

## Multiple Submissions

**From:** Robert B. Sklaroff, M.D., F.A.C.P.

**To:** Joan McClure (NCCN Senior Vice President, Clinical Information & Publications); NCCN Smoking Cessation Panel

### **Submission: November 23, 2015**

From: Robert B. Sklaroff, M.D., F.A.C.P.

To: Joan McClure, M.S.- NCCN Senior Vice President, Clinical Information & Publications

---

Dear Ms. McClure:

I respectfully request the NCCN update its claim that “efficacy data are lacking” to support the use of vaping [E-Cigarettes] as a methodology that can facilitate cessation of tobacco-use [see footnote “n” on page SC-4 and page 2 of SC-C].

I delayed submitting this request because I have been under the impression that the FDA would soon be ruling on this issue, after which time I would then rebut its claims via specific citations from the literature; yet, I read on Friday that a December-delay will allow for meetings to be held with interested parties. Therefore, *I ask that the committee—at the very least—expunge blind rejection of this proven-technique* until the aforementioned database can reasonably be assembled.

During the past half-decade, Mr. Godshall has remitted Tobacco Harm Reduction Updates via weekly via “Blast” e-mails, accruing literally hundreds of hyperlinks supporting this viewpoint; for documentation, consult most since 2010 [<http://www.ecita.org.uk/bill-godshall-press-releases>] and all during 2013-2015 [<http://www.ecigarette-politics.com/bill-godshall-thr-updates.html>].

To capture the essence of what both sides of this argument have argued [indeed, continue to claim], note the cogent exchange of thoughts regarding two pieces in the Mayo Clinic Proceedings, between the authors and ourselves; we argued that “Electronic Cigarettes Are Efficacious” [[http://www.mayoclinicproceedings.org/article/S0025-6196\(15\)00042-7/fulltext](http://www.mayoclinicproceedings.org/article/S0025-6196(15)00042-7/fulltext)] prompting a confessional [[http://www.mayoclinicproceedings.org/article/S0025-6196\(15\)00039-7/fulltext?mobileUi=0](http://www.mayoclinicproceedings.org/article/S0025-6196(15)00039-7/fulltext?mobileUi=0)] that reflected a “conversion” to our viewpoint, noting “that the use of electronic cigarettes was associated with higher abstinence than use of nicotine replacement therapy bought over-the-counter or no aid to cessation” [<http://www.ncbi.nlm.nih.gov/pubmed/24846453?dopt=Abstract>].

These views were summarized within our 2014 testimony before Philadelphia City Council [[https://www.scribd.com/doc/212166693/e-cigs?post\\_id=1448468906\\_10203439945106486#](https://www.scribd.com/doc/212166693/e-cigs?post_id=1448468906_10203439945106486#) = ].

Sincerely,

*Robert B. Sklaroff, M.D.*

**Submission: December 14, 2015**

Robert B. Sklaroff, M.D., F.A.C.P.

December 14, 2015

To: Joan McClure, M.S.- NCCN Senior Vice President, Clinical Information & Publications

---

Dear Ms. McClure:

Last month, I wrote to you requesting that the NCCN Guidelines regarding vaping be updated; yet, despite citing literature supportive of vaping [a.k.a. “ENDS,” Electronic Nicotine Delivery Systems], the recommendation to “not recommend” (claiming “insufficient data”) survived. Therefore, I will address the citations and then request the opportunity to speak with someone because I do not understand the basis for maintaining this yawning discrepancy [pp. MS20-21]. Because of the copyright-restriction, rather than citing from the text, this letter depends upon the relevance of the medical literature citations, notwithstanding the bulk of articles omitted.

Before doing so, the ability to refresh-recollections will be enhanced by reprinting my prior note:

I respectfully request the NCCN update its claim that “efficacy data are lacking” to support the use of vaping [E-Cigarettes] as a methodology that can facilitate cessation of tobacco-use [see footnote “n” on page SC-4 and page 2 of SC-C].

I delayed submitting this request because I have been under the impression that the FDA would soon be ruling on this issue, after which time I would then rebut its claims via specific citations from the literature; yet, I read on Friday that a December-delay will allow for meetings to be held with interested parties. Therefore, *ask that the committee—at the very least—expunge blind rejection of this proven-technique* until the aforementioned database can reasonably be assembled.

During the past half-decade, Mr. Godshall has remitted Tobacco Harm Reduction Updates via weekly via “Blast” e-mails, accruing literally hundreds of hyperlinks supporting this viewpoint; for documentation, consult most since 2010

[<http://www.ecita.org.uk/bill-godshall-press-releases>] and all during 2013-2015 [<http://www.ecigarette-politics.com/bill-godshall-thr-updates.html>].

To capture the essence of what both sides of this argument have argued [indeed, continue to claim], note the cogent exchange of thoughts regarding two pieces in the Mayo Clinic Proceedings, between the authors and ourselves; we argued that “Electronic Cigarettes Are Efficacious” [[http://www.mayoclinicproceedings.org/article/S0025-6196\(15\)00042-7/fulltext](http://www.mayoclinicproceedings.org/article/S0025-6196(15)00042-7/fulltext)] prompting a confessional [[http://www.mayoclinicproceedings.org/article/S0025-6196\(15\)00039-7/fulltext?mobileUi=0](http://www.mayoclinicproceedings.org/article/S0025-6196(15)00039-7/fulltext?mobileUi=0)] that reflected a “conversion” to our viewpoint, noting “that the use of electronic cigarettes was associated with higher abstinence than use of

nicotine replacement therapy bought over-the-counter or no aid to cessation”  
[<http://www.ncbi.nlm.nih.gov/pubmed/24846453?dopt=Abstract>].

These views were summarized within our 2014 testimony before Philadelphia City Council  
[[https://www.scribd.com/doc/212166693/e-cigs?post\\_id=1448468906\\_10203439945106486#](https://www.scribd.com/doc/212166693/e-cigs?post_id=1448468906_10203439945106486#) = ].

Here are the raw-data, provided comprehensively without critique [***emphasis*** added, truncated]:

197

<http://www.ncbi.nlm.nih.gov/pubmed/25572671>

[J Clin Oncol.](#) 2015 Mar 10;33(8):952-63. doi: 10.1200/JCO.2014.59.4465. Epub 2015 Jan 8.

**Electronic nicotine delivery systems: a policy statement from the American Association for Cancer Research and the American Society of Clinical Oncology.**

[Brandon TH](#)<sup>1</sup>, [Goniewicz ML](#)<sup>1</sup>, [Hanna NH](#)<sup>1</sup>, [Hatsukami DK](#)<sup>1</sup>, [Herbst RS](#)<sup>2</sup>, [Hobin JA](#)<sup>1</sup>, [Ostroff JS](#)<sup>1</sup>, [Shields PG](#)<sup>1</sup>, [Toll BA](#)<sup>1</sup>, [Tyne CA](#)<sup>1</sup>, [Viswanath K](#)<sup>1</sup>, [Warren GW](#)<sup>1</sup>.

#### **Abstract**

Combustible tobacco use remains the number-one preventable cause of disease, disability, and death in the United States. Electronic nicotine delivery systems (ENDS), which include electronic cigarettes, are devices capable of delivering nicotine in an aerosolized form. ENDS use by both adults and youth has increased rapidly, and some have advocated these products could serve as harm-reduction devices and smoking cessation aids. ***ENDS may be beneficial if they reduce smoking rates or prevent or reduce the known adverse health effects of smoking. However, ENDS may also be harmful, particularly to youth, if they increase the likelihood that nonsmokers or former smokers will use combustible tobacco products or if they discourage smokers from quitting. The American Association for Cancer Research (AACR) and the American Society of Clinical Oncology (ASCO) recognize the potential ENDS have to alter patterns of tobacco use and affect the health of the public; however, definitive data are lacking.*** The AACR and ASCO recommend additional research on these devices, including assessing the health impacts of ENDS, understanding patterns of ENDS use, and determining what role ENDS have in cessation. Key policy recommendations include supporting federal, state, and local regulation of ENDS; requiring manufacturers to register with the US Food and Drug Administration and report all product ingredients, requiring childproof caps on ENDS liquids, and including warning labels on products and their advertisements; prohibiting youth-oriented marketing and sales; prohibiting child-friendly ENDS flavors; and prohibiting ENDS use in places where cigarette smoking is prohibited.

198

<http://circ.ahajournals.org/content/130/16/1418.short>

[Circulation.](#) 2014 Oct 14;130(16):1418-36. doi: 10.1161/CIR.000000000000107. Epub 2014 Aug 24.

---

## **Electronic cigarettes: a policy statement from the American Heart Association.**

[Bhatnagar A](#), [Whitsel LP](#), [Ribisl KM](#), [Bullen C](#), [Chaloupka F](#), [Piano MR](#), [Robertson RM](#), [McAuley T](#), [Goff D](#), [Benowitz N](#); American Heart Association Advocacy Coordinating Committee, Council on Cardiovascular and Stroke Nursing, Council on Clinical Cardiology, and Council on Quality of Care and Outcomes Research.

### **Conclusions E-cigarettes represent a major change in the tobacco control landscape.**

This policy guidance is developed from the current international evidence base and tobacco control environment in the United States. The AHA will continue to ***monitor*** the impact of these new technologies on population health, cardiovascular disease, and stroke and will give special attention to the effect on youth and adolescents. The association's policy position and clinical guidance will evolve over time with the rapidly emerging research and evidence base for this field.

199

<http://www.ncbi.nlm.nih.gov/pubmed/25252116>

[Cancer](#). 2014 Nov 15;120(22):3527-35. doi: 10.1002/cncr.28811. Epub 2014 Sep 22.

## **Electronic cigarette use among patients with cancer: characteristics of electronic cigarette users and their smoking cessation outcomes.**

[Borderud SP](#)<sup>1</sup>, [Li Y](#), [Burkhalter JE](#), [Sheffer CE](#), [Ostroff JS](#).

**Erratum in:** [Erratum: Borderud SP, Li Y, Burkhalter JE, Sheffer CE and Ostroff JS. Electronic cigarette use among patients with cancer: Characteristics of electronic cigarette users and their smoking cessation outcomes. Cancer. doi: 10.1002/ cncr.28811.](#) [Cancer. 2015] {relates only to corrected Table 2}

### **Abstract BACKGROUND:**

Given that continued smoking after a cancer diagnosis increases the risk of adverse health outcomes, patients with cancer are strongly advised to quit. Despite a current lack of evidence regarding their safety and effectiveness as a cessation tool, electronic cigarettes (E-cigarettes) are becoming increasingly popular. To guide oncologists' communication with their patients about E-cigarette use, this article provides what to the authors' knowledge is the first published clinical data regarding E-cigarette use and cessation outcomes among patients with cancer.

### **METHODS:**

A total of 1074 participants included smokers (patients with cancer) who recently enrolled in a tobacco treatment program at a comprehensive cancer center. Standard demographic, tobacco use history, and follow-up cessation outcomes were assessed.

### **RESULTS:**

A 3-fold increase in E-cigarette use was observed from 2012 to 2013 (10.6% vs 38.5%). E-cigarette users were more nicotine dependent than nonusers, had more prior quit attempts, and were more likely to be diagnosed with thoracic and head or neck cancers. Using a complete case analysis, E-cigarette users were as likely to be smoking at the time of follow-up

as nonusers (odds ratio, 1.0; 95% confidence interval, 0.5-1.7). Using an intention-to-treat analysis, E-cigarette users were twice as likely to be smoking at the time of follow-up as nonusers (odds ratio, 2.0; 95% confidence interval, 1.2-3.3).

**CONCLUSIONS:** The high rate of E-cigarette use observed is consistent with recent articles highlighting increased E- cigarette use in the general population. **The current longitudinal findings raise doubts concerning the usefulness of E-cigarettes for facilitating smoking cessation among patients with cancer.** Further research is needed to evaluate the safety and efficacy of E-cigarettes as a cessation treatment for patients with cancer.

200

<http://www.ncbi.nlm.nih.gov/pubmed/25515689>

[Cochrane Database Syst Rev.](#) 2014;12:CD010216. doi: 10.1002/14651858.CD010216.pub2. Epub 2014 Dec 17.

**Electronic cigarettes for smoking cessation and reduction.**

[McRobbie H](#)<sup>1</sup>, [Bullen C](#), [Hartmann-Boyce J](#), [Hajek P](#).

**Abstract BACKGROUND:**

Electronic cigarettes (ECs) are electronic devices that heat a liquid - usually comprising propylene glycol and glycerol, with or without nicotine and flavours, stored in disposable or refillable cartridges or a reservoir - into an aerosol for inhalation. Since ECs appeared on the market in 2006 there has been a steady growth in sales. Smokers report using ECs to reduce risks of smoking, but some healthcare organisations have been reluctant to encourage smokers to switch to ECs, citing lack of evidence of efficacy and safety. Smokers, healthcare providers and regulators are interested to know if these devices can reduce the harms associated with smoking. In particular, healthcare providers have an urgent need to know what advice they should give to smokers enquiring about ECs.

**OBJECTIVES:**

To examine the efficacy of ECs in helping people who smoke to achieve long-term abstinence; to examine the efficacy of ECs in helping people reduce cigarette consumption by at least 50% of baseline levels; and to assess the occurrence of adverse events associated with EC use.

**SEARCH METHODS:**

We searched the Cochrane Tobacco Addiction Groups Trials Register, the Cochrane Central Register of Controlled Trials (CENTRAL), MEDLINE, Embase, and two other databases for relevant records from 2004 to July 2014, together with reference checking and contact with study authors.

**SELECTION CRITERIA:**

We included randomized controlled trials (RCTs) in which current smokers (motivated or unmotivated to quit) were randomized to EC or a control condition, and which measured abstinence rates or changes in cigarette consumption at six months or longer. As the field of EC research is new, we also included cohort follow-up studies with at least six months follow-

up. We included randomized cross-over trials and cohort follow-up studies that included at least one week of EC use for assessment of adverse events.

**DATA COLLECTION AND ANALYSIS:** One review author extracted data from the included studies and another checked them. Our main outcome measure was abstinence from smoking after at least six months follow-up, and we used the most rigorous definition available (continuous, biochemically validated, longest follow-up). For reduction we used a dichotomous approach (no change/reduction < 50% versus reduction by 50% or more of baseline cigarette consumption). We used a fixed-effect Mantel-Haenszel model to calculate the risk ratio (RR) with a 95% confidence interval (CI) for each study, and where appropriate we pooled data from these studies in meta-analyses.

## **MAIN RESULTS:**

Our search identified almost 600 records, from which we include 29 representing 13 completed studies (two RCTs, 11 cohort). We identified nine ongoing trials. Two RCTs compared EC with placebo (non- nicotine) EC, with a combined sample size of 662 participants. One trial included minimal telephone support and one recruited smokers not intending to quit, and both used early EC models with low nicotine content. We judged the RCTs to be at low risk of bias, but under the GRADE system the overall quality of the evidence for our outcomes was rated 'low' or 'very low' because of imprecision due to the small number of trials. A 'low' grade means that further research is very likely to have an important impact on our confidence in the estimate of effect and is likely to change the estimate. A 'very low' grade means we are very uncertain about the estimate. Participants using an EC were more likely to have abstained from smoking for at least six months compared with participants using placebo EC (RR 2.29, 95% CI 1.05 to 4.96; placebo 4% versus EC 9%; 2 studies; GRADE: low). The one study that compared EC to nicotine patch found no significant difference in six-month abstinence rates, but the confidence intervals do not rule out a clinically important difference (RR 1.26, 95% CI: 0.68 to 2.34; GRADE: very low). A higher number of people were able to reduce cigarette consumption by at least half with ECs compared with placebo ECs (RR 1.31, 95% CI 1.02 to 1.68, 2 studies; placebo: 27% versus EC:

36%; GRADE: low) and compared with patch (RR 1.41, 95% CI 1.20 to 1.67, 1 study; patch: 44% versus EC: 61%; GRADE: very low). Unlike smoking cessation outcomes, reduction results were not biochemically verified. None of the RCTs or cohort studies reported any serious adverse events (SAEs) that were considered to be plausibly related to EC use. One RCT provided data on the proportion of participants experiencing any adverse events. Although the proportion of participants in the study arms experiencing adverse events was similar, the confidence intervals are wide (ECs vs placebo EC RR 0.97, 95% CI 0.71 to 1.34; ECs vs patch RR 0.99, 95% CI 0.81 to 1.22). The other RCT reported no statistically significant difference in the frequency of AEs at three- or 12-month follow-up between the EC and placebo EC groups, and showed that in all groups the frequency of AEs (with the exception of throat irritation) decreased significantly over time.

## **AUTHORS' CONCLUSIONS:**

***There is evidence from two trials that ECs help smokers to stop smoking long-term compared with placebo ECs. However, the small number of trials, low event rates and wide confidence intervals around the estimates mean that our confidence in the result***

***is rated 'low' by GRADE standards.*** The lack of difference between the effect of ECs compared with nicotine patches found in one trial is uncertain for similar reasons. ***ECs appear to help smokers unable to stop smoking altogether to reduce their cigarette consumption when compared with placebo ECs and nicotine patches, but the above limitations also affect certainty in this finding.*** In addition, lack of biochemical assessment of the actual reduction in smoke intake further limits this evidence. ***No evidence emerged that short-term EC use is associated with health risk.***

201 <http://www.ncbi.nlm.nih.gov/pubmed/25822251> [PLoS One](https://doi.org/10.1371/journal.pone.0122544). 2015 Mar 30;10(3):e0122544. doi: 10.1371/journal.pone.0122544. eCollection 2015.

