

US bans sale of e-cigarettes, cigars to those under 18

May 5 2016

The United States Thursday issued a sweeping ban on sales of e-cigarettes, cigars, pipe tobacco and hookahs to those under 18, marking the first time these products have been federally regulated.

The ban will go into effect in 90 days, according to the US Food and Drug Administration, which described the final rule—issued after several years of study and debate—as "historic."

"As cigarette smoking among those under 18 has fallen, the use of other nicotine products, including e-cigarettes, has taken a drastic leap," said Health and Human Services Secretary Sylvia Burwell.

"Today's announcement is an important step in the fight for a tobacco-free generation—it will help us catch up with changes in the marketplace, put into place rules that protect our kids and give adults information they need to make informed decisions."

Key aspects of the rule include barring the sale of e-cigarettes to minors online or in person, prohibiting the distribution of free samples and not allowing vending machines, unless they are located in an adult-only facility.

The rule also requires manufacturers to get the FDA's marketing approval for any products that were issued after February 15, 2007, to show that their "products meet the applicable public health standard set forth in the law."

The FDA gained the power to regulate a wider range of tobacco products in 2009, with the passage of the Family Smoking Prevention and Tobacco Control Act.

A preliminary rule was issued in 2014, resulting in more than 135,000 public comments, an FDA spokesman said.

About one in five Americans smokes, and the habit kills 480,000 people in the United States each year, according to health authorities.

Rising youth trend

Traditional cigarette smoking has declined in recent decades, but youths are increasingly turning to e-cigarettes, which are battery powered devices that heat a nicotine liquid—and flavored cigars.

E-cigarette use among high-schoolers rose from 1.5 percent in 2011 to 16 percent in 2015—a more than 900 percent increase—according to the US Centers for Disease Control and Prevention.

Last year, three million middle and high school students were current e-cigarette users.

Another recent study, carried out by the FDA and the National Institutes of Health in 2013-2014, showed four out of five youths who use some form of tobacco also had tried a flavored tobacco product in the past month.

The Campaign for Tobacco Free Kids president Matthew Myers called the FDA move a "critical first step," but warned it "falls short in protecting kids from e-cigarettes," he said in a statement.

"It does nothing to restrict the irresponsible marketing of e-cigarettes or

the use of sweet e-cigarette flavors such as gummy bear and cotton candy, despite the FDA's own data showing that flavors play a major role in the skyrocketing youth use of e-cigarettes."

No cigar exemption

The FDA gave no exemption for so-called premium cigars, despite efforts from the industry.

Now, makers of these products have two years to disclose to the FDA "important factors such as ingredients, product design and health risks, as well as their appeal to youth and non-users," according to the 499-page FDA rule.

"We are deeply disappointed," said a joint statement from Eric and Bobby Newman, president and executive vice president of J.C. Newman Cigar Company in Tampa, Florida.

"The premium cigar industry is made up of dozens of small, family-owned cigar makers, like us, along with thousands of small, independent specialty cigar stores across the country," they wrote.

"The cost and burdens of onerous regulations threaten the entire industry."

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