

California banned sales of flavored e-cigarettes in 2022, but a new study finds online stores are still selling them

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Californians—including minors—are still able to buy flavored electronic cigarettes online, even after the state's much-publicized ban went into

effect. That's the key finding of my team's new study, [published in JAMA Network Open](#).

On Dec. 21, 2022, California enacted [Senate Bill 793](#), which prohibited the sale of most flavored [tobacco products](#), including e-cigarettes, to people of all ages. Hookahs, premium cigars and loose-leaf [tobacco](#) were exempted from the legislation.

The ban was motivated, in large part, by a desire to reduce to reduce consumption of tobacco among [young people](#)—who are particularly attracted to the [flavors in e-cigarettes](#), such as mango and creme.

Since 2021, we have been [collecting data on the tobacco industry](#). As part of this project, we also worked to determine whether minors could illegally purchase flavored e-cigarettes online.

Before and after the passage of SB 793, our researchers—all posing online as minors under the age of 21—attempted to buy flavored [e-cigarette](#) products from 26 websites that sold them in California.

A "purchase attempt" occurred when a researcher was able to add a flavored e-cigarette product to their cart, make it through the age verification system—if any—and provide their credit card information.

Before SB 793, our purchase attempt success rate was 52%. After SB 793, our success rate actually rose—to almost 61%.

Why it matters

E-cigarette use among adolescents is a [public health concern](#), particularly since these products have a [special appeal to young people](#).

The nicotine in e-cigarettes can impair an adolescent's [brain](#)

[development](#). In addition, the aerosols that those who vape breathe in can contain [cancer-causing chemicals and heavy metals such as nickel, tin and lead](#).

In addition, flavored tobacco products are known to [make it difficult to quit nicotine](#).

Research shows that the U.S. Food and Drug Administration's 2009 ban on flavored cigarettes [reduced adolescent tobacco use](#). That's why California has spearheaded progressive tobacco control policies—not only with SB 793, but through [local sales restrictions](#) in dozens of California cities. But if online vendors either flout or are unaware of these laws, young people may still have access to flavored tobacco products.

What still isn't known

It remains unclear as to why flavored e-cigarettes are still available from online retailers in California. It may be that vendors are flouting the new law, are ignorant of it, or do not believe the new law applies to [online sales](#).

A comprehensive evaluation of SB 793 compliance among brands and vendors that sell their products online in California would help determine the extent to which flavored e-cigarettes are still available. This research would provide data on retailer awareness of the new legislation and would show whether they understand the potential consequences for being [in violation of the new law](#).

Our research had several limitations. For one, our protocol for the study was developed during the COVID-19 pandemic. With the health and safety of our team in mind, we avoided in-person interactions. This means that we did not receive the package of flavored e-cigarettes from

a delivery person.

Since we stopped our attempted online purchases with placing items in an electronic shopping cart, this precluded our ability to examine whether age would have been verified at delivery and to calculate the actual purchase rate. However, only four websites in our study stated that age verification would actually occur at delivery.

Even with these caveats, these findings warrant urgent attention from [state agencies to enforce the ban](#) on flavored e-cigarette products in California.

What other research is being done

Another research team collected weekly Google search rates related to online shopping for cigarettes and vaping products in California from January 2018 to May 2023. They found that shopping queries were [194% higher than expected for cigarettes and 162% higher](#) than expected for e-cigarettes—which suggests consumers are searching on Google for [vendors promoting banned products](#).

More information: Scott I. Donaldson et al, Online Purchase Attempts of Flavored E-Cigarettes to Minors in California Before and After Senate Bill 793, *JAMA Network Open* (2023). [DOI: 10.1001/jamanetworkopen.2023.48749](#)

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