## **E-cigarettes and smoking cessation: evidence from a systematic review and meta-analysis.**

[Rahman MA](#)<sup>1</sup>, [Hann N](#)<sup>2</sup>, [Wilson A](#)<sup>3</sup>, [Mnatzaganian G](#)<sup>4</sup>, [Worrall-Carter L](#)<sup>5</sup>.

### **Abstract BACKGROUND:**

E-cigarettes are currently being debated regarding their possible role in smoking cessation and as they are becoming increasingly popular, the research to date requires investigation.

### **OBJECTIVES:**

To investigate whether the use of e-cigarettes is associated with smoking cessation or reduction, and whether there is any difference in efficacy of e-cigarettes with and without nicotine on smoking cessation.

### **DATA SOURCES:**

A systematic review of articles with no limit on publication date was conducted by searching PubMed, Web of Knowledge and Scopus databases.

### **METHODS:**

Published studies, those reported smoking abstinence or reduction in cigarette consumption after the use of e-cigarettes, were included. Studies were systematically reviewed, and meta-analyses were conducted using Mantel-Haenszel fixed-effect and random-effects models. Degree of heterogeneity among studies and quality of the selected studies were evaluated.

### **RESULTS:**

Six studies were included involving 7,551 participants. Meta-analyses included 1,242 participants who had complete data on smoking cessation. Nicotine filled e-cigarettes were more effective for cessation than those without nicotine (pooled Risk Ratio 2.29, 95%CI 1.05-4.97). Amongst 1,242 smokers, 224 (18%) reported smoking cessation after using nicotine-enriched e-cigarettes for a minimum period of six months. Use of such e-cigarettes was positively associated with smoking cessation with a pooled Effect Size of 0.20 (95%CI 0.11-0.28). Use of e-cigarettes was also associated with a reduction in the number of cigarettes used.

### **LIMITATIONS:**

Included studies were heterogeneous, due to different study designs and gender variation. Whilst we were able to comment on the efficacy of nicotine vs. non-nicotine e-cigarettes for smoking cessation, we were unable to comment on the efficacy of e-cigarettes vs. other interventions for cessation, given the lack of comparator groups in the studies included in this meta-analysis.

---

---

**CONCLUSIONS: Use of e-cigarettes is associated with smoking cessation and reduction. More randomised controlled trials are needed to assess effectiveness against other cessation methods.**

---

---

202

<http://www.ncbi.nlm.nih.gov/pubmed/24846453>

[Addiction](#). 2014 Sep;109(9):1531-40. doi: 10.1111/add.12623.

**Real-world effectiveness of e-cigarettes when used to aid smoking cessation: a cross-sectional population study.**

[Brown J1](#), [Beard E](#), [Kotz D](#), [Michie S](#), [West R](#).

**Abstract**

**BACKGROUND AND AIMS:**

Electronic cigarettes (e-cigarettes) are rapidly increasing in popularity. Two randomized controlled trials have suggested that e-cigarettes can aid smoking cessation, but there are many factors that could influence their real-world effectiveness. This study aimed to assess, using an established methodology, the effectiveness of e-cigarettes when used to aid smoking cessation compared with nicotine replacement therapy (NRT) bought over-the-counter and with unaided quitting in the general population.

**DESIGN AND SETTING:**

A large cross-sectional survey of a representative sample of the English population.

**PARTICIPANTS:**

The study included 5863 adults who had smoked within the previous 12 months and made at least one quit attempt during that period with either an e-cigarette only (n = 464), NRT bought over-the-counter only (n = 1922) or no aid in their most recent quit attempt (n = 3477).

**MEASUREMENTS:**

The primary outcome was self-reported abstinence up to the time of the survey, adjusted for key potential confounders including nicotine dependence.

**FINDINGS:**

E-cigarette users were more likely to report abstinence than either those who used NRT bought over-the-counter [odds ratio (OR) = 2.23, 95% confidence interval (CI) = 1.70-2.93, 20.0 versus 10.1%] or no aid (OR = 1.38, 95% CI = 1.08-1.76, 20.0 versus 15.4%). The adjusted odds of non-smoking in users of e-cigarettes were 1.63 (95% CI = 1.17-2.27) times

higher compared with users of NRT bought over-the-counter and 1.61 (95% CI = 1.19-2.18) times higher compared with those using no aid.

#### CONCLUSIONS:

**Among smokers who have attempted to stop without professional support, those who use e-cigarettes are more likely to report continued abstinence than those who used a licensed NRT product bought over-the-counter or no aid to cessation. This difference persists after adjusting for a range of smoker characteristics such as nicotine dependence.**

#### **Discussion of Abstracts**

Some authors “hide” behind political disclaimers, particularly entities that have collaborated in the past with organizations that have decried use of ENDS, such as “Campaign for Tobacco-Free Kids”; note its “Fact-Sheet” iteration [“It is not clear whether these products will help people quit, discourage smokers from quitting completely, or lead to nicotine addiction and tobacco use for new users, including kids”] and its resemblance with AACR/ASCO/AHA’s “we need to do more research” engrained-mantra {197- 198}. Because governmental organizations are establishing policy ostensibly predicated on scientific data [and, of course, the FDA’s input pends], it is desirable to draw more definitive conclusions from available info.

By comparison, note how such uncertainty is transformed into a positive/assertive posture {200}:

#### AUTHORS' CONCLUSIONS:

**There is evidence from two trials that ECs help smokers to stop smoking long-term compared with placebo ECs. However, the small number of trials, low event rates and wide confidence intervals around the estimates mean that our confidence in the result is rated 'low' by GRADE standards.** The lack of difference between the effect of ECs compared with nicotine patches found in one trial is uncertain for similar reasons. **ECs appear to help smokers unable to stop smoking altogether to reduce their cigarette consumption when compared with placebo ECs and nicotine patches, but the above limitations also affect certainty in this finding.** In addition, lack of biochemical assessment of the actual reduction in smoke intake further limits this evidence. **No evidence emerged that short-term EC use is associated with health risk.**

First, evidence is recognized that ENDS can help both cessation and reduction, notwithstanding allegedly-incomplete studies; this yields a ‘low’ confidence conclusion supporting this modality, mainstreaming “uncertainty” to generate an outcome. Perhaps more important when anticipating the FDA’s report is the fact that no short-term toxicity has been detected, thereby undermining that pervasive “warning” level that permeates the Big Government Encyclicals that are born of reflex- maternalism/paternalism.

When it’s claimed to be unclear whether cancer patients should try to stop {199}, unaddressed are both the need to perform subset analysis (because “cancer” is overbroad) and because of the claim that cancer complications (e.g., pneumonia in lung cancer patients) may be minimized in patients who have quit. Exemplifying this latter conceptual defect is a

somewhat intuitive conclusion that is phrased sensitively albeit definitively, for the lay-public ["Current and former smokers, especially people with lung cancer, should be encouraged to quit smoking"], composed by a British entity started two decades ago [[http://www.cochrane.org/CD011751/LUNGCA\\_smoking-cessation-interventions-people-lung-cancer](http://www.cochrane.org/CD011751/LUNGCA_smoking-cessation-interventions-people-lung-cancer)]. Thus, this citation is provided herein for completeness, but it does not carry significant overall "weight."

The last two cites {201-202} are far more definitive:

**Use of e-cigarettes is associated with smoking cessation and reduction. More randomised controlled trials are needed to assess effectiveness against other cessation methods.**

and

**Among smokers who have attempted to stop without professional support, those who use e-cigarettes are more likely to report continued abstinence than those who used a licensed NRT product bought over-the-counter or no aid to cessation. This difference persists after adjusting for a range of smoker characteristics such as nicotine dependence.**

Therefore, citing your own citations, it's unclear why your review committee couldn't allow itself to stand in opposition to orthodoxy that seemingly undermines confirmation of genuine risk-reduction from ENDS.

**Inasmuch as the FDA-Regs are now being reviewed via personal-interviews of "stakeholders," it is vital that the NCCN update its rhetoric to befit the very medical literature it selected [from the myriad of studies that prove efficacy and undermine claims of short-term toxicity]. Therefore, this letter should serve as a request for reconsideration of the most recent iteration of policy in this regard. I would wish someone on your staff to contact me to discuss this issue ASAP, despite awareness of upcoming holidays.**

Sincerely,

*Robert B. Sklaroff, M.D.*

---

**Submission: April 3, 2016**

From: Robert Sklaroff, M.D., F.A.C.P.

Subject: RE: NCCN Tobacco-Cessation Guidelines

Date: Sunday, April 03, 2016 1:56:02

Re: Smoking Cessation Guideline\_[Version 2.2015]

---

**Consider this to be an official submission for the consideration of your committee all of the articles referenced by Mr. Godshall over the years, prior to release of your next policy-update.**

Per request of Dr. Shields that “If you want to make us aware of published studies that you do believe we would not have seen already, you can **use the NCCN process**,” please consider the fact that most of Bill Godshall’s “Tobacco Harm Reduction Updates” since 2010 have been posted at... <http://www.ecita.org.uk/bill-godshall-press-releases>

...while THR Updates since 2013 are at...

<http://www.ecigarette-politics.com/bill-godshall-thr-updates.html>

...and 2016 THR Updates are at... <http://ejuicemonkeys.com/news/topics/godshalls-tobacco-harm-reduction/>

noting that the most recent “Blast” e-mail [representative of his oeuvre] follows [*vide infra*].

**Please acknowledge receipt thereof ASAP**, noting that he wishes this being remitted directly to you.

\*

Vaping Research

One year follow-up study of asthmatic daily vapers confirms past findings of improved respiratory symptoms, lung function, AHR, ACQ and cigarette consumption decline.

Polosa R et al. Persisting long term benefits of smoking abstinence and reduction in asthmatic smokers who have switched to electronic cigarettes.

<http://www.discoverymedicine.com/Riccardo-Polosa/2016/02/persisting-long-term-benefits-of-smoking-abstinence-and-reduction-in-asthmatic-smokers-who-have-switched-to-electronic-cigarettes/>

Bradley Fikes: E-cigarettes appear much less risky than smoking, scientists say

<http://www.sandiegouniontribune.com/news/2016/mar/19/e-cigarettes-health-risk-smoking/>

Smoking Cessation Research

Brad Rodu: Clinical trials and errors blur consumer tobacco preferences

<http://rodutobaccotruth.blogspot.com/2016/03/clinical-trials-and-errors-blur.html>

## International Conference

Global Forum on Nicotine in Warsaw, Poland, June 17-18 [https://gfn.net.co/  
https://gfn.net.co/programme-2016/program](https://gfn.net.co/https://gfn.net.co/programme-2016/program)

## THR Education and Advocacy

Jacob Sullum: Equating vaping with smoking is medical malpractice  
<http://reason.com/archives/2016/03/28/equating-vaping-with-smoking-is-medical>  
<http://www.forbes.com/sites/jacobsullum/2016/03/24/celebrity-doctor-margaret-cuomo-insists-on-misleading-smokers-about-vaping-hazards/#19edfa783a8a>

View e-cigarettes as harm reduction, not health risk: Prof (Sweanor criticizes Health Canada's cigarette protecting anti-nicotine propaganda and abstinence-only laws)  
<http://m.metronews.ca/#/article/news/ottawa/2016/03/27/prof-says-feds-moving-the-wrong-way-on-vaping.html>

Hank Campbell: 1% of a \$900 billion market has health officials baffled  
<http://acsh.org/news/2016/03/28/1-of-a-900-billion-market-has-health-officials-baffled/>

Mike Siegel: CVS Health tells public that smoking is no more dangerous than vaping  
<http://tobaccoanalysis.blogspot.com/2016/03/cvs-health-tells-public-that-smoking-is.html>

Sarah Jakes: Vapers just want to have fun <http://www.spiked-online.com/newsite/article/vapers-just-wanna-have-fun/#.VuxonX0rLMp>

## Heat Not Burn Products

Marlboro kicks some ash: Philip Morris makes a device to heat – rather than burn – tobacco  
<http://www.bloomberg.com/news/articles/2016-03-24/marlboro-kicks-some-ash>

Smoke without fire: Japan become test ground for real tobacco e-cigarette  
<http://www.reuters.com/article/us-japan-tobacco-idUSKCN0WV0GQ>

## FDA Deeming Ban

FDA's Robert Califf falsely claims FDA bases its regulations on scientific evidence (after FDA unlawfully banned e-cigs in 2009, stated its intent to ban them again in 2011, and proposed banning them again in 2014), says FDA Deeming Regulation is among his top priorities, but fails to acknowledge it would protect cigarettes by banning vapor products.

<http://blogs.fda.gov/fdavoices/index.php/2016/03/priorities-teamwork-to-achieve-common-goals>

ATR's Paul Blair: It's time for presidential candidates weigh overregulation of vapor products  
<http://www.atr.org/it-s-time-presidential-candidates-weigh-overregulation-vapor-products>

NCI falsely claims cigars pose same disease risks as cigarettes to lobby for FDA Deeming Ban <http://www.deseretnews.com/article/865650824/Where-theres-smoke-theres-cancer.html?pg=all>

Sheila Kaplan: The era of unregulated cigars may be going up in smoke  
<https://www.statnews.com/2016/03/23/cigar-fda-proposed-regulations/>

## Other FDA

Brad Rodu: FDA smokeless tobacco campaign is incompatible with science-based regulation  
<http://rodutobaccotruth.blogspot.com/2016/03/fda-smokeless-tobacco-campaign-is.html>

22nd Century says FDA has formally acknowledged receipt of company's MRTP application to falsely claim very low nicotine cigarettes are reduced risk products.  
<http://www.businesswire.com/news/home/20160331005925/en/FDA-Acknowledges-Receipt-22nd-Century%E2%80%99s-Nicotine-Modified>

## FTC

FTC issues 2013 reports on cigarettes and smokeless tobacco products  
<https://www.ftc.gov/news-events/press-releases/2016/03/ftc-releases-reports-2013-cigarette-smokeless-tobacco-sales> <https://www.ftc.gov/reports/federal-trade-commission-cigarette-report-2013> <https://www.ftc.gov/reports/federal-trade-commission-smokeless-tobacco-report-2013>

## Prohibition

E-cigarette body tells Hong Kong officials to regulate industry, not ban its products  
<http://www.scmp.com/news/hong-kong/health-environment/article/1931681/e-cigarette-body-tells-hong-kong-officials>

## Litigation

Florida Supreme Court rules for allowing punitive damages in Engle cases  
[http://www.journalnow.com/business/business-news/local/fla-supreme-court-rules-for-allowing-punitive-damages-in-engle/article\\_372c9db7-05a3-50fe-979b-cc759af2f7e8.html](http://www.journalnow.com/business/business-news/local/fla-supreme-court-rules-for-allowing-punitive-damages-in-engle/article_372c9db7-05a3-50fe-979b-cc759af2f7e8.html)

## Taxation

Scott Drenkard: Vapor Products and Tax Policy (excellent analysis that finds no logical reason for taxing vapor products except to protect cigarettes from market competition)  
<http://taxfoundation.org/article/vapor-products-and-tax-policy>

Fiscal health before public health? Taxing e-cigarettes, a business decision E-cigarette regulation is about replacing cash flow, not harm reduction  
<http://us.blastingnews.com/business/2016/03/fiscal-health-before-public-health-taxing-e-cigarettes-a-business-decision-00843965.html>

Guy Bentley: Local lawmakers left red faced after failure of e-cigarette tax (MD)  
<http://dailycaller.com/2016/03/25/local-lawmakers-left-red-faced-after-failure-of-e-cigarette-tax/#ixzz44IVVPQem>

Why electronic cigarette taxes don't work: Montgomery County (MD) e-cig tax falls 80% short of expectations  
<http://www.cspnet.com/category-news/tobacco/articles/why-electronic-cigarette-taxes-don-t-work>

Vermont House approves bill (HB 879) to impose 92% tax on vapor products, sent to Senate  
<http://legislature.vermont.gov/bill/status/2016/H.879>

CASAA urges Vermont vapers to oppose 92% tax on vapor and smokeless tobacco  
<http://blog.casaa.org/2016/03/vt-take-action-to-oppose-vapor-taxes.html>

Vermont legislature may protect cigarettes with a 92% tax on lifesaving vapor products  
[http://www.manchesterjournal.com/oped/ci\\_29699824/vapes-shops\\_become-vaporized](http://www.manchesterjournal.com/oped/ci_29699824/vapes-shops_become-vaporized)

North Dakota Sec of State approves for circulation ballot petition to impose 56% tax on lifesaving vapor products, increase cigarette tax from \$.44 to \$2.20/pack, and increase tax on less harmful OTP from 28% to 56% Bismarck Tribune 3/29

