease Control and Prevention (CDC) reported that from 2011 to 2012, the percentage of middle and high school students using e-cigarettes had more than doubled – from 4.7 percent in 2011 to 10 percent in 2012, or approximately 1.78 million students. In a study conducted this year, among 13- to 17-year-olds, 14 percent were using e-cigarettes.

The e-cigarette advertising industry has responded dramatically to the trend with increased ads on the radio and television and in print. In 2010, the industry spent \$5.6 million on e-cigarette advertising. In 2013, they spent \$82.1 million. A survey of five leading e-cigarette companies indicated that their marketing expenditures increased by 164 percent from 2012 to 2013.

In the spring, the FDA issued its proposed rules for e-cigarettes, which was the first step to regulate the new product. But Madigan and the attorneys general said in their comments to the FDA that stronger and more comprehensive regulations are needed to adequately protect youth from the potential harms of addiction to nicotine.

Currently, there are more than 7,000 different flavors of nicotine in e-cigarettes that are available for sale. In particular, Madigan and the other attorneys general argue that these varieties of flavors are specifically designed to attract young smokers. In addition to calling on the FDA to prohibit flavors in e-cigarettes other than tobacco and menthol, Madigan and her colleagues urged the FDA to:

- Restrict advertising, marketing, and promotion of e-cigarettes in the same way it currently restricts the advertising, marketing and promotion of cigarettes and smokeless tobacco, as well as strengthening and updating those restrictions;
- Strengthen health warnings for e-cigarettes;
- Restrict the advertising, promotion and sale of e-cigarettes and all tobacco products over the internet;
- Define e-cigarette components and parts and apply the proposed restrictions on age verification, vending machine sales, and health warnings, regardless of whether such components and parts contain nicotine;
- Extend the regulations to include "little cigars," which are nearly identical to traditional cigarettes but lower in cost; and
- Regulate pipe tobacco to prevent the use of pipe tobacco as a way to avoid the regulations that apply to roll-your-own tobacco.

Joining Madigan in submitting the comments to the FDA today were the attorneys general of the following: Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, the territory of Guam, Hawaii, Idaho, Indiana, Iowa, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont and Washington.

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