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Tobacco Industry Allies Launch Outrageous Attack on FDA Efforts to Protect Kids, Save Lives

Statement of American Cancer Society, American Cancer Society Cancer Action Network, American Heart Association, American Lung Association, Campaign for Tobacco-Free Kids, Public Health Law Center and Truth Initiative

WASHINGTON, DC – Youth e-cigarette use is a skyrocketing epidemic and needs a comprehensive public health response including strong regulatory and enforcement efforts by the U.S. Food and Drug Administration. The public health community supports meaningful actions to curb this epidemic and calls on the Trump Administration to stand up to the tobacco industry and its allies.

On Monday, a coalition of organizations allied with the tobacco industry – and in many cases, funded by the tobacco industry – launched an outrageous attack on the FDA because of its efforts to address the youth e-cigarette epidemic and reduce the death and disease caused by tobacco use in the United States. At least 11 of 16 groups signing on to a letter attacking the FDA have received tobacco industry funding, including Americans for Tax Reform, which organized the letter.

This letter comes just days after U.S. Sen. Richard Burr (North Carolina), in a speech on the Senate floor, attacked the FDA's proposal to prohibit the sale of menthol cigarettes. Research shows menthol makes it easier to start and harder to quit smoking cigarettes. Reynolds American, maker of Newport, the best-selling menthol cigarette brand, is based in North Carolina.

These attacks must be seen for what they are: An orchestrated effort by the tobacco industry and its political allies to protect the industry's profits at the expense of our nation's children and our health. The FDA and the Trump Administration must reject these self-serving tobacco industry attacks and move forward with strong proposals they have made to protect kids from nicotine addiction, accelerate progress in reducing smoking and save countless lives.

In their letter attacking the FDA, the coalition of groups claims that the FDA's efforts to address the youth e-cigarette epidemic amount to "regulatory panic and significant government overreach." They couldn't be more wrong. The youth e-cigarette epidemic is all too real, as confirmed by recent national surveys and the experiences of parents, educators and youth across our nation. E-cigarettes, especially Juul, threaten to addict a new generation of kids and to reverse the enormous, decades-long progress our nation has made in reducing youth tobacco use.

The recently-released 2018 National Youth Tobacco Survey showed that current e-cigarette use among high school students soared by 78 percent in just one year (to 20.8 percent), and more than 3.6 million

middle and high school students now use e-cigarettes. The annual Monitoring the Future survey found that youth vaping of nicotine nearly doubled in 2018 among 12th and 10th graders – the single largest increase in youth use of any substance in the survey’s 43-year history. A growing number of studies – including [a new study published Friday in the journal JAMA Network Open](#) – show that young people who use e-cigarettes are more likely to become smokers later, and many of these are low-risk youth who would not have otherwise used cigarettes. This is a serious public health threat that cannot be ignored. As Health and Human Services Secretary Alex Azar has stated, “These new data show that America faces an epidemic of youth e-cigarette use, which threatens to engulf a new generation in nicotine addiction.”

There is also overwhelming scientific evidence to support a prohibition on menthol cigarettes. As the FDA itself concluded in a comprehensive 2013 report, the evidence shows that menthol cigarettes lead to 1) increased smoking initiation among youth and young adults; 2) greater addiction; and 3) decreased success in quitting smoking. “These findings, combined with the evidence indicating that menthol’s cooling and anesthetic properties can reduce the harshness of cigarette smoke and the evidence indicating that menthol cigarettes are marketed as a smoother alternative to nonmenthol cigarettes, make it likely that menthol cigarettes pose a public health risk above that seen with nonmenthol cigarettes,” the FDA’s report concluded.

Over half of all youth smokers – and about 7 in 10 African-American youth smokers – start with and use menthol cigarettes. It is no accident that a disproportionate percentage of youth, African-Americans and members of the LGBTQ community smoke menthol cigarettes: Tobacco companies have engaged in decades of targeted marketing of menthol cigarettes to the African-American and other communities, with devastating health consequences.

Rather than being attacked, the FDA and Commissioner Scott Gottlieb should be commended for recognizing this public health emergency and the need for strong action to address it. The FDA has been joined and supported in this effort by Secretary Azar, U.S. Surgeon General Jerome Adams, the Centers for Disease Control and Prevention, and other public health authorities.

The real threat to the e-cigarette industry is not the FDA, but the industry’s own irresponsible practices that have fueled the youth epidemic, including the introduction of thousands of sweet, kid-friendly flavors and the use of marketing tactics right out of the playbook cigarette manufacturers have long used to attract kids.

The FDA and Commissioner Gottlieb have rightly made the fight against tobacco a high priority because they recognize that tobacco use is the No. 1 cause of preventable death in the United States and there are few actions the FDA could take that would make a bigger difference in improving the health of Americans. The fact that the tobacco industry is mobilizing its allies in an all-out war against the FDA’s efforts shows that the industry has not changed one bit and has zero credibility when it claims that it wants to be part of the solution. We urge the FDA to move forward with strong and effective action to address the youth e-cigarette epidemic and reduce the terrible toll of tobacco in our country.

(Please contact Becky Wexler at 202-296-5469 if you would like more information about tobacco industry funding to the groups signing the Norquist letter.)