<http://www.wday.com/news/3995693-north-dakota-may-soon-have-decide-increase-taxes-tobacco-products-including-e> <http://www.grandforksherald.com/news/business/3995243-ballot-proposal-would-raise-taxes-electronic-cigarettes-north-dakota>

Guy Bentley: High cigarette taxes and black market tobacco are funding global terrorism  
<http://dailycaller.com/2016/03/21/high-cigarette-taxes-and-black-market-tobacco-are-funding-global-terrorism/>

Nebraska legislative committee rejects bill that would have increased cigarette tax  
<http://netnebraska.org/article/news/1016336/immunity-prostitution-charges-advances-supreme-court-declines-marijuana-lawsuit>

State tobacco tax roundup: March 2016

<http://www.cspnet.com/category-news/tobacco/articles/state-tobacco-tax-roundup-march-2016>

Licensure of Vapor Products

Washington State Senate and House approve bill (SB 6328) to require licenses for vapor retailers, require vapor product warnings, ban vaping in schools; sent to governor  
<http://www.washingtontimes.com/news/2016/mar/29/legislature-oks-vaping-regulation/>

Washington State AG Bob Ferguson and other vaping opponents endorse reasonable vapor product regulation legislation <http://www.atg.wa.gov/news/news-releases/landmark-ag-requested-regulations-e-cigarettes-vapor-products-pass-senate>

Hoosier security: E-cigarettes bill creates mandated monopoly  
<http://eaglecountryonline.com/local-article/hoosier-security-e-cigarette-bill-creates-mandated-monopoly/>

Highland Park (NJ) Council preliminarily approves bill to protect cigarettes by imposing a \$1,200 annual licensing fee on retailers who sell lifesaving vapor products.  
[http://www.nj.com/middlesex/index.ssf/2016/03/nj\\_borough\\_wants\\_vape\\_shops\\_to\\_cough\\_up\\_fee.html](http://www.nj.com/middlesex/index.ssf/2016/03/nj_borough_wants_vape_shops_to_cough_up_fee.html)

Vaping Bans

Clive Bates: Vaping bans – asking the wrong question <http://www.clivebates.com/?p=3813>

CASAA urges Alaska vapers to oppose bill (HB 328) to ban vaping in workplaces  
<http://blog.casaa.org/2016/03/ak-take-action-to-oppose-indoor-vaping.html>

Alaska Senate approves bill (SB 1) to ban vaping and smoking in workplaces  
<http://juneauempire.com/state/2016-03-30/senate-votes-ban-smoking-bars-restaurants-statewide>

CASAA urges Orange County (CA) vapers to oppose proposed vaping ban  
<http://blog.casaa.org/2016/03/local-alert-orange-co-nc-take-action-to.html>

CASAA urges South Bend (IN) vapers to oppose proposed workplace vaping ban  
<http://blog.casaa.org/2016/03/local-alert-south-bend-in-take-action.html>

South Bend (IN) Council approves ban on vaping and smoking in workplaces (including vape shops)  
[http://www.southbendtribune.com/news/local/south-bend-council-approves-smoking-ban-on-vote/article\\_6bf5c2dc-f617-11e5-b1bd-830cf02cb648.html](http://www.southbendtribune.com/news/local/south-bend-council-approves-smoking-ban-on-vote/article_6bf5c2dc-f617-11e5-b1bd-830cf02cb648.html)

Derek James From: Ontario's anti vaping law misguided, illegal  
<http://windsorstar.com/opinion/columnists/ontarios-anti-vaping-law-misguided-illegal>

Dick Puddlecote: There's only one person to blame, Drakeford (Wales)  
<http://dickpuddlecote.blogspot.co.uk/2016/03/theres-only-one-person-to-blame.html>

### Smokeless Tobacco Usage Bans

Big Pharma financed CTFK and 33 other prohibitionist groups lie to Major League Baseball about the negligible risks of smokeless tobacco products to bully the league to impose totally unwarranted and unenforceable smokeless tobacco usage bans for adults  
[http://www.tobaccofreekids.org/press\\_releases/post/2016\\_03\\_31\\_mlb](http://www.tobaccofreekids.org/press_releases/post/2016_03_31_mlb)  
[http://www.tobaccofreekids.org/content/press\\_office/2016/2016\\_03\\_31\\_mlb\\_letter.pdf](http://www.tobaccofreekids.org/content/press_office/2016/2016_03_31_mlb_letter.pdf)

Reason's Matt Welch: Chewing tobacco at ballparks is disgusting, but it shouldn't be illegal  
<http://www.latimes.com/opinion/op-ed/la-oe-0331-welch-chewing-tobacco-ban-20160331-story.html>

Deron Snyder: MLB will soon find out how far smokeless tobacco bans are received  
<http://www.washingtontimes.com/news/2016/mar/28/snyder-mlb-will-soon-find-out-how-far-smokeless-to/>

Intolerant NYC City Council bans adults from using very low risk smokeless tobacco products (that have helped millions of people quit smoking, and pose no risks to others) at sports and recreational areas to purportedly protect children (despite virtually no smokeless tobacco use by NYC teens); Mayor de Blasio to sign bill  
<http://www.foxnews.com/us/2016/03/28/smokeless-tobacco-set-to-be-banned-in-ny-baseball-parks.html>

<http://www.nydailynews.com/sports/de-blasio-promises-sign-new-york-city-chewing-tobacco-ban-article-1.2579149>

<http://nypost.com/2016/03/27/de-blasio-to-follow-through-on-tobacco-ban-in-ballparks/>  
<http://www.northjersey.com/sports/klapisch-yankees-deliberate-tobacco-ban-1.1534134?page=all>

Steve Chapman's op/ed criticizes adult smokeless tobacco use at Chicago baseball stadia  
<http://www.chicagotribune.com/news/opinion/chapman/ct-smokeless-tobacco-ban-ballpark-baseball-mlb-perspec-0327-jm-20160325-column.html>

## California

California governor urged to veto slew of anti e-cigarette bills

<http://dailycaller.com/2016/03/30/california-governor-urged-to-veto-slew-of-anti-e-cigarette-bills/>

Orange County vaping industry lobbies against changes in smoking laws

<http://www.ocregister.com/articles/cigarettes-710158-brown-vaping.html>

No drinking, smoking or vaping under 21 in California if new law signed

<http://motherboard.vice.com/read/no-drinking-smoking-or-vaping-under-21-in-california-if-new-law-signed>

Dr. Rob Crane lies about vaping to ban sales of vapor products to 18, 19 and 20 year old smokers, ban use of lifesaving vapor products in workplaces (which protect cigarettes).

<http://www.sacbee.com/opinion/op-ed/soapbox/article66713847.html>

## Minimum Age Laws

Second e-cig study finds raising age limit may have backfire effect

[http://www.journalnow.com/news/local/second-e-cig-study-finds-raising-age-limit-may-have/article\\_8ed3f4fb-0c69-55d9-9fca-c6970920a613.html](http://www.journalnow.com/news/local/second-e-cig-study-finds-raising-age-limit-may-have/article_8ed3f4fb-0c69-55d9-9fca-c6970920a613.html)

CASAA urges Chautauqua County (NY) vapers to oppose bill to increase minimum age for vapor product sales to 21.

<http://blog.casaa.org/2016/03/local-alert-chautauqua-co-ny-take.html>

CASAA urges Gardner (KS) vapers to oppose bill to increase minimum age for vapor product sales to 21. <http://blog.casaa.org/2016/03/local-alert-gardner-ks-oppose-tobacco.html>

Vermont House votes 71-71 on bill to increase minimum age for sales of tobacco and vapor products to 21, plans to reconsider bill

<http://www.burlingtonfreepress.com/story/news/politics/2016/03/26/vermont-considers-raising-smoking-age-21/82186172/>

<http://www.sunherald.com/news/business/article68621147.html>

USA Today editorial endorses age 21 for cigarette sales, but deceptively fails to acknowledge that all age 21 laws and bills also increase the minimum age for lifesaving vapor products and low risk OTP <http://www.usatoday.com/story/opinion/2016/03/21/cigarettes-21-sales-age-california-hawaii-editorials-debates/81730332/>

## Flavoring Ban

Imperial Tobacco and two retailers sue New Brunswick over menthol tobacco ban

<http://www.newswire.ca/news-releases/imperial-tobacco-canada-files-legal-challenge-against-new-brunswick-menthol-ban-573364201.html>

<http://www.cbc.ca/news/canada/new-brunswick/tobacco-menthol-ban-imperial-1.3511069>

## Plain Packaging

France sets cigarette plain packaging date, JTI to file appeal

<http://medicalxpress.com/news/2016-03-france-cigarette-plain-package-date.html>

## EU TPD

Jacob Hasselbalch: Profession disruption in health regulation: electronic cigarettes in the European Union (describes rapid changes in the EU TPD's e-cigarette policy, but fails to acknowledge that many abstinence-only e-cig prohibitionists who lobbied for the TPD's cigarette protecting e-cig sales ban repeated many fear mongering lies they made about snus when lobbying the EU to ban snus in the 1990's and when sabotaging then ASH-UK director Clive Bates' attempt to repeal EU's cigarette protecting snus ban a decade ago).

<http://jpo.oxfordjournals.org/content/3/1/62.full>

Jacob Hasselbalch: Why e-cigarettes have an image problem <http://blog.oup.com/2016/03/e-cigarettes-image-problem/>

## Junk Science, Propaganda and Lies

Frank Schnell: How natural variations became environmental crises: the word game

<http://acsh.org/news/2016/02/16/how-natural-variations-became-environmental-crises-the-word-game/>

Study finds e-liquid and rechargeable vapor products are significantly less expensive than cigarettes in majority of 45 countries studied (if same vaporizer is used for several weeks or months, which is typical) and disposable e-cigs are more expensive than cigarettes in vast majority of countries; but American Cancer Society press release falsely claims the study found e-cigarettes are more expensive than cigarettes in 44 of 45 nations (because ACS inaccurately assumed that all rechargeable vapor products are used for just one day).

<http://tobaccocontrol.bmj.com/content/early/2016/03/16/tobaccocontrol-2015-052874.abstract>

[http://www.eurekalert.org/pub\\_releases/2016-03/acs-cct032416.php](http://www.eurekalert.org/pub_releases/2016-03/acs-cct032416.php)

<http://www.medpagetoday.com/PrimaryCare/Smoking/56982>

<http://medicalxpress.com/news/2016-03-cigarettes-cheaper-e-cigarettes-countries.html>

US DHHS agencies (that funded most of the junk science and fear mongering press releases demonizing vaping) team up with aerosol research group to further demonize vaping under the guise of science, stack AAAR scientific review panel with DHHS vaping opponents, e-mail Call for Abstracts for Special Symposium on E-cigarettes in October to vaping opponents (but not to vaping supporters, and don't post it on website) <https://www.e-cigarette-forum.com/forum/threads/obamas-dhhs-teaming-up-with-aerosol-research-group-to-demonize-vaping.734621/>

<http://aaarabstracts.com/2016/>

Journal of the American Association of Nurse Practitioners publishes review by Univ. of Pennsylvania's Amy Tomaszewski confirming most vapers know vapor products are far less harmful than cigarettes and have helped smokers quit, then denies this clear fact (that vaping

is less harmful than smoking, and has helped many smokers quit), urges FDA to impose the cigarette protecting vapor Deeming ban, and urges nurse practitioners to instruct patients who smoke to not vape, and instruct patients who vape to stop vaping.

<http://onlinelibrary.wiley.com/doi/10.1002/2327-6924.12358/abstract>

Mike Siegel: Public health malpractice? Nursing journal article recommends scolding smokers who quit using e-cigarettes <http://tobaccoanalysis.blogspot.com/2016/03/public-health-malpractice-nursing.html>

CDC's Tom Frieden claims agency advertisements prompted 400,000 smokers to quit, but agency still denies that vaping has helped anyone quit smoking, and continues lobbying for FDA's proposed vapor deeming ban that protects cigarettes.

<http://www.cdc.gov/media/releases/2016/p0324-anti-smoking.html>

<http://thehill.com/policy/healthcare/274243-cdc-104k-people-quit-smoking-due-to-ad-campaign> <http://consumer.healthday.com/cancer-information-5/smoking-cessation-news-628/briefs-3-24-cdc-anti-smoking-campaign-pcd-cdc-release-batch-2596-709410.html>

After demanding and signing laws that protect cigarettes from market competition by far less harmful vapor and smokeless tobacco products (to ensure that many more smokers will get cancer), former NYC Mayor Michael Bloomberg (and Joe Biden) absurdly claim cancer can be cured by spending more money (Godshall comments).

<http://www.bloombergview.com/articles/2016-03-30/curing-cancer-is-within-reach>

Michael Schulson: How journalists can help hold scientists accountable (reveals that many/most studies are junk science and much scientific reporting hypes junk science)

<http://www.psmag.com/nature-and-technology/journalists-should-hold-scientists-accountable>

CPI's Nicholas Kusnetz' anti tobacco industry rant protects cigarettes by deceitfully conflating lifesaving vapor products with cigarettes, referring to vaping prohibitionists financed by Big Pharma and by Obama's DHHS as "anti-smoking advocates", repeating their lies claiming state laws banning vapor product sales to minors "protect e-cigarettes", falsely claims tobacco companies led the lobbying campaign (mobilized by vapers and vape shop owners) against CA Sen. Leno's vaping ban.

<http://www.publicintegrity.org/2016/03/25/19468/how-big-tobacco-lobbies-safeguard-e-cigarettes> <https://news.vice.com/article/why-us-big-tobacco-lobbies-for-e-cigarettes>

Huff Post publishes more lies about vaping, this time by Prop 65 frivolous lawsuit group CEH's Micheal Green [http://www.huffingtonpost.com/michaelgreen/e-cigarettes-hooking-a-new-generation\\_b\\_9498756.html](http://www.huffingtonpost.com/michaelgreen/e-cigarettes-hooking-a-new-generation_b_9498756.html)

Ontario Thoracic Society chair George Chandy and anti-THR activist Stan Shatenstein protect cigarettes, threaten lives of all vapers and smokers by repeating long disproved lies about vaping (e.g. a gateway to cigarettes, as harmful as cigarettes, prevents smokers from quitting) to lobby for vaping bans and other cigarette protecting anti vaping laws.

<http://ottawacitizen.com/opinion/letters/your-letters-for-saturday-march-26-vaping-and-speeding>

Des Moines Register's Linh Ta repeats ALA lies about vaping without any fact checking to lobby for more cigarette protecting vaping bans

<http://www.desmoinesregister.com/story/news/health/2016/03/17/more-iowa-cities-ban-smoking-vaping-parks/81821080/>

State funded/controlled vaping opponent ClearWay Minnesota gives grant to study e-cigs

<http://www.prnewswire.com/news-releases/clearway-minnesotasm-funds-new-research-grants-300237900.html>

Public Health versus Paternalism

Paternalism and public health (for) by Sandro Galea, Dean, BU School of Public Health

(Godshall comments) <http://www.bu.edu/sph/2016/03/13/paternalism-and-public-health/>

A Commentary on Dean Galea's Note (against) by Leonard Glantz

<http://www.bu.edu/sph/2016/03/13/a-commentary-on-dean-galeas-note/>

Guy Bentley: Academics devise surveillance system to identify e-cigarette supporters

<http://dailycaller.com/2016/03/20/academics-devise-surveillance-system-to-identify-e-cigarette-supporters/>

[http://www.j-biomed-inform.com/article/S1532-0464\(16\)00046-0/abstract](http://www.j-biomed-inform.com/article/S1532-0464(16)00046-0/abstract)

**Submission: May 7, 2016**

From: Robert Sklaroff, M.D., F.A.C.P.  
To: [Submissions](#)  
Subject: FW: Tobacco Harm Reduction Update  
Date: Saturday, May 07, 2016 5:50:35 PM

---

Consider this to be another official submission to your appropriate committee [with hyperlinks]; please acknowledge receipt.

-----Original Message-----

From: Bill Godshall  
Sent: Saturday, May 07, 2016 5:14 PM  
Subject: Tobacco Harm Reduction Update

Obama's FDA commits public health malpractice, protects cigarettes, threatens lives of vapers and smokers, unethically and inhumanely bans lifesaving nicotine vapor products.

FDA press release headline falsely claims cigarette protecting Deeming Regulation (that bans the sale of >99.9% of lifesaving nicotine vapor products on May 5, 2018) protects Americans from "dangers of tobacco", release falsely claims Deeming Regulation bans sales of e-cigarettes to minors (as it doesn't ban sales of no-nicotine e-cigs, which are used by most teens who vape).

<http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/UCM499234.htm>

FDA issues Final Rule for Vapor Deeming Ban (499 pages); to ban vape shops from mixing (i.e. manufacturing) e-liquid and perhaps other products August 8, 2016; to ban sales of all nicotine vapor products to adults on or before August 8, 2018.

