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MADIGAN URGES FDA TO BETTER REGULATE E-CIGARETTES

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

Chicago — Attorney General Lisa Madigan and the attorneys general of Indiana and New York co-sponsored comments, signed by a total of 33 state attorneys general, urging the U.S. Food and Drug Administration (FDA) to strengthen its proposed regulations of electronic cigarettes (e-cigarettes) and other tobacco products to better protect children and young adults from nicotine addiction.

In the comments to the FDA, Madigan and the attorneys general specifically asked the agency to require appropriate warning labels and child-resistant packaging to help protect youth from nicotine exposure. The attorneys general urged the FDA to require liquid nicotine, nicotine-containing e-liquids and novel tobacco products, such as dissolvables, lotions, gels and drinks, to carry warning labels regarding nicotine exposure that are similar to the labels on other tobacco products.

Liquid nicotine is particularly toxic to children and can be ingested or absorbed through the skin, which is why Madigan and the other attorneys general are asking the FDA to require child-resistant packaging. While 17 states, including Illinois, have already enacted laws requiring such packaging, no federal standards currently exist. The attorneys general are also recommending flow restrictors for liquid nicotine and nicotine containing e-liquids to further protect children from exposure in the event that closures are not fully secured. According to the American Association of Poison Control Centers, there were 3,783 reported exposures to liquid nicotine nationwide in 2014, more than half of which involved children under the age of six.

"With a variety of sweet, candy and fruity flavors, and marketing campaigns that feature themes from popular children's movies, it is no surprise that the numbers of young people using e-cigarettes is rising," said Madigan. "Nicotine is harmful no matter how it is consumed, and e-cigarettes should come with warnings about its dangers."

The use of e-cigarettes, which are available in candy and fruit flavors, by teens and youth has increased exponentially in recent years. In 2015, the U.S. Centers for Disease Control and Prevention (CDC) reported that in one year, from 2013 to 2014, the percentage of high school students using e-cigarettes had more than tripled – from 4.5 percent in 2013 to 13.4 percent in 2014, or approximately 2 million students.

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, companies increased that spending to \$82.1 million. A survey of five leading e-cigarette companies indicated that their marketing expenditures increased by 164 percent from 2012 to 2013. One company received heavy criticism after its ads featured the phrase, "Let It Glow," a play off the hit song "Let It Go" featured in Disney's animated feature "Frozen." In light of this aggressive advertising targeting youth, the attorneys general are demanding tobacco products come with clear warning labels to inform consumers of the risks related to nicotine.

More than a year ago, Madigan and 28 other attorneys general urged the FDA to take the first step to regulate e-cigarettes. Those proposed rules have not been finalized. Madigan now is seeking to have the FDA finalize both proposed rules to protect young people and the general public from nicotine exposure.

Joining Madigan in submitting the comments to the FDA were the attorneys general of Alabama, California, Connecticut, Delaware, the District of Columbia, Georgia, Hawaii, Idaho, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, New Hampshire, New Mexico, New York, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, Wyoming and the Virgin Islands.

Assistant Attorney General Marilyn A. Kueper, chief of Madigan's Tobacco Enforcement Bureau, is overseeing the efforts relating to e-cigarettes for Madigan's office.

[Return to September 2015 Press Releases](#)

