

California Tobacco Control Program Electronic Newsletter Story

CTCP Update for the Week of: August 24, 2009

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How to Report the Sale of E-Cigarettes in your Community

The Food and Drug Branch (FDB), California Department of Public Health needs to hear about sales of e-cigarettes in your community. The mission of FDB is to protect and improve the health of all California residents by assuring that foods, drugs, medical devices and certain other consumer products are safe and are not adulterated, misbranded nor falsely advertised; and that drugs and medical devices are effective.

On July 22, 2009, the federal Food and Drug Administration (FDA) announced laboratory analyses of e-cigarette samples, which were found to contain carcinogens and toxic chemicals. The FDA has determined that e-cigarettes meet the definition of new drugs/drug-delivery systems and are subject to formal evaluation and approval prior to the sale within, and importation into the U.S. Currently, these products have not been submitted to FDA for evaluation or approval. Only one such device - Pfizer's Nicotrol Nicotine Inhaler has been approved as a smoking cessation device.

Currently, FDB does not have information on the sale of e-cigarettes throughout California. They are soliciting your assistance to document the sale of these products to establish a business case for enforcement. You can report to FDB by USPS mail or phone. We strongly recommend that you report by USPS mail to provide documentation that includes: 1) Name and location of vendor; 2) Description of product, including brand; 3) Pictures of where the products are sold; and any other relevant information. It is recommended that you reference FDA's analyses of the e-cigarettes. Details can be found at: <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm172906.htm>

The Office of the Attorney General is also interested in knowing the details about how and where e-cigarettes are sold. They are specifically interested in:

- Whether there is any marketing or purchase by minors.
- Whether there are any claims that the product is completely safe.
- If anyone says the product is approved by the FDA.
- Whether there are claims that it is a smoking cessation device, i.e. this will help you quit smoking.
- Any claims that sound false or exaggerated.

Letters of complaint to FDB

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Contacting AG's Office

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