<https://s3.amazonaws.com/public-inspection.federalregister.gov/2016-10685.pdf>  
[https://www.federalregister.gov/articles/2016/05/10/2016-10685/deeming-tobacco-products-to-be-subject-to-the-federal-food-drug-and-cosmetic-act-as-amended-by-the?](https://www.federalregister.gov/articles/2016/05/10/2016-10685/deeming-tobacco-products-to-be-subject-to-the-federal-food-drug-and-cosmetic-act-as-amended-by-the)  
<http://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm394909.htm>  
<http://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm388395.htm>

White House calls FDA's cigarette protecting e-cig ban a 'common sense' proposal  
<http://www.reuters.com/article/us-usa-ecigarettes-whitehouse-idUSKCN0XW1WV>

DHHS Sec. Sylvia Burwell commits public health malpractice, threatens lives of vapers and smokers, conflates lifesaving vapor products with lethal cigarettes, misrepresents scientific evidence, announces cigarette protecting vapor deeming ban.

<http://www.hhs.gov/about/leadership/secretary/speeches/2016/tobacco-press-conference.html>

Premarket Tobacco Product Applications for Electronic Nicotine Delivery Systems (ENDS)  
<http://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm499351.htm>

Small Entity Compliance Guide: FDA Deems Certain Tobacco Products Subject to FDA Authority, Sales and Distribution Restrictions, and Health Warning Requirements for Packages and Advertisements  
<http://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm499353.htm>

FDA offers Small Business Assistance (to tell companies their products are banned)  
<http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/SmallBusiness/default.htm>

FDA: Products, Ingredients and Components  
<http://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/default.htm>

FDA creates Deeming webpage “Extending Authorities to All Tobacco Products, Including E-Cigarettes, Cigars, and Hookah”

<http://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm388395.htm>

Keller and Heckman: Tobacco turmoil and the FDA’s regulatory authority  
<http://www.natlawreview.com/article/tobacco-turmoil-and-fda-s-regulatory-authority>

CASAA: Royal College of Physicians promotes e-cigarettes while FDA rules effectively ban them  
<http://www.prnewswire.com/news-releases/royal-college-of-physicians-promotes-e-cigarettes-while-fda-rules-effectively-ban-them-300264254.html>

Mike Siegel: FDA E-Cigarette Deeming Regulations are a Disaster for Public Health  
<http://tobaccoanalysis.blogspot.com/2016/05/fda-e-cigarette-deeming-regulations-are.html>

Mike Siegel op/ed in Wall St. Journal: The FDA’s vaporous thinking about e-cigs  
<http://www.wsj.com/articles/the-fdas-vaporous-thinking-about-e-cigs-1462487690?cb=logged0.7864068653208391>

Jeff Stier: FDA went way too far on e-cigarettes  
<http://www.usatoday.com/story/opinion/2016/05/05/e-cigarettes-fda-congress-smokers-editorials-debates/83983326/>

VTA: FDA’s Deeming Regulation went from bad to worse for the vapor industry  
<https://www.docdroid.net/voE34fR/vta-guidance-initial-reactions-to-fdas-deeming-regulation.pdf.html>

Konstantinos Farsalinos – FDA deeming regulation on e-cigarettes: An effective ban on most (and on most effective) products  
<http://www.ecigarette-research.org/research/index.php/whats-new/whatsnew-2016/240-fda>

Charlie Minato: FDA chooses Option 1, will regulate premium cigars  
<http://halfwheel.com/fda-chooses-option-1-will-regulate-premium-cigars/113855>

Charlie Minato: Takeaways from FDA’s decision to regulate cigars  
<http://halfwheel.com/5-takeaways-from-fdas-decision-to-regulate-cigars/113899>

Fears new rules could see US cigar factory go up in smoke

<http://www.dailymail.co.uk/wires/afp/article-3566713/Fears-new-rules-US-cigar-factory-smoke.html>

Kyle Smith: Why is the government out to destroy vaping? <http://nypost.com/2016/05/01/why-is-the-government-out-to-destroy-vaping/>

JD Tuccile: Government officials are determined to turn vapers into scofflaws

<http://reason.com/archives/2016/05/03/government-officials-are-determined-to-t>

Sarah Beller: Is the e-cigarette debate turning anti-smoking groups into a new Big Tobacco?

<https://www.rawstory.com/2016/04/is-the-e-cigarette-debate-turning-anti-smoking-groups-into-a-new-big-tobacco/>

ACSH's Hank Campbell: FDA finalizes ruling on e-cigarettes

<http://acsh.org/news/2016/05/05/fda-finalizes-ruling-on-e-cigarettes-rules/>

Jeb Kinnison: FDA wants more lung cancer <https://jebkinnison.com/2016/05/05/fda-wants-more-lung-cancer/>

Susan Adams: Can E-cigarettes Survive the War Against Vaping?

<http://www.forbes.com/sites/susanadams/2016/05/05/can-e-cigarettes-survive-the-war-against-vaping/#12070d69b2d> <http://www.forbes.com/sites/susanadams/#2c89c2e858ba>

Reuters headline falsely claims FDA's vapor/cigar/hookah sales ban to adults is a vapor/cigar/hookah sales ban to minors, but article acknowledges Big Tobacco benefits.

<http://www.reuters.com/article/us-usa-ecigarettes-idUSKCN0XW1C9?utm>

"The winners are the large tobacco manufacturers, primarily Altria (MO.N) and Reynolds (American) (RAI.N), which have the experience and financial wherewithal" to deal with FDA processes, said Adam Fleck, an equity analyst at Morningstar. "The net result is a very fragmented e-cigarette market is likely to be consolidated."

FDA Regulations won't slow down Big Tobacco, analysts say "We believe this will thwart new product innovation from many small companies and favor the large tobacco companies," Stifel analyst Chris Growe wrote.

<http://wbt.com/new-fda-regulations-wont-slow-down-big-tobacco-analysts-say/>

The FDA's rules will especially affect the businesses of smaller e-cigarette makers, which may not have the resources to comply with the agency's approval process, said Michael Lavery, an analyst with Credit Lyonnais Securities Asia (CLSA) Americas in New York. Lavery said that "could be a positive" for larger tobacco companies, such as Altria Group, Reynolds-American and Imperial Brand

Washington Post article deceptively touts FDA's cigarette protecting life threatening vapor ban as needed to protect youth, portrays teen e-cig use worse than teen smoking

[https://www.washingtonpost.com/national/health-science/the-federal-government-is-about-to-begin-regulating-the-booming-e-cigarette-market/2016/05/05/d22ddec0-130b-11e6-93ae-50921721165d\\_story.html](https://www.washingtonpost.com/national/health-science/the-federal-government-is-about-to-begin-regulating-the-booming-e-cigarette-market/2016/05/05/d22ddec0-130b-11e6-93ae-50921721165d_story.html)

NY Times' Sabrina Tavernise once again falsely portrays FDA's cigarette protecting vapor deeming ban as beneficial for public health when announcing new rule

<http://www.nytimes.com/2016/05/06/science/fda-rules-electronic-cigarettes.html>

USA Today article hypes FDA vapor deeming ban

<http://www.usatoday.com/story/news/politics/2016/05/05/feds-expected-announce-final-e-cigarette-rule-could-nearly-ban-them/83951786/>

Guardian article: The regulations "will cause a modern-day prohibition of products that are recognized worldwide as far less hazardous than cigarettes", said Gregory Conley, president of the American Vaping Association. "If the FDA's rule is not changed by Congress or the courts, thousands of small businesses will close in two to three years."

<http://www.theguardian.com/society/2016/may/05/fda-ecigarette-brands-review-federal-oversight>

CNN falsely touts FDA's cigarette protecting deeming ban as benefiting public health

<http://edition.cnn.com/2016/05/05/health/fda-e-cigarettes-regulation/>

Ray Story, the founder and CEO of the Tobacco Vapor Electronic Cigarette Association, called the ruling "a complete disaster."

Philadelphia Inquirer article on FDA deeming ban "This is not regulation. This is prohibition that will kill jobs, cost lives, and further entrench America's largest cigarette companies," said Gregory Conley. "For the first time in American history, consumers will have to go to the black market to purchase a far less hazardous alternative to a completely legal product – deadly cigarettes," he said.

[http://www.philly.com/philly/health/20160506\\_New\\_e-cig\\_rules\\_will\\_be\\_first\\_for\\_Pa\\_.html](http://www.philly.com/philly/health/20160506_New_e-cig_rules_will_be_first_for_Pa_.html)

Bill Godshall, executive director of Smokefree Pennsylvania, and former three-pack-a-day smoker who once worked for the American Cancer Society also says e-cigs are "harm-reducing". "I'm not saying [e-cigs] are safe, but they're safer. They reduce risks. It's about harm reduction; you're not inhaling smoke. There is no carbon monoxide, and there is no tar. They're not going to give you cancer."

Pittsburgh Post-Gazette article on FDA Deeming Ban "If the regulations are implemented, the cost to small-business owners would make the product too expensive. We'd have to hire teams of lawyers and scientists to analyze the liquid ingredients," said Mr. Hughes, who owns Fat Cat Vapor Shop in Montoursville, Lycoming County.

<http://www.post-gazette.com/news/health/2016/05/05/FDA-brings-e-cigarettes-under-federal-authority-electronic-cigarettes-regulations/stories/201605050181>

Bill Godshall, founder and executive director of SmokeFree Pennsylvania, said the FDA rules would drive smaller companies out of business, hand over the industry to big national and international tobacco companies, and would "be a disaster for public health" because e-cigarette users would return to tobacco.

Pittsburgh Tribune-Review article on FDA Deeming Ban "This is a huge disaster for public health that is being disguised as a victory for public health," said e-cigarette supporter Bill Godshall, executive director of Smokefree Pennsylvania. "Let's call it what it really is: the prohibition of e-cigarettes."

<http://triblive.com/news/healthnow/10422338-74/cigarettes-health-cigarette>

“This will close down thousands of small businesses and put tens of thousands of people out of work,” Conley said. “This also will create a perverse result of people having to turn to the black market to get a less hazardous alternative to a legal deadly product — cigarettes.”

Buffalo News article on FDA’s cigarette protecting ban on lifesaving vapor products  
<http://www.buffalonews.com/city-region/fda-taking-action-to-regulate-e-cigarettes-20160505>

New FDA regulations will force local vape shop to stop manufacturing  
<http://www.wptv.com/news/region-c-palm-beach-county/west-palm-beach/new-fda-regulations-will-force-local-vape-shop-to-seize-manufacturing>

A ‘slow death sentence’? New FDA regulations raise concern in OC’s vaping community  
<http://www.ocregister.com/articles/vaping-714917-tobacco-cigarettes.html>

Seattle Times article reveals politicians clueless that FDA just protected cigarettes by banning sales of vapor products to adults  
<http://www.seattletimes.com/news/new-fda-e-cigarette-rules-leave-local-fans-foes-sharply-divided/>

Prohibitionists praise and misrepresent FDA’s vapor product ban

NY Times editorial praises FDA’s cigarette protecting vapor product ban, calls for more FDA bans, denies scientific evidence, repeats fear mongering lies about vaping.

<http://www.nytimes.com/2016/05/07/opinion/keeping-e-cigarettes-away-from-the-kids.html>

Vaping prohibitionist Michael Bloomberg delusionally calls e-cigs “a serious threat to the progress we have made reducing smoking rates,” criticizes FDA’s cigarette protecting vapor ban as not enough.  
<https://www.mikebloomberg.com/news/the-fdas-new-regulations-on-tobacco/?utm>

Big Pharma (and Michael Bloomberg) financed CTFK’s Matt Myers deceitfully claims RCP report on e-cigarettes “shows exactly why we need” FDA’s Deeming Regulation that bans the sale of >99.9% of nicotine vapor products to adult vapers and smokers, falsely insinuates FDA Deeming Regulation bans sales of no-nicotine e-cigs (that are used by most teen vapers) to youth, falsely claims e-cigs don’t help smokers quit (after millions of vapers have quit smoking).  
[http://www.tobaccofreekids.org/press\\_releases/post/2016\\_04\\_28\\_ecig](http://www.tobaccofreekids.org/press_releases/post/2016_04_28_ecig)

Clive Bates: Missing the Point (suggests FDA regulatory alternatives that would improve, instead of threaten, public health in response to Matt Myers’ editorial urging FDA to strictly enforce the FCA’s 2007 grandfather date by banning all new tobacco products)  
[http://tobaccocontrol.bmj.com/content/25/3/243.full/reply#tobaccocontrol\\_el\\_13670](http://tobaccocontrol.bmj.com/content/25/3/243.full/reply#tobaccocontrol_el_13670)

CTFK’s Matt Myers (who insisted FDA should never be allowed to ban cigarettes by lobbying for TCA) keeps protecting cigarettes and threatening public health by lying about lifesaving vapor products, praising FDA’s vapor product ban  
[http://www.tobaccofreekids.org/press\\_releases/post/2016\\_05\\_05\\_ecig](http://www.tobaccofreekids.org/press_releases/post/2016_05_05_ecig)

Legacy lies initiative’s Robin Koval praises FDA’s cigarette protecting vapor ban, calls for even more cigarette protecting bans, lies about vaping.

<http://www.prnewswire.com/news-releases/fda-regulations-on-tobacco-products-welcomed-but-fda-still-has-critical-to-do-list-300263771.html>

MD Anderson applauds FDA's cigarette protecting vapor product ban, which also preserves MD Anderson's future revenues treating thousands of sick and dying smokers.

[http://www.eurekalert.org/pub\\_releases/2016-05/uotm-maa050516.php](http://www.eurekalert.org/pub_releases/2016-05/uotm-maa050516.php)

March of Dimes praises FDA's cigarette protecting vapor product ban

<http://www.prnewswire.com/news-releases/march-of-dimes-applauds-fda-deeming-rule-on-tobacco-products-300263676.html>

Medscape headline falsely claims FDA's nicotine e-cigarette sales ban to adults is a sales ban to youth. <http://www.medscape.com/viewarticle/862928>

HealthDay reprints FDA's deceitful PR spin on its vapor product sales ban to adults

<https://consumer.healthday.com/cancer-information-5/smoking-cessation-news-628/fda-banning-e-cigarette-sales-to-minors-710720.html>

<https://consumer.healthday.com/cancer-information-5/misc-tobacco-health-news-666/health-tip-are-e-cigarettes-safe-710162.html>

MedPage Today invites e-cig prohibitionists and propagandists to praise FDA's cigarette protecting vapor deeming ban, and demand even more cigarette protecting bans on vapor

[http://www.medpagetoday.com/PrimaryCare/Smoking/57746?xid=nl\\_mpt\\_DHE\\_2016-05-06&eun=g220600d0r](http://www.medpagetoday.com/PrimaryCare/Smoking/57746?xid=nl_mpt_DHE_2016-05-06&eun=g220600d0r)

Sen. Jeff Merkley (D-OR) applauds FDA's cigarette protecting vapor deeming ban, and urges FDA to also ban e-liquid flavorings that have helped millions quit smoking

<https://www.merkley.senate.gov/news/press-releases/merkley-applauds-finalization-of-fda-tobacco-rule-urges-swift-further-action-on-candy-and-fruit-flavored-e-cigarettes>

US Sen. Barbara Boxer praises FDA's cigarette protecting vapor ban, calls for federal vapor advertising ban <http://www.broadcastingcable.com/news/washington/sen-boxer-pushes-partial-e-cigarette-ad-ban/156265>

USA Today editorial applauds FDA's cigarette protecting ban of lifesaving vapor products, fails to acknowledge any of the disastrous ramifications.

