

County of Santa Clara

Public Health Department

976 Lenzen Avenue
San Jose, California 95126



Martin Fenstersheib, MD, MPH
Health Officer

PUBLIC HEALTH ADVISORY

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FROM: Martin Fenstersheib, MD, MPH
Health Officer

RE: Electronic Cigarettes

Serious health concerns are being raised by a new nicotine delivery product being offered for sale in Santa Clara County. "Electronic Cigarettes" also known as e-cigarettes are being marketed as an alternative to smoked tobacco products, such as cigarettes, cigars, or pipes. The e-cigarette is a battery-powered device that vaporizes a nicotine solution when a user inhales through the device.

Background

In late February 2009, e-cigarettes appeared on the retail market in Orange County. In early March two retail kiosks selling this product were observed in Santa Clara County at the Valley Fair Mall. As of the first week of May, e-cigarette kiosks have also been observed at The Great Mall in Milpitas and Oakridge Mall in San Jose. Responding directly to local Health Departments with questions regarding the regulation of e-cigarette, the Food and Drug Administration (FDA) has said that nicotine is a drug and subject to agency regulation. As such, the e-cigarette is classified as a "new drug" and should go through the FDA approval process. Although it is designed to look like a conventional cigarette the e-cigarette does not contain tobacco and thus does not fall within the regulatory scheme Congress has established for tobacco products. This includes advertising and sales to minors.

Risks/Health Effects

Because this product has undergone no regulatory analysis we have no information about what effect it may have on consumers' health. Neither the dose/concentration of nicotine nor whether other substances may be present in the vaporized liquid is currently known. Nicotine is a FDA regulated, addictive substance.

Concern

In addition to the lack of information about the product content and concentration there is concern for the potential risk of creating new nicotine addictions, particularly among youth. Manufactures have asserted that the product is a safe alternative to smoking. Although some advertise the e-cigarette as a "quit smoking" tool, much of the marketing focuses on the ability of an e-cigarette user to "smoke" anywhere. Young people in particular appear to be targeted by the marketing of flavored e-cigarettes including chocolate, mint, and apple. This type of marketing adds to the perception that e-smoking is not dangerous. This product is intended to be manipulated and used (inhaled) in ways similar to how a smoker manipulates and uses conventional cigarettes. Like conventional cigarettes, they are intended primarily to deliver volatilized chemical substances, primarily nicotine, to affect the body.

As this product is currently unregulated, there is no age limit associated with its sale. Minors, who can not legally purchase tobacco, can purchase e-cigarettes at mall kiosks or on-line. Nicotine is a known addictive substance. Anyone taking nicotine into their body is at risk of developing an addiction to the drug. Once addicted, young people might turn to tobacco as a less expensive alternative to the e-cigarette. Smoking rates in the U.S. are currently higher among adolescents than adults and it is feared that this

product could encourage more to smoke. Public Health has received multiple reports of teens being offered e-cigarettes at local mall kiosks.

Legal Status of E-Cigarettes

The Food and Drug Administration (FDA) is currently investigating the sale of electronic cigarettes in the U.S. and has, on a case by case basis, refused to allow e-cigarettes, e-cigars and e-pipes to cross the border because they're considered new drugs that require FDA approval.

The FDA policy limits communications about the regulatory status of specific marketed products to those responsible for the products and will not discuss enforcement actions except with the targets of those actions. Nonetheless, the FDA has publicly stated that:

... the "electronic cigarettes" that we have reviewed are intended for "drug" use. Since we are not aware of any data establishing that such products are generally recognized among scientific experts as safe and effective for "drug" uses, they are "new drugs," requiring approval by the FDA to be legally marketed in the United States. FDA has detained and refused several importations of various brands of these "electronic cigarettes" and the agency is continuing to evaluate them on a case-by-case basis."

Recommendation

The Public Health Department advises individuals not to use electronic cigarettes as the safety, efficacy and quality of the products has not been established. Those who have been using electronic cigarettes are urged to stop using them immediately.

Individuals using, or considering using, e-cigarettes to quit smoking cigarettes are advised to instead discuss their smoking cessation options with a physician. In addition to recognized behavior change programs, FDA approved nicotine replacement therapies also exist including a patch, gum, lozenge, or inhaler.

For information on resources for quitting smoking, please contact the California Smoker's Helpline at 1-800-NO-BUTTS (1-800-662-887) or visit www.californiasmokerhelpline.org