<http://www.usatoday.com/story/opinion/2016/05/05/e-cigarettes-vaping-fda-teens-smoking-editorials-debates/83986508/>

Sacramento Bee article absurdly claims FDA's cigarette protecting vapor product ban, and CA's new cigarette protective anti-vaping laws as benefiting public health

<http://www.sacbee.com/news/politics-government/capitol-alert/article75957972.html>

Former public health advocate Lawrence Gostin absurdly claims FDA's cigarette protecting vapor product ban doesn't go far enough, urges more cigarette protections

<http://www.usnews.com/opinion/articles/2016-05-06/curbing-e-cigarettes-and-tobacco-use-would-be-obamas-real-moonshot>

Hispanic health group makes many false claims about vaping and FDA's vapor ban

<http://www.prnewswire.com/news-releases/national-alliance-for-hispanic-health-statement->

[on-fda -action-on-tobacco-will-save-lives -and-help-reverse - hispanic-tobacco-tipping -point-300263793.html](http://www.vox.com/2016/5/5/11595784/fda-rule-e-cigarettes-tobacco)

Vox headline falsely claims “The Wild West of e-cigarettes just ended”; as FDA’s vapor deeming ban is creating a truly Wild West of black markets and DIY homemade e-liquid  
<http://www.vox.com/2016/5/5/11595784/fda-rule-e-cigarettes-tobacco>

Journal Sentinel’s Raquel Rutledge repeats many false fear mongering claims about e-cigs (that she previously wrote) when praising FDA’s cigarette protecting vapor ban  
<http://www.jsonline.com/news/fda-crack-down-on-e-cigarettes-requires-disclosure-of-all-ingredients-b99720071z1-378343061.html>

Everett Herald (WA) editorial falsely claims FDA vapor ban doesn’t ban sales to adults, while calling for FDA to impose even more bans <http://www.heraldnet.com/apps/pbcs.dll/article?aid=/20160506/OPINION01/160509351/FDA-can-go-further-with-its-vaping-rules-&template=MobileArt>

Vogue editorial repeats many false claims about vaping to lobby for FDA vapor ban  
<http://www.vogue.com/13434334/e-cigarette-health-risks-carcinogen-secondhand-addiction-nicotine/>

US House Appropriations Cmte

Keller and Heckman: The Cole-Bishop amendment to the Agricultural Appropriations bill amending the Grandfather Date for “Deemed” Products Passes House Committees – What Next? <https://www.khlaw.com/9094>

Alan Viard/Sally Satel: House Appropriations Committee strikes blow for public health  
<https://www.aei.org/publication/house-appropriations-committee-strikes-blow-for-public-health/>

NY Times editorial admits FDA Deeming Regulation bans lifesaving e-cigarettes when criticizing House Republicans for trying “To prevent the agency from taking e-cigarettes off the market,” conflates lifesaving e-cigs with deadly cigarettes, claims keeping e-cigs legal “can and will do real damage”, but fails to admit that damage would occur to cigarette, drug and healthcare companies (that profit from cigarette smoking), fails to acknowledge RCP or PHE reports finding vaping is 95% less harmful than cigarette smoking and urging smokers to switch to vaping. <http://www.nytimes.com/2016/05/02/opinion/appropriations-trickery-in-congress.html>

Article on US House Appropriations Committee approval of exemptions from FDA’s deeming ban <http://www.sfexaminer.com/house-bill-curb-new-regulation-e-cigarettes-cigars/>

Star Ledger (NJ) editorial claims protecting kids from e-cigs more important for FDA than reducing 480,000 annual deaths caused by cigarette smoking, fails to acknowledge the FDA Deeming Regulation would ban sales of nicotine e-cigs to adults, but would ban the no nicotine e-cigs (used by 80% of teen vapers) to teens.  
<http://www.nj.com/opinion/index.ssf/2016/05/fda-must-keep-e-cigarettes-from-kids-editorial.html>

More DHHS funded junk science, propaganda, lies and lobbying

FDA launches abstinence-only anti-tobacco/vapor propaganda program for LGBT young adults to promote “tobacco free lives” (after LGBT community has been devastated by abstinence-only moralist policies and by harm reduction opponents)

<http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm498544.htm>

<http://www.fda.gov/TobaccoProducts/PublicHealthEducation/PublicEducationCampaigns/ThisFreeLifeCampaign/default.htm>

<https://consumer.healthday.com/cancer-information-5/smoking-cessation-news-628/stop-smoking-campaign-targets-lgbt-young-adults-710578.html>

<http://www.mcclatchydc.com/news/politics-government/national-politics/article75103722.html>

FDA/NIH funded vapor prohibitionist Stan Glantz praises FDA’s cigarette protecting vapor ban by claiming “The best evidence that this rule represents a step (albeit small) forward is the fact that Mike Siegel has described it as “a disaster for public health.””

<https://tobacco.ucsf.edu/fda-deeming-rule-step-forward-especially-if-fda-acts-quickly-advertising-rules-and-educational-campaign>

FDA/NCI funded RTI issues press release praising FDA Deeming Regulation

<http://www.prnewswire.com/news-releases/interview-alert-top-e-cigarette-researchers-on-fda-regulations-300263877.html>

Newsy Science repeats many false fear mongering claims by CDC about e-cigarettes (propaganda video appears to be part of CDC PR and lobbying campaign)

<https://www.youtube.com/watch?v=CY5EIpN-YNw>

Parenting magazine article repeats many false fear mongering claims by CDC about e-cigarettes (article appears to be part of CDC PR and lobbying campaign)

<http://www.parentherald.com/articles/39659/20160502/e-cigarette-smoking-advertisements-youth.htm>

Kaleigh Rogers: What is the CDC implying with this vaping PSA?

<http://motherboard.vice.com/read/what-is-the-cdc-implying-with-this-vaping-psa-e-cigarettes-smoking-tobacco>

DOT

Legacy lies initiative’s Ellen Vargyas deceitfully conflates e-cig aerosol with tobacco smoke when claiming lawsuit challenging US DOT’s airline vaping ban is “unfounded”

<http://truthinitiative.org/news/suit-challenges-federal-ban-e-cigarettes-flights>

California

California Gov. Jerry Brown signs legislation banning vaping in workplaces, increasing minimum of age for vapor and tobacco product sales to 21, regulating vapor as tobacco.

Vetoes bill that would have allowed municipalities to tax tobacco and vapor products.

<http://halfwheel.com/californias-tobacco-purchase-age-increase-becomes-law/113805>

[http://hosted.ap.org/dynamic/stories/U/US\\_XGR\\_CALIFORNIA\\_TOBACCO\\_LAWS\\_CAOL-?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2016-05-05-02-12-28](http://hosted.ap.org/dynamic/stories/U/US_XGR_CALIFORNIA_TOBACCO_LAWS_CAOL-?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2016-05-05-02-12-28)

<http://www.latimes.com/politics/la-pol-sac-jerry-brown-smoking-bills-20160504-story.html>

<http://www.csmonitor.com/USA/2016/0505/Will-voters-try-to-repeal-California-s-21-smoking-age-law-video>

<http://www.reuters.com/article/us-california-tobacco-idUSKCN0XW02C>

<http://bigstory.ap.org/article/998538a697c046838cf121e6f9e6a22d/clock-starts-voters-reject-new-california-tobacco-age-0>

SFATA CA denounces cigarette protecting anti vaping bills in California

<http://www.prnewswire.com/news-releases/sfata-california-denounces-signing-of-bill-redefining-vapor-products-as-tobacco-300263329.html>

CA Health Dept to set up under 21 tobacco stings

<http://www.kcra.com/news/ca-health-department-to-set-up-under-21-tobacco-stings/39405494>

San Jose Mercury-News confuses smoking with vaping, tobacco industry with vapor industry in praising CA's and FDA's cigarette protecting vaping and vapor product bans

[http://www.mercurynews.com/opinion/ci\\_29855426/mercury-news-editorial-californias-historic-anti-smoking-week](http://www.mercurynews.com/opinion/ci_29855426/mercury-news-editorial-californias-historic-anti-smoking-week)

## Minimum Age Laws

CASAA asks RI vapers to oppose bill (SB 7737) to increase minimum age for vapor product sales to 21. <http://blog.casaa.org/2016/05/ri-take-action-to-oppose-tobacco-and.html>

Altria CEO wants Congress to preempt state minimum age laws so Altria can again legally market highly addictive and deadly cigarettes to all 18 year olds in high school to ensure that all high school students will again have easy access. (Godshall comments)

<http://www.csnews.com/product-categories/tobacco/altria-ceo-weighs-tobacco-minimum-wage-debate>

Cigarette industry funded Heartland Institute lobbies to keep cigarette sales to high school students legal, conflates lifesaving vapor products with deadly cigarettes

[http://www.bostonherald.com/opinion/op\\_ed/2016/04/stroud\\_move\\_to\\_raise\\_legal\\_age\\_wont\\_snuff\\_out\\_smoking](http://www.bostonherald.com/opinion/op_ed/2016/04/stroud_move_to_raise_legal_age_wont_snuff_out_smoking)

## Vaping Ban

Allegheny County (PA) Board of Health protects cigarettes by directing its attorney to draft regulations to ban vaping in workplaces.

<http://www.post-gazette.com/news/health/2016/05/05/FDA-brings-e-cigarettes-under-federal-authority-electronic-cigarettes-regulations/stories/201605050181>

## Smoking/vaping ban

NJ Senate Health Cmte passes bill (S 1734) to ban smoking and vaping at all state, county and local parks, forests, beaches [http://www.burlingtoncountytimes.com/news/local/senate-committee-advances-smoking-ban-at-nj-beaches-parks/article\\_75c989a8-10b4-11e6-9bfd-9303c0cec090.html](http://www.burlingtoncountytimes.com/news/local/senate-committee-advances-smoking-ban-at-nj-beaches-parks/article_75c989a8-10b4-11e6-9bfd-9303c0cec090.html)

<http://brick.shorebeat.com/2016/05/n-j-beach-smoking-ban-passes-latest-hurdle/>

## Canada

Canadian government proposes banning the sale of menthol tobacco products to adults “in order to make them less appealing to youth” (see pages 1149-1151)

<http://www.gazette.gc.ca/rp-pr/p1/2016/2016-04-30/pdf/g1-15018.pdf>

Liberals propose ban on menthol cigarettes (Canada)

[http://www.nationalpost.com/m/wp/blog.html?](http://www.nationalpost.com/m/wp/blog.html?b=news.nationalpost.com/news/canada/liberals-propose-ban-on-menthol-cigarettes-signal-aggressive-anti-smoking-stance)

[b=news.nationalpost.com/news/canada/liberals-propose-ban-on-menthol-cigarettes-signal-aggressive-anti-smoking-stance](http://www.nationalpost.com/news/canada/liberals-propose-ban-on-menthol-cigarettes-signal-aggressive-anti-smoking-stance)

Ottawa moves to ban menthol cigarettes, citing appeal to young

<http://www.theglobeandmail.com/news/politics/ottawa-moves-to-ban-menthol-cigarettes-citing-appeal-to-young-smokers/article29808294/>

Canadian Cancer Society's Rob Cunningham deceitfully claims banning cigarette sales to adults “is an essential and necessary measure to protect Canadian kids” to lobby for proposed menthol cigarette ban.

<http://tobaccocontrol.bmj.com/content/early/2016/04/29/tobaccocontrol-2015-052881.abstract?paper=1>

Health Canada (which purportedly banned the sale of nicotine e-cigs to adults in 2008) recruits youth to try buying e- cigs at 4,000 retail outlets (but didn't say if the e-cigs contained nicotine or not), finds two-thirds of stores refused to sell to minors

<http://www.cbc.ca/news/politics/convenience-stores-ecigarettes-minors-health-canada-1.3560130>

## Australia

Australian government to increase cigarette tax by 12.5% every year for next four years

<http://www.smh.com.au/business/consumer-affairs/tobacco-tax-rise-comes-after-cigarette-prices-soar-343-per-cent-in-20-years-20160504-goltel.html>

<http://www.inquisitr.com/3058181/australia-to-charge-cigarette-smokers-45-per-pack-by-2020/>

Australian budget includes massive cigarette tax hike, black market cigarettes thriving

<http://www.news.com.au/finance/economy/australian-economy/illegal-tobacco-industry-flourishing-in-australia-as-government-hikes-taxes/news-story/c1d28c0a1919d0fbcc499579a2386b28>

## UK/EU TPD

EU's highest court unsurprisingly upholds TPD <http://www.reuters.com/article/us-eu-court-tobacco-idUSKCN0XV0MB> <http://www.euronews.com/newswires/3188945-eus-highest-court-upholds-new-restrictive-law-on-cigarettes/>

New Nicotine Alliance submits comments to UK DOH “Assessing and mitigating unintended consequences of policies for vapour technologies and other low risk alternatives to smoking”

<http://nnalliance.org/activities/consultations/114-nna-submits-comments-to-doh-on-unintended-consequences-of-vaping-policy>

<http://www.clivebates.com/documents/NNA-DH2016.pdf>

EU TPD to ban e-cigarette ads on TV this month unless victorious in court this week

[http://www.thesundaytimes.co.uk/sto/business/Retail\\_and\\_leisure/article1691279.ece](http://www.thesundaytimes.co.uk/sto/business/Retail_and_leisure/article1691279.ece)

BAT buys Ten Motives e-cigarette company

<http://www.thetimes.co.uk/tto/business/industries/consumer/article4741784.ece>

## Prohibition vs Public Health

Clive Bates: Regulators and the compliance fallacy – buying 99% nicotine e-liquid from China

<http://www.clivebates.com/?p=4017>

Florida company gears up to supply the underground “vaping prohibition”

<http://www.prnewswire.com/news-releases/florida-company-gears-up-to-supply-the-underground-vaping-prohibition-300264120.html>

Clive Bates: The prohibitionists have nicotine in their cross-hairs

<http://www.tdpf.org.uk/blog/prohibitionists-have-nicotine-their-cross-hairs>

Clive Bates: Fighting the Vape Militia Online and Off – a reply to the speakers

<http://www.clivebates.com/?p=3996>

Amy Fairchild on e-cigs in the NEJM, discusses historically different attitudes to harm reduction in UK vs US (but fails to admit that ASH UK demonized e-cigs to lobby for UK MHRA's e-cig ban several years ago, which won't go into effect due to the EU TPD)

<http://www.nejm.org/doi/full/10.1056/NEJMp1601154?query=health-policy-and-reform>

Audiointerview: [http://www.nejm.org/action/showMediaPlayer ?](http://www.nejm.org/action/showMediaPlayer?doi=10.1056%2FNEJMp1601154&aid=NEJMp1601154_attach_1&area=&viewType=Popup&viewClass=Audio)

[doi=10.1056%2FNEJMp1601154&aid=NEJMp1601154\\_attach\\_1&area=&viewType=Popup&viewClass=Audio](http://www.nejm.org/action/showMediaPlayer?doi=10.1056%2FNEJMp1601154&aid=NEJMp1601154_attach_1&area=&viewType=Popup&viewClass=Audio)

When two tribes go to war (regarding US FDA vs UK PHE/RCP

<http://www.clarityse.com/clarityse-blog/2016/5/6/when-two-tribes-go-to-war>

E-cigarettes sold in Dubai despite UAE-wide ban of sale <http://www.thenational.ae/uae/e-cigarettes-sold-in-dubai-despite-uae-wide-ban-of-sale>

## Research

Study finds nonsmokers and smokers in US greatly overestimate the risks of vaping (due to anti vaping propaganda), inaccurately perceiving vaping as posing more than half of the risks of cigarette smoking for lung cancer and total mortality (despite evidence indicating vaping is 99% less harmful than smoking cigarettes), finds nonsmokers overestimate risks of vaping more than smokers.

[http://www.mitpressjournals.org/doi/abs/10.1162/AJHE\\_a\\_00042#.VyzRdtQrLMo](http://www.mitpressjournals.org/doi/abs/10.1162/AJHE_a_00042#.VyzRdtQrLMo)

Ernst & Young report finds number of e-cigarette vapers in UK, Italy, France, Germany, Poland, Russia and South Korea increased from 2.8 million in 2013 to 5.1 million 2015, with UK (4%) and France (3.5%) having highest percentage of vapers.

[http://www.ey.com/Publication/vwLUAssets/E-cigarettes-an-emerging-category/\\$FILE/EY-E-Cigarette-report.pdf](http://www.ey.com/Publication/vwLUAssets/E-cigarettes-an-emerging-category/$FILE/EY-E-Cigarette-report.pdf)

Study finds cotinine levels of vapers similar to those of smokers

[http://www.drugandalcoholdependence.com/article/S0376-8716\(16\)00010-7/abstract](http://www.drugandalcoholdependence.com/article/S0376-8716(16)00010-7/abstract)

Study finds medical errors kill 251,000 Americans annually (but number doesn't include dead smokers who were discouraged from switching to vaping by Big Medicine et al

[https://www.washingtonpost.com/news/to-your-health/wp/2016/05/03/researchers-medical-errors-now-third-leading-cause-of-death-in-united-states/?hpid=hp\\_hp-more-top-stories\\_medical-errors-655pm%3Ahomepage%2Fstory](https://www.washingtonpost.com/news/to-your-health/wp/2016/05/03/researchers-medical-errors-now-third-leading-cause-of-death-in-united-states/?hpid=hp_hp-more-top-stories_medical-errors-655pm%3Ahomepage%2Fstory)

## Conferences

SFATA to hold annual conference on October 20/21 in Hollywood, FL

<http://sfata.org/2016ConferenceandExpo>

SRNT to hold conference in Prague September 8-10, 2016; Deadline for abstracts May 15, 2016. <http://www.srnt-e2016.com/>

## THR Advocacy

Christopher Russell creates YouTube channel "Vapers helping smokers to quit"

[http://nicotinesurveys.org/vhs2q\\_youtube/](http://nicotinesurveys.org/vhs2q_youtube/)

<https://www.youtube.com/channel/UCFJnOq5iEO7dWDsABskeAUw>

## RCP report

Regulator Watch: It's just the science – Royal College of Physicians' John Britton talks e-cigarette benefits & regulation <https://regulatorwatch.com/brent/its-just-the-science-royal-college-of-physicians-john-britton-talks-e-cigarette-benefits-regulation-regwatch-exclusive/>

NPR interviews RCP's John Britton about new report urges smokers to switch to vaping <http://hereandnow.wbur.org/2016/04/29/research-e-cigarettes>

Clive Bates: Anti-vaping zealots write flat-earth letter to The Times

<http://www.clivebates.com/?p=3954>

Colin Mendelsohn: Australia's prohibition of e-cigarettes is out of step with the evidence

<https://theconversation.com/australias-prohibition-of-e-cigarettes-is-out-of-step-with-the-evidence-58725>

THR opponents respond to John Britton's BMJ article summarizing RCP report with even more false fear mongering claims about vaping

<http://www.bmj.com/content/353/bmj.i1745/rapid-responses>

Anti-THR financing

Bloomberg Philanthropies boasts about financing abstinence-only anti-THR organizations and agencies (including CTFK, CDC, WHO) since 2007 to deceive public to believe all tobacco products are as harmful as cigarettes, lobby for anti-THR policies

<http://www.bloomberg.org/program/public-health/tobacco-control/#overview>

CVS to give ACS \$3.6 million to lobby for, implement and attempt to enforce unenforceable

tobacco/vapor bans at colleges and universities <http://www.prnewswire.com/news-releases/american-cancer-society-and-cvs-health-launch-bold-initiative-to-help-colleges-go-tobacco-free-300262261.html>

NC Legislator introduces bill (SB 759) to give NC Health Dept \$250,000 to lie about lifesaving

vapor products [http://www.journalnow.com/news/local/bill-restores-some-funding-for-youth-tobacco-prevention/article\\_ac101424-91ea-5ffe-bc55-eb1317daf8d7.html](http://www.journalnow.com/news/local/bill-restores-some-funding-for-youth-tobacco-prevention/article_ac101424-91ea-5ffe-bc55-eb1317daf8d7.html)

FDA smoking cessation drug regulation

Former Pfizer executive hypes Pfizer funded study to lobby FDA to remove warnings on

Chantix <http://www.forbes.com/sites/johnlamattina/2016/05/05/the-fda-needs-to-change-the-label-for-the-smoking-cessation-drug-chantix/>

More Junk Science, Propaganda and Lies

Biased activists review research on vaping and smoking cessation, then falsely claim "the evidence remains inconclusive"

<http://www.ncbi.nlm.nih.gov/pubmed/27113014>

Hajek, McRobbie and Bullen expose fatal flaws in Kalkahorn & Glantz's fraudulent meta analysis on e-cigarettes and smoking cessation.

[http://www.thelancet.com/journals/lanres/article/PIIS2213-2600\(16\)30024-8/fulltext](http://www.thelancet.com/journals/lanres/article/PIIS2213-2600(16)30024-8/fulltext)

Kalkahorn & Glantz defend their fraudulent study claiming e-cigs discourage smokers from

quitting smoking. [http://www.thelancet.com/journals/lanres/article/PIIS2213-2600\(16\)30025-X/fulltext](http://www.thelancet.com/journals/lanres/article/PIIS2213-2600(16)30025-X/fulltext)

Bill Godshall Executive Director

Smokefree Pennsylvania 1926 Monongahela Avenue

Pittsburgh, PA 15218

412-351-5880

**Submission: May 24, 2016**

From: Robert Sklaroff, M.D., F.A.C.P.

To: [Submissions](#)

Subject: Fwd: Tobacco Harm Reduction Update

Date: Tuesday, May 24, 2016 6:46:24 PM

---

Consider this to be another official submission to your committee that should, please, not condemn vaping.

----- Forwarded message -----

From: **Bill Godshall**

Date: Tue, May 24, 2016 at 6:32 PM

Subject: Tobacco Harm Reduction Update

Public Health Surveillance

CDC NHIS finds US adult cigarette smoking rate declined from 24.7% in 1997 to 16.8% in 2014 to record low 15.1% in 2015 (i.e. 37 million)

<http://www.cdc.gov/nchs/data/nhis/earlyrelease/earlyrelease201605.pdf> (see page 55)

<http://www.cbsnews.com/news/us-smoking-rate-does-something-it-hasnt-in-years/>

New Reuters/IPSIS poll of US adults (conducted April 19 - May 16) finds:

. 10.0% of US adults (i.e. 24.5 million of 245 million) currently use e-cigarettes or a personal nicotine vaporizer (including 12.8% of men, 7.4% of women, 15.1% of 18-34 year olds, 13.1% of 35-49 year olds, 6.3% of 50-59 year olds, 3.6% of 60 years or older)

<http://www.reuters.com/article/us-usa-ecigarettes-poll-idUSKCN0YF0DE>

[http://polling.reuters.com/#poll/TM607Y15\\_8\\_NEW/dates/20160419-20160516/type/overall](http://polling.reuters.com/#poll/TM607Y15_8_NEW/dates/20160419-20160516/type/overall)

. 30% of US adult e-cigarette users no longer smoke cigarettes,

. 62% of US adult e-cigarette users currently smoke cigarettes,

. 8% of US adult e-cigarette users never smoked cigarettes,

. Increasingly more adults inaccurately believe false fear mongering claims about vaping,

. 47% of US adults (38% in 2015) inaccurately believe e-cigs are as harmful as cigarettes,

. 43% of US adults (39% in 2015) inaccurately believe e-cigs don't help smokers quit,

. 49% of US adults (42% in 2015) inaccurately believe e-cig aerosol is as harmful as 2nd hand cigarette smoke, and

- 66% of US adults (61% in 2015) believe e-cigs are addictive (despite no evidence).  
<http://www.reuters.com/article/us-usa-ecigarettes-poll-idUSKCN0YF0DE>  
<http://fingfx.thomsonreuters.com/gfx/rngs/1/1925/3590/USA-ECIGARETTES-POLL.jpg>

Note that Reuters/IPSIS poll found 7.6% of US adults reported using e-cigarettes  
[http://polling.reuters.com/#poll/TM607Y15\\_2\\_NEW/dates/20160419-20160516/type/overall](http://polling.reuters.com/#poll/TM607Y15_2_NEW/dates/20160419-20160516/type/overall)  
and also found 4.1% of US adults reported using a personal nicotine vaporizer  
[http://polling.reuters.com/#poll/TM607Y15\\_3\\_NEW/dates/20160419-20160516/type/overall](http://polling.reuters.com/#poll/TM607Y15_3_NEW/dates/20160419-20160516/type/overall)  
for a combined 10.0% of US adults who use e-cigarettes or personal nicotine vaporizers.  
[http://polling.reuters.com/#poll/TM607Y15\\_8\\_NEW/dates/20160419-20160516/type/overall](http://polling.reuters.com/#poll/TM607Y15_8_NEW/dates/20160419-20160516/type/overall)  
But it is not known if the poll findings about current e-cigarette users cited at  
<http://fingfx.thomsonreuters.com/gfx/rngs/1/1925/3590/USA-ECIGARETTES-POLL.jpg>  
included just e-cigarette users, or also included users of personal nicotine vaporizers.

New ASH UK survey of UK adults finds:

- 47% of UK's 2.8 million vapers (1.3 million) have stopped smoking cigarettes
- 51% of UK's 2.8 million vapers (1.4 million) still smoke cigarettes
- 56% of vapers had previously tried to quit smoking with patches, gums and/or lozenges
- Increasingly more adults inaccurately believe false fear mongering claims about vaping
- Only 15% of UK adults know e-cigs are a "lot less harmful" than smoking
- Only 8% of UK adults know nicotine poses none or very small of smoking's many risks
- 25% of UK adults inaccurately believe e-cigarettes are as or more harmful than smoking  
[http://www.ash.org.uk/files/documents/ASH\\_891.pdf](http://www.ash.org.uk/files/documents/ASH_891.pdf)

Study finds 45% of Greek healthcare professionals inaccurately believe vapor products are as addictive as cigarettes, 24% inaccurately believe vaping is as harmful as cigarette smoking, and 40% would unethically NOT recommend vaping to patients who smoke who have been unwilling or unable to quit smoking with Big Pharma drugs

<http://www.mdpi.com/1660-4601/13/5/514/html>

THR Education

CRUK: 10 common questions about e-cigarettes answered (by Andy McEwen, executive director of UK National Centre for Smoking Cessation and Training)  
<http://scienceblog.cancerresearchuk.org/2016/05/17/10-common-questions-about-e-cigarettes-answered/>

BBC Horizon – E-cigarettes: Miracle or Menace? (Michael Mosley's BBC documentary on vapor products, and his failure to get hooked after vaping daily for a month)  
[https://www.youtube.com/watch?v=-hu3F\\_pz1Qg](https://www.youtube.com/watch?v=-hu3F_pz1Qg)

Michael Mosley on e-cigarettes <http://www.bbc.com/news/magazine-36338280>

<http://www.mirror.co.uk/news/uk-news/e-cigarettes-miracle-menace-asks-8017488>  
<http://www.theguardian.com/society/2016/may/22/michael-mosley-ecigarettes-miracle-menace-tv> <http://www.radiotimes.com/news/2016-05-22/to-vape-or-not-to-vape-are-e-cigarettes-a-miracle-or-a-menace>

Global Forum on Nicotine to be held in Warsaw June 17 & 18, 2016 (with European Premiere of A Billion Lives to be shown June 16) <https://qfn.net.co/>

<https://qfn.net.co/programme-2016/program>

## Research

Study finds smokers who used a nicotine inhaler and nicotine patches were twice as likely to quit smoking as smokers using a placebo inhaler and nicotine patches.

<http://ntr.oxfordjournals.org/content/early/2016/05/13/ntr.ntw093.abstract>

[http://www.eurekalert.org/pub\\_releases/2016-05/uoo-nni051616.php](http://www.eurekalert.org/pub_releases/2016-05/uoo-nni051616.php)

Brad Rodu: The robust public health case for tobacco harm reduction

<http://rodutobaccotruth.blogspot.com/2016/05/the-robust-public-health-case-for.html>

## FDA Deeming Ban

US Senate Committee on Homeland Security and Governmental Affairs Chairman Ron Johnson (R-WI) sends letter to FDA Commissioner Robert Califf asking important questions about FDA's cigarette protecting ban on lifesaving vapor products

<https://www.hsgac.senate.gov/media/majority-media/johnson-seeks-answers-from-fda-on-burdensome-e-cigarette-regulations>

[https://d1fardvzz27152.cloudfront.net/skin/frontend/icosj/beta2/pdfs/2016-05-17\\_rhj\\_to\\_califf\\_fda\\_re\\_e-cigarette\\_regulation\\_4.pdf](https://d1fardvzz27152.cloudfront.net/skin/frontend/icosj/beta2/pdfs/2016-05-17_rhj_to_califf_fda_re_e-cigarette_regulation_4.pdf)

17 Senate Democrats applaud Obama's FDA for banning vapor products, deceitfully conflate lifesaving vapor products with addictive and deadly cigarettes, falsely claim cigarette protecting deeming rule protects public health and children, lie about flavorings, falsely accuse companies of target marketing vapor products to youth.

<http://www.help.senate.gov/ranking/newsroom/press/senate-dems-fda-rule-is-critical-step-to-protecting-children-and-teens-from-tobacco-products->

Richard Blumenthal (D-CT), Barbara Boxer (D-CA), Sherrod Brown (D-OH), Richard Durbin (D-IL), Dianne Feinstein (D-CA), Al Franken (D-MN), Kirsten Gillibrand (D-NY), Patrick Leahy (D-VT), Edward Markey (D-MA), Jeff Merkley (D-OR), Jack Reed (D-RI), Brian Schatz (D-HI), Charles Schumer (D-NY), Tom Udall (D-NM), Elizabeth Warren (D-MA), and Sheldon Whitehouse (D-RI)

Guy Bentley: Anti e-cig Dems took hundreds of thousands from Big Pharma

<http://dailycaller.com/2016/05/17/anti-e-cig-dems-took-hundreds-of-thousands-from-big-pharma/>

After lobbying for and praising FDA's cigarette protecting vapor product ban, US Senator Charles Schumer (D-NY) further demonizes e-cigs, calls for another federal investigation of e-cig batteries (but not of exploding lap top and cell phone batteries)

<http://www.newsday.com/news/region-state/schumer-feds-should-investigate-exploding-e-cigarettes-1.11774634>

Lost Arts Liquids files lawsuit against FDA vapor deeming ban (the 2nd lawsuit filed)  
<http://www.prnewswire.com/news-releases/lost-art-liquids-llc-files-lawsuit-against-fda-300272069.html>

Guy Bentley: E-liquid business takes on FDA in legal battle to halt deeming regs  
<http://dailycaller.com/2016/05/21/e-liquid-business-takes-on-fda-in-legal-battle-to-halt-deeming-regs/>

Melissa Vonder Haar: Debunking FDA's 'Deeming' Claims  
<http://www.cspdailynews.com/category-news/tobacco/articles/debunking-fda-s-deeming-claims>

Jared Myer: How the new e-cig rules hurt Americans <http://thefederalist.com/2016/05/18/how-the-new-e-cig-rules-hurt-americans/>

Guy Bentley: FDA announces rule to ban 99 percent of e-cigarettes  
<http://dailycaller.com/2016/05/05/fda-announces-rule-to-ban-99-percent-of-e-cigarettes/>

Eric Boehm – Nanny state of the week: FDA's illogical attack on e-cigarettes  
<http://watchdog.org/264711/nanny-state-fda-ecigarettes/>

Mike Siegel: FDA is defending deeming regulations from well placed criticism by lying  
<http://tobaccoanalysis.blogspot.com/2016/05/fda-is-defending-deeming-regulations.html>

Sean Avery – FDA regulations and zero nicotine e-juice: Clearing the confusion  
<http://blog.thedripclub.com/fda-regulations-and-zero-nicotine-e-juice-clearing-the-confusion?utm>

Guy Bentley: FDA lives in 'alternative universe' when it comes to e-cigarettes  
<http://dailycaller.com/2016/05/18/fda-lives-in-alternate-universe-when-it-comes-to-e-cigarettes/>

Philadelphia Inquirer editorial criticizes FDA's ban on lifesaving vapor products Why such a negative view of vaping? [http://www.philly.com/philly/opinion/20160517\\_Inquirer\\_editorial\\_Thank\\_you\\_for\\_not\\_vaping\\_.html](http://www.philly.com/philly/opinion/20160517_Inquirer_editorial_Thank_you_for_not_vaping_.html)

Rich Duprey: The FDA's electronic cigarette rules are here - - and they're terrible The regulatory agency's new regulations will effectively destroy the vaping market.

<http://www.fool.com/investing/general/2016/05/20/the-fdas-electronic-cigarette-rules-are-here-and-t.aspx>

Kaleigh Rogers: This is what the future of vaping looks like

<http://motherboard.vice.com/read/this-is-what-the-future-of-vaping-looks-like-e-cigarettes-nicotine-us-fda>

Guy Bentley – Exclusive: Twitter censors critic of FDA's e-cigarette crackdown  
<http://dailycaller.com/2016/05/19/exclusive-twitter-censors-critic-of-fdas-e-cigarette-crackdown/>

FDA makes webinars for tobacco and vapor manufacturers and retailers about its cigarette protecting deeming regulation, to answer select questions at May 25 webinar

<http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/ucm220111.htm>

White Cloud to host free webinar on FDA vapor deeming regulation with Dimitrus Agrafiotis of Mountain Oak Vapors on May 26 at 2PM eastern time

<https://zoom.us/webinar/register/b84615e76930b866c5b9141539e44ee6?utm>

White Cloud free webinar on FDA vapor deeming regulation with Mike Siegel (May 9)

<https://www.youtube.com/watch?v=QNAFyiNYGMw&utm>

Vapor Technology Association (VTA) issues Deeming Regulation Compliance Calendar

<http://bit.ly/VTACAL>

Vapor Technology Association (VTA): Vape & FDA: Understand it. Manage it.

June 7 & 8, Washington, DC

<https://www.docdroid.net/ZhXIFaq/vape-the-fda-vta-conference-registration-details.pdf.html>

Latham & Watkins: FDA to regulate e-cigarettes, cigars and other tobacco products

<http://www.jdsupra.com/legalnews/fda-to-regulate-e-cigarettes-cigars-and-75991/>

TMA to host conference on FDA deeming rule and its impact June 9 in Leesburg, VA

<http://conference.tma.org/>

Heartland Daily Podcast – Cynthia Cabrera: The FDA's War on E-cigarettes and Vaping

<http://blog.heartland.org/2016/05/heartland-daily-podcast-cynthia-cabrera-the-fdas-war-on-e-cigarettes-and-vaping/>

Southland vape shop owners vow to fight FDA ruling (IL)

<http://www.chicagotribune.com/suburbs/daily-southtown/news/ct-sta-vape-stores-reaction-st-0516-20160513-story.html>

FDA regulations smoke out local vape shop owners (TX)

<http://www.newschannel10.com/story/32009771/new-fda-regulations-smoke-out-local-vape-shop-owners>

Opponents of FDA regulations say new rules choke e-cig, vape industry (NC)

<https://yourdailyjournal.com/top-stories/33771/ends-of-an-era>

NW Arkansas Democrat-Gazette repeats FDA false fear mongering claims about vaping

(Godshall comments) <http://www.nwaonline.com/news/2016/may/14/nwa-editorial-a-case-of-the-vapors-2016/>

Steve Jackson: Understanding the FDA's Final Ruling Deeming Vapor Products as Tobacco and What to Do Now <http://smokymountainvapes.com/the-fdas-final-ruling-deeming-vapor-products-as-tobacco-and-what-to-do-now/>

Mike Siegel: Why is the American Cancer Society lying to its members about the e-cigarette regulations? <http://tobaccoanalysis.blogspot.com/2016/05/why-is-american-cancer-society-lying-to.html>

AEMSA hires FGA group to halt/delay FDA vapor deeming ban  
<http://www.odwyerpr.com/story/public/6927/2016-05-18/e-cigarette-group-gets-lobbying-help.html>

Halfwheel Guide to FDA's Regulation of Cigars <http://halfwheel.com/fda>

Tom Purcell: Premium handmade cigars go up in smoke?  
<http://triblive.com/opinion/tompurcell/10460378-74/cigars-cigar-fda>

## US DOT

US DOT bans vapor products from checked baggage on airlines (but doesn't ban vapor products from carry-on luggage or from being carried by passengers)

<http://www.phmsa.dot.gov/hazmat/dot-bans-ecigarettes-from-checked-baggage>

[http://www.phmsa.dot.gov/pv\\_obj\\_cache/pv\\_obj\\_id\\_C23F9952BC9298774072645D88AB8AB\\_C9EBA0500/filename/Final Rule as Sent to FR.pdf](http://www.phmsa.dot.gov/pv_obj_cache/pv_obj_id_C23F9952BC9298774072645D88AB8AB_C9EBA0500/filename/Final_Rule_as_Sent_to_FR.pdf)

[http://www.faa.gov/other\\_visit/aviation\\_industry/airline\\_operators/airline\\_safety/safos/all\\_safos/media/2015/SAFO15003.pdf](http://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safos/all_safos/media/2015/SAFO15003.pdf) <https://www.transportation.gov/briefing-room/dot-bans-e-cigarettes-checked-baggage>

<http://www.reuters.com/article/usa-ecigarettes-idUSL2N18F1LK>

CE & CASAA petition DC Federal Circuit Court to reject US DOT vaping ban in airlines  
<http://www.fedregsadvisor.com/files/2016/05/CEI-v.-DOT-vaping-on-airplanes-CADC-PFR-filed-042816.pdf>

## Litigation

Tony Gwynn's family sues Altria and UST claiming smokeless tobacco use caused Gwynn's death (despite no medical or epidemiological evidence), AP reporter does no fact checking about risks of smokeless tobacco use.

<http://bigstory.ap.org/article/f12b382343064094b26ad796efc5603c/tony-gwynns-family-sues-tobacco-industry-over-stars-death>

NY Times sports editors claim (in headline) that Tony Gwynn's death was caused by smokeless tobacco (despite no medical or epidemiological evidence)  
<http://www.nytimes.com/2016/05/24/sports/baseball/tony-gwynn-family-sues-tobacco-altria-death.html>

Please note Brad Rodu's July 9, 2014 article "Dishonoring Tony Gwynn"  
<http://rodutobaccotruth.blogspot.com/2014/07/dishonoring-tony-gwynn.html>

Florida jury hold Reynolds accountable with \$6 million in compensatory damages and \$12 million in punitive damages in case involving lung cancer death.  
<https://www.law360.com/articles/797373/jury-hits-rj-reynolds-with-18m-verdict-for-husband-s-death>

Florida jury imposes \$11.5 million verdict against Reynolds in smokers death  
<http://blog.cvn.com/5m-plus-punitives-in-verdict-against-rjr-for-addiction-counselors-cancer-death>

Vaper injured by exploding e-cig battery sues vape shops in CA  
<http://www.ocregister.com/articles/cigarette-716541-eye-cavins.html>

## Taxation

West Virginia Senate approves bill 17-16 on party line vote to increase cigarette tax from \$.45 to \$1/pack, increase OTP tax from 7% to 12% and tax e-liquid at \$.07 per milliliter (i.e. \$2.10 tax on a 30 ml bottle of e-liquid); sent to House. Note that Reynolds has been lobbying to tax e-liquid by the ml to protect its cigarettes and Vuse from competition  
<http://www.wvgazettemail.com/news/20160519/tobacco-tax-hike-narrowly-passes-wv-senate>  
<http://www.washingtontimes.com/news/2016/may/19/west-virginia-senate-oks-tobacco-tax-hike-heads-to/>

<http://wvmetronews.com/2016/05/20/senate-approves-tobacco-tax-increase-17-16-bill-heads-to-house/>

At the Capitol: Special session but no budget (WV)

[http://www.theet.com/opinion/op-ed\\_columns/at-the-capitol-special-session-but-no-budget/article\\_ba0eec26-8e97-5459-9775-f88666355f15.html](http://www.theet.com/opinion/op-ed_columns/at-the-capitol-special-session-but-no-budget/article_ba0eec26-8e97-5459-9775-f88666355f15.html)

Oklahoma House rejects bill (HB 3210) to increase cigarette tax from \$1.03 to \$2.53/pack, Democrats oppose measure [http://www.claremoreprogress.com/news/democrats-republicans-clash-over-cigarette-tax-in-oklahoma/article\\_1030c226-1dd1-11e6-9f21-d378858fb13a.html](http://www.claremoreprogress.com/news/democrats-republicans-clash-over-cigarette-tax-in-oklahoma/article_1030c226-1dd1-11e6-9f21-d378858fb13a.html)

Tom Steyer funded supporters of California ballot initiative to increase CA cigarette tax by \$2/pack, increase OTP tax accordingly, as well tax lifesaving vapor products submit

petitions with a million signatures to CA Secretary of State to get ballot access.  
<http://www.sfgate.com/politics/article/2-cigarette-tax-initiative-advances-toward-ballot-7511077.php> <http://www.latimes.com/politics/la-pol-sac-tobacco-tax-20160517-snap-story.html>

<http://www.latimes.com/politics/la-pol-sac-essential-poli-health-coalition-says-it-has-enough-signatures-to-1463170764-htmstory.html> <http://abcnews.go.com/Health/wireStory/bid-raise-california-tobacco-tax-nears-november-ballot-39136596>

SFATA-California to oppose ballot initiative to tax vapor products as tobacco

<http://sfata.org/sfata-california-oppose-ballot-initiative-tax-vapor-products-tobacco/>

Missouri judge strikes down tobacco tax ballot initiative sponsored by tobacco industry

<http://www.kansascity.com/news/local/news-columns-blogs/the-buzz/article78845972.html>

[http://www.stltoday.com/news/local/govt-and-politics/judge-strikes-blow-to-effort-to-hike-missouri-s-cigarette/article\\_614b553e-4aee-5d4b-ae08-02ea1e1f0b4d.html](http://www.stltoday.com/news/local/govt-and-politics/judge-strikes-blow-to-effort-to-hike-missouri-s-cigarette/article_614b553e-4aee-5d4b-ae08-02ea1e1f0b4d.html)

Slovenia's Finance Minister Vraničar Erman says government will tax lifesaving vapor products at the same rate as deadly cigarettes to prevent smokers from switching.

<http://www.tobaccoreporter.com/2016/04/slovenia-to-deter-switch-to-vapor/>

"This is above all about preventing users from switching from conventional cigarettes to e-cigarettes because of lower duties on such products, and about the wish to clearly regulate them duty-wise," Vraničar Erman was quoted as saying.

Bloomberg.com's Anna Edney urges states to protect cigarettes and kill smokers by taxing lifesaving e-cigs <http://www.bloomberg.com/news/articles/2016-05-19/e-cigarette-tax-may-be-new-fix-as-tobacco-money-goes-up-in-smoke>

Minnesota healthcare groups criticize tobacco and vapor tax bill

<http://www.prnewswire.com/news-releases/health-care-leaders-tax-bill-helps-tobacco-industry-hurts-minnesota-youth-30027>

## Flavoring Ban

NJ Senate Health Committee protects cigarettes (again) by passing bill to ban sales of lifesaving flavored vapor products [http://www.njleg.state.nj.us/2016/Bills/S0500/298\\_R1.PDF](http://www.njleg.state.nj.us/2016/Bills/S0500/298_R1.PDF)

## Vaping Bans

Vaping now banned where smoking is banned in Hungary <http://bbj.hu/business/e-cigarettes-under-same-restrictions-as-cigarettes-116397>

Decatur (GA) City Commissioners ban vaping where smoking is banned

<http://www.wtoc.com/story/31998183/decatur-adds-e-cigarettes-to-citys-smoking-ban>

R Street's Steven Greenhut: California's vaping law puts puritanism before public health

<http://www.ocregister.com/articles/smoking-715870-tobacco-vaping.html>

Whatcom County (WA) considers banning vaping where smoking is banned

<http://www.bellinghamherald.com/news/local/article77983057.html>

Wales Public Health bill won't include a vaping ban (that was rejected in last vote)

<http://www.bbc.com/news/uk-wales-politics-36352822>

<http://home.bt.com/news/news-extra/e-cigarettes-curb-removed-from-welsh-health-bill-11364063665603>

## Smokeless Tobacco Ban

MN bill (HF 4008) introduced to ban smokeless tobacco use at baseball stadia in MN  
<http://www.twincities.com/2016/05/16/smokeless-tobacco-ban-proposed-at-target-field/>

CTFK and Pittsburgh Post Gazette reporter Elizabeth Bloom promote smokeless tobacco usage ban by grossly exaggerating its negligible disease risks, failing to acknowledge that many smokers have quit smoking by switching to smokeless

<http://www.post-gazette.com/sports/pirates/2016/05/22/Some-Major-League-Baseball-cities-making-push-to-retire-the-dip-could-Pittsburgh-be-next/stories/201605220050>

## Minimum Age

Illinois Senate approves bill (SB 3011) to increase minimum age for sale of lifesaving vapor products, deadly cigarettes and lower risk OTP to 21.

<http://www.dailyherald.com/article/20160520/news/160529800/>

<http://halfwheel.com/illinois-senate-passes-tobacco-purchasing-age-increase/115656>

<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=3011&GAID=13&DocTypeID=SB&LegID=96344&SessionID=88&GA=99&SpecSess=0>

Chautauqua County (NY) legislature increases minimum age for sales of lifesaving vapor products, deadly cigarettes and less harmful OTP to 21; County exec signs into law.

<http://halfwheel.us3.list-manage1.com/track/click?u=65fa22a2d5c369cf6204b7683&id=71164501c0&e=7388ccef76>  
<http://www.wrfalp.com/county-executive-signs-tobacco-21-legislation-into-law/>

Chris Churchill: In Albany County (NY), choice goes up in smoke

<http://www.timesunion.com/tuplus-local/article/Churchill-In-Albany-County-choice-goes-up-in-7380017.php>

Portland ME doctor pushes cigarette bait-and-switch to push ordinance that increases minimum age for sales of lifesaving vapor products and low risk OTP to age 21

<http://www.pressherald.com/2016/05/16/maine-voices-higher-smoking-age-would-result-in-a-healthier-portland/>

## Anti THR Funding

Michael Bloomberg says he gave \$600 million to support smoking cessation in past 6 years, but much of that money was spent demonizing and lobbying to ban lifesaving e-cigs and smokeless tobacco products that have helped millions of smokers quit smoking

<http://www.nytimes.com/2016/05/21/your-money/giving-like-michael-bloomberg-find-one-small-thing.html>

EU TPD

EU TPD goes into effect [http://ec.europa.eu/health/tobacco/docs/dir\\_201440\\_en.pdf](http://ec.europa.eu/health/tobacco/docs/dir_201440_en.pdf)

<http://www.independent.co.uk/news/uk/home-news/new-tobacco-laws-comes-into-effect-with-standardised-green-packaging-and-no-menthol-cigarettes-a7038886.html>

<http://www.eubusiness.com/topics/health/smoking-eu.20ag>

EC press release: 10 key changes for tobacco products sold in the EU

[http://europa.eu/rapid/press-release\\_IP-16-1762\\_en.htm](http://europa.eu/rapid/press-release_IP-16-1762_en.htm)

EC “E-cigarettes Myth Buster” insults vapers and demonizes vaping to defend irrational EU TPD rules on e-cigarettes

[http://ec.europa.eu/health/tobacco/docs/tobacco\\_mythbuster\\_en.pdf](http://ec.europa.eu/health/tobacco/docs/tobacco_mythbuster_en.pdf)

Only 11 of 28 EU nations meet TPD deadline

<http://bigstory.ap.org/article/11a585ddd2ed41298d2d03250185105e/only-11-28-eu-nations-meet-anti-smoking-reform-deadline>

Clive Bates: No surrender! The fight against harmful, incompetent and pointless European law goes on <http://www.clivebates.com/?p=4105>

Fontham Venture’s Marc Michelson: Regulators should encourage vaping, not fight it <http://www.euractiv.com/section/health-consumers/opinion/regulators-should-encourage-vaping-not-fight-it/>

Chris Snowdon: How the EU’s Tobacco Products Directive has pushed e-cigarettes into the dark <http://www.cityam.com/240178/how-the-eus-tobacco-products-directive-has-pushed-e-cigarettes-into-the-dark>

UK based vapor company shuts down because EU TPD bans sales of its e-liquid products

<http://motherboard.vice.com/read/8bit-just-became-the-first-vaping-company-to-fold-because-of-new-regulations-e-cigarettes-e-liquids-custom>

Shane Watson: the new Vaping etiquette <http://www.telegraph.co.uk/women/life/shane-watson-the-new-vaping-etiquette/>

EC issues cigarette and cigalike e-cig protecting report demonizing open system vapor products, greatly exaggerates health and safety risks, fails to acknowledge any benefits (e.g. >95% less harmful than cigarettes, have helped several million smokers quit smoking, cost far less than cigarettes) when smokers switch to open system vaporizers

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=COM:2016:269:FIN&from=FR>

Nerudia: Toxicological requirements for TPD – not an exact science, yet.

<http://nerudia.com/tpd/toxicological-requirements-for-tpd/>

Nerudia: Emissions testing – what is required? <http://nerudia.com/tpd/emissions-testing/>

European Medicines Agency removes warning on varenicline (Chantix/Champix) that drug's side effects can include anxiety, depression and suicidal thoughts after Pfizer lobbyists lobby them with new Pfizer funded study claiming drug doesn't pose risks.

[http://www.pfizer.com/news/press-release/press-release-detail/champix\\_varenicline\\_european\\_union\\_label\\_updated\\_to\\_include\\_new\\_safety\\_and\\_effi\\_cacy\\_data\\_from\\_the\\_eagles\\_clinical\\_trial\\_following\\_endorsement\\_from\\_chmp](http://www.pfizer.com/news/press-release/press-release-detail/champix_varenicline_european_union_label_updated_to_include_new_safety_and_effi_cacy_data_from_the_eagles_clinical_trial_following_endorsement_from_chmp)

<http://in.reuters.com/article/us-pfizer-europe-smoking-idINKCN0YE1CZ?> EU TPD / UK

UK High Court rejects cigarette industry challenge to plain packing law (despite no evidence plain packaging can reduce cigarette consumption or smoking)

<https://www.judiciary.gov.uk/judgments/british-american-tobacco-others-v-department-of-health/>

<https://www.judiciary.gov.uk/wp-content/uploads/2016/05/bat-v-doh-summary.pdf>

<https://www.judiciary.gov.uk/judgments/british-american-tobacco-others-v-department-of-health/> <http://www.reuters.com/article/us-tobacco-idUSKCN0YA1E6>

<http://www.cityam.com/241513/plain-packaging-new-uk-cigarette-rules-are-plain-crazy-after-high-court-ruling-against-big-tobacco-firms-yesterday-> <http://www.cityam.com/241564/plain-packaging-the-starting-gun-has-been-fired-on-the-tobacco-industry->

BAT and JTI (but not PMI) to appeal plain packaging court ruling in UK

<http://www.telegraph.co.uk/business/2016/05/19/tobacco-firms-vow-to-fight-on-against-plain-packaging-following/> <http://www.cityam.com/241634/big-tobacco-firms-aim-to-stub-out-new-plain-packaging-laws-via-appeal>

Plain Packaging: Here are six reactions to today's High Court ruling on cigarette packets in the UK that will be introduced tomorrow <http://www.cityam.com/241476/plain-packaging-here-are-the-reactions-to-todays-high-court-ruling-on-cigarette-packets-in-the-uk-that-will-be-introduced-tomorrow>

UK Standardized Packaging of Tobacco Products Regulations 2015 (in effect 5/20/2016)

<http://www.legislation.gov.uk/ukdsi/2015/9780111129876>

Change.org petition urges David Cameron and UK Parliament to block EU vapor rules

<https://www.change.org/p/david-cameron-mp-support-parliamentary-moves-to-block-crazy-e-cigarette-regulations>

UK Lord Callanan tables motion to kill EU TPD vaping rules

[http://www.theregister.co.uk/2016/05/19/peer\\_tables\\_motion\\_to\\_kill\\_vaping\\_rules/](http://www.theregister.co.uk/2016/05/19/peer_tables_motion_to_kill_vaping_rules/)

British vapers unite behind Lord's bid to throw out controversial EU e-cigarette laws  
<http://www.mirror.co.uk/tech/british-vapers-unite-behind-lords-8014394>

Its about to become illegal to advertise e-cigarettes <http://metro.co.uk/2016/05/19/its-about-to-become-illegal-to-advertise-e-cigarettes-5893326/>

E-cigarettes – the fog and haze around the debate <http://www.bbc.com/news/health-36055500>

As previously cited above, new ASH UK survey finds:

- 47% of UK's 2.8 million vapers (1.3 million) have quit smoking cigarettes
- 51% of UK's 2.8 million vapers (1.4 million) still smoke cigarettes
- 56% of vapers had previously tried to quit smoking with patches, gums and/or lozenges
- Increasingly more adults inaccurately believe false fear mongering claims about vaping
- Only 15% of UK adults know e-cigs are a "lot less harmful" than smoking
- Only 8% of UK adults know nicotine poses none or very small of smoking's many risks
- 25% of UK adults inaccurately believe e-cigarettes are as or more harmful than smoking  
[http://www.ash.org.uk/files/documents/ASH\\_891.pdf](http://www.ash.org.uk/files/documents/ASH_891.pdf)

But ASH UK throws vapers under the bus, issues press release with headline claiming "New EU rules on nicotine strength not a problem for most vapers"

<http://www.ash.org.uk/media-room/press-releases/new-eu-rules-on-nicotine-strength-not-a-problem-for-most-vapers>

Clive Bates: Who cares about a few thousand dead? Defending EU limits on strength of nicotine e-liquids? <http://www.clivebates.com/?p=4056>

New Nicotine Alliance: The needs of more than a quarter of a million people don't matter, according to ASH <http://nnalliance.org/activities/news/117-the-needs-of-more-than-a-quarter-of-a-million-people-don-t-matter-according-to-ash>

Fergus Mason: ASHes to ashes, trust to dust <http://www.fergusmason.com/ashes-ashes-trust-dust/>

David Dorn: There's no fool like an old fool <http://david-dorn-q4qk.squarespace.com/blog/2016/5/16/theres-no-fool-like-an-old-fool>

Vapers in Power: ASH's lack of concern for 200,000 vapers is staggering  
<https://vaporsinpower.wordpress.com/2016/05/16/reaction-to-ash-news-release-16-may-2016/>

More Plain Packaging

France imposes plain packaging cigarette law (despite no evidence of health benefits)  
<http://www.thelocal.fr/20160518/plain-packaging-for-french-cigarettes>

Many more nations enacting plain packaging cigarette laws (despite no evidence Australia's 2012 law reduced cigarette consumption or smoking).

[http://www.ash.org.uk/files/documents/ASH\\_960.pdf](http://www.ash.org.uk/files/documents/ASH_960.pdf)

## Canada

Vape Trails: Ontario's e-cigarette industry says it's only trying to help people quit smoking

<https://nowtoronto.com/news/vape-trails-ontarios-ecigarette-industry-says-its-only-trying-to-help-people-quit-smoking/>

## Australia

Colin Mendelsohn: Our laws against e-cigarettes need to go up in smoke

<http://www.huffingtonpost.com.au/colin-mendelsohn/our-laws-against-e-cigarettes-need-to-go-up-in-smoke/>

Victory (Australia) government bill further protects cigarettes, prevents smokers from quitting by unethically conflating lifesaving vapor products with deadly cigarettes, banning vaping in all workplaces and many outdoor locations, and banning vapor product ads (under the deceitful guise of protecting children). It is already illegal to sell, supply, possess or use e-cigarettes that contain nicotine in Victoria

<http://www.theage.com.au/victoria/cigarette-bans-and-laws-to-apply-to-vaping-20160520-gp02cl.html> <http://www.theguardian.com/society/2016/may/21/victoria-to-treat-e-cigarettes-the-same-as-tobacco-products>

## NZ

Maori women calling for easier access to e-cigarettes to help them quit

<https://www.tvnz.co.nz/one-news/new-zealand/maori-women-calling-easier-access-e-cigarettes-help-them-quit>

## WHO

Vapor prohibitionist WHO director Margaret Chan claims her goal is to "make sure that the tobacco industry goes out of business," even though cigarette companies have become massively wealthier thanks to WHO's FCTC abstinence-only anti-THR policies. Chan also claims WHO will eliminate cigarette black markets (that WHO helped create).

<http://www.politico.eu/article/the-whos-strategy-to-put-big-tobacco-out-of-business-margaret-chan-tax-cigarettes-labeling-rules-trade/?platform=hootsuite>

[http://www.who.int/fctc/Protocol\\_summary\\_en.pdf?ua=1](http://www.who.int/fctc/Protocol_summary_en.pdf?ua=1)

Clive Bates: Who or what is the World Health Organization at war with?

<http://www.clivebates.com/?p=4071>

## Junk Science, Propaganda and Lies

Clive Bates: Are they nuts? The dysfunction and decadence of tobacco control in one chart  
<http://www.clivebates.com/?p=4124>

Lynn Kozlowski & David Abrams: Obsolete tobacco control themes can be hazardous to public health: the need for updating views on absolute product risks and harm reduction

<http://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-016-3079-9>

Mike Siegel: American Lung Association disseminates negligent advice about vaping  
<http://tobaccoanalysis.blogspot.com/2016/05/american-lung-association-disseminates.html>

Mike Siegel: American Lung Association and CVS Health campaign downplays the importance of smoking in preventing lung cancer

<http://tobaccoanalysis.blogspot.com/2016/05/american-lung-association-and-cvs.html>

Holliday, Kist and Bauld debunk anti vaping researchers' fear mongering claims that e-cigs can cause cell damage and cancer, and that e-cigs are as harmful as cigarettes, expose actual findings of in vitro study in which cigarette smoke killed all cells long before e-cig aerosol caused any cell damage.

<http://www.nature.com/ebd/journal/v17/n1/full/6401143a.html>

<http://www.ncbi.nlm.nih.gov/pubmed/26547127>

Clive Bates debunks anti-vaping activists' unsubstantiated conclusion that "ECs pose a significant public health risk" based upon several incidents of exploding e-cig batteries

<http://www.ncbi.nlm.nih.gov/pubmed/27191672>

FDA funded Tom Eissenberg claims hookah can be more harmful than cigarette smoking  
<http://www.gulf-times.com/story/493699/Shisha-can-be-more-harmful-than-cigarette-expert>

DHHS/Legacy funded Stan Glantz once again denies that snus has help hundreds of thousands of smokers quit smoking, criticizes Reynolds for not publishing study

<http://tobaccocontrol.bmj.com/content/early/2016/05/20/tobaccocontrol-2016-052913.full>

Purported study by vaping opponents Spence & Stanbrook criticizes tobacco harm reduction advocates for using Twitter to provide accurate information about vapor products and to expose false fear mongering claims by vaping opponents

[http://www.atsjournals.org/doi/abs/10.1164/ajrccm-conference.2016.193.1\\_MeetingAbstracts.A6512](http://www.atsjournals.org/doi/abs/10.1164/ajrccm-conference.2016.193.1_MeetingAbstracts.A6512)

DHHS funded study finds reducing nicotine consumption by mice resulted in weight gain, but study authors claim these irrelevant findings "have important implications for nicotine reduction policy", but authors tell news media claiming mice didn't gain weight.

<http://ntr.oxfordjournals.org/content/early/2016/05/14/ntr.ntw113.abstract>

<http://www.deccanchronicle.com/lifestyle/health-and-wellbeing/190516/smoking-can-help-you-shed-those-extra-kilos-study.html>

Legacy lies initiative thanks Big Pharma funded CTFK for giving awards to teens for lying about THR products, urging lawmakers to tax and increase minimum age for sales

<http://truthinitiative.org/news/truth-initiative-youth-advocates-honored>

ASH's Laurent Huber criticizes tobacco companies for profiting lucratively from the cigarette industry protecting anti-THR policies Huber has lobbied for the past 15 years.

[http://www.huffingtonpost.com/laurent-huber/a-dangerously-good-year-f\\_b\\_9959934.html](http://www.huffingtonpost.com/laurent-huber/a-dangerously-good-year-f_b_9959934.html)

UK Local Governments Association (LGA) falsely claims black market cigarettes contain 500 times more carcinogens than legal tax paid cigarettes, duped news media repeat absurd claim without any fact checking

<http://www.thesun.co.uk/sol/homepage/features/7150520/Are-you-smoking-the-killer-cigarettes-with-500-per-cent-more-carcinogens-in-them.html>

<http://www.warwickcourier.co.uk/news/regional/illegal-cigarettes-undermining-efforts-to-reduce-smoking-1-7382554> <http://www.ibtimes.co.uk/counterfeit-cigarettes-are-undermining-anti-smoking-efforts-1560076>

Bill Godshall Executive Director  
Smokefree Pennsylvania 1926 Monongahela Avenue  
Pittsburgh, PA 15218  
412-351-5880

**Submission: June 4, 2016**

From: Robert B. Sklaroff, M.D.  
To: Submissions  
Subject: FW: Tobacco Harm Reduction Update  
Date: Saturday, June 04, 2016 4:05:11 PM

---

Please refer these data to your committee.

-----Original Message-----

From: Bill Godshall  
Sent: Saturday, June 04, 2016 4:04 PM  
Subject: Tobacco Harm Reduction Update FDA Deeming Ban

Lost Art Liquids lawsuit challenging FDA vapor deeming ban is at  
<https://cdn.shopify.com/s/files/1/0743/0327/files/Lost-Art-Lawsuit.pdf?15196720680143068969>

Altria's John Middleton files lawsuit against FDA deeming regulation, claims ban of "Black and Mild" cigar brand name violates the First Amendment of the US Constitution's protection of free speech. [http://www.richmond.com/business/local/article\\_4f405f0d-bc96-57ea-b9d1-ad62634f1716.html](http://www.richmond.com/business/local/article_4f405f0d-bc96-57ea-b9d1-ad62634f1716.html) <http://www.csnews.com/product-categories/tobacco/altria-challenges-fdas-ban-mild-cigars> <http://www.wsj.com/articles/altria-sues-u-s-to-keep-black-mild-cigar-name-1464282368>  
[https://dlbjbjzgnk95t.cloudfront.net/0800000/800784/show\\_temp%20\(1\).pdf](https://dlbjbjzgnk95t.cloudfront.net/0800000/800784/show_temp%20(1).pdf) (lawsuit)

Thomas Briant: 3 Lawsuits Filed Against FDA 'Deeming' Regulations  
<http://www.cspdailynews.com/category-news/tobacco/articles/3-lawsuits-filed-against-fda-deeming-regulations>

Global Premium Cigars lawsuit challenges FDA Deeming Regulation (4th suit filed)  
<http://www.globalpremiumcigars.com/CampaignProcess.aspx?A=View&Data=QG5E4t8D9Fy0z55VvGI7rA%3d%3d> (press release)  
<http://www.globalpremiumcigars.com/newsletter/lawsuit.pdf> (lawsuit)

<http://halfwheel.com/global-premium-cigars-files-lawsuit-against-fda/116833> (article)

Monica Showalter: Democrats work with Big Tobacco and Big Pharma to choke the vaping industry <http://observer.com/2016/06/hot-air-democrats-work-with-big-tobacco-and-big-pharma-to-choke-the-vaping-industry/>

Ben Swann – Reality Check: The FDA's War on E-cigarettes  
<https://www.facebook.com/BenSwannRealityCheck/videos/1124976004234015/>

CASAA urges vapers to call FDA with questions about deeming ban (1-877-287-1373)  
<http://blog.casaa.org/2016/05/you-have-questions-about-fda-deeming.html>

Reynolds executives express optimism, rather than gloom, with new FDA rules  
[http://www.journalnow.com/business/business\\_news/local/reynolds-executives-express-optimism-rather-than-gloom-with-new-fda/article\\_118806ca-088c-5950-a9be-ef51fe21a97a.html](http://www.journalnow.com/business/business_news/local/reynolds-executives-express-optimism-rather-than-gloom-with-new-fda/article_118806ca-088c-5950-a9be-ef51fe21a97a.html)

Trefis: How will the new FDA ruling on e-cigarettes help Altria?  
<http://www.trefis.com/stock/mo/articles/358676/how-will-the-new-fda-ruling-on-e-cigarettes-help-altria/2016-06-01>

Debate over e-cigarettes heightened after sweeping FDA rules: What if the Food and Drug Administration's crackdown on e-cigarettes actually leads to more smoking?  
<http://www.insidesources.com/fda-rules-cigarettes/>

Joel Nitzkin: What drives tobacco control policy?  
<http://ntr.oxfordjournals.org/content/early/2016/04/26/ntr.ntw104.full.pdf?keytype=ref&ijkey=iflKpog6Q2x9V5z>

Eric Boehm –Animal Rights Group: FDA's e-cigarette regulations will kill critters  
<http://watchdog.org/266194/fda-e-cigarette-regs-animals/>

CASAA asks vapers to urge their US Representative to support bills to change predicate date for newly deemed vapor products from Feb. 15, 2007 to August 8, 2016  
<http://blog.casaa.org/2016/05/us-take-action-to-change-to-predicate.html>

Senator asks FDA for clarity on consequences of new e-cig rules  
[http://www.journalnow.com/business/business\\_news/local/senator-asks-fda-for-clarity-on-consequences-of-new-e/article\\_088e0a10-11f2-557a-9f04-0952a87d211d.html](http://www.journalnow.com/business/business_news/local/senator-asks-fda-for-clarity-on-consequences-of-new-e/article_088e0a10-11f2-557a-9f04-0952a87d211d.html)

Sen. Ron Johnson (R-WI) interviews radio talk show host Viki McKenna about her quitting smoking by switching to vaping, and Obama's FDA ban of vapor products.  
<https://soundcloud.com/senronjohnson/keep-vapin-vicki>

Jacob Sullum: The FDA's deadly e-cigarette regulations  
<http://www.theledger.com/article/20160525/COLUMNISTS03/160529757/-1/living?p=all&tc=pgall>

E-cigarettes come under scrutiny <http://www.cstoredecisions.com/2016/06/03/e-cigarettes-come-scrutiny/#>

Mike Siegel: In my view: American Lung Association would rather smokers die than save their lives "the wrong way" <http://tobaccoanalysis.blogspot.com/2016/05/in-my-view-american-lung-association.html>

Updated NIDA webpage falsely claims vaping may be as harmful as smoking cigarettes, falsely claims it is "unclear" if e-cigs may help people quit smoking, falsely claims e-cigarettes may be gateways to cigarettes, further demonizes lifesaving vapor products.

<https://www.drugabuse.gov/publications/drugfacts/electronic-cigarettes-e-cigarettes>

DHHS praises WHO's abstinence-only "World No Tobacco Day" by unethically conflating lifesaving vapor products and low risk OTP with highly addictive and deadly cigarettes, and by outrageously claiming FDA's cigarette protecting vapor Deeming ban "will help our government and our society improve public health and reduce the dire consequence of tobacco use to present and future generations."

<http://www.hhs.gov/blog/2016/05/31/world-no-tobacco-day-taking-steps-to-save-lives.html>

FDA touts list of recent scientific publications on tobacco authored by FDA staff, but most are behind paywalls, none studied the health impact of vaping on vapers or smokers, and most demonized low risk e-cigs, smokeless tobacco, cigars, flavorings, teen use, dual use and/or constituents to promote FDA's anti-THR regulatory agenda.

[http://www.accessdata.fda.gov/scripts/publications/more.cfm?center=CTP&er\\_name=Tobacco](http://www.accessdata.fda.gov/scripts/publications/more.cfm?center=CTP&er_name=Tobacco)

FDA urges tobacco controllers to apply for FDA/NIH grants to promote FDA's cigarette protecting abstinence-only anti-THR regulatory agenda under guise of science

<https://prevention.nih.gov/tobacco-regulatory-science-program>

<https://prevention.nih.gov/tobacco-regulatory-science-program/funding-opportunities>

<http://grants.nih.gov/grants/guide/rfa-files/RFA-OD-15-004.html>

<http://grants.nih.gov/grants/guide/pa-files/PA-14-237.html>

NCI gives \$15 million to more than 2 dozen individuals at 10 universities in 4 countries to study "the likely impact of current and potential future policies to regulate tobacco products, including the new class of projects referred to as vaporized nicotine products." Project co-directors are Mike Cummings, who advocated the cigarette protecting TCA and FDA's unlawful 2009 e-cigarette ban, and Anthony Alberg, who claimed FDA's vapor Deeming Ban is "less restrictive" than e-cigarette regulations in Canada and Australia, at the Medical University of South Carolina Hollings Cancer Center.

[http://www.eurekalert.org/pub\\_releases/2016-06/muos-tce060116.php](http://www.eurekalert.org/pub_releases/2016-06/muos-tce060116.php)

<http://www.postandcourier.com/20160602/160609922/cancer-institute-awards-musc-hollings-15-million-to-lead-studies-on-tobacco-policy-e-cigs>

DHHS funded THR opponents Terry Pechacek and Thomas Wills denounce vapor products because many smokers who tried vaping switched back to cigarettes or are dual users, fail to acknowledge that Obama's DHHS War on Vaping has scared many vapers to switch back to cigarettes and has scared most smokers from switching to vaping

<https://consumer.healthday.com/cancer-information-5/smoking-cessation-news-628/most-smokers-reject-e-cigarettes-711134.html>

Redlined version of FDA Deeming Regulation (showing changes the White House OMB/OIRA made to the Final Rule submitted by FDA in October, 2015) is at

<https://www.regulations.gov/#!documentDetail:D=FDA-2014-N-0189-83193>

Charlie Minato: OMB changes removed flavored tobacco restrictions from FDA Rule

<http://halfwheel.com/omb-changes-removed-flavored-tobacco-restrictions-from-fda-rule/116809>

Ed Anselm: Why deleting the FDA's ban of e-cigarette flavors is good for public health  
<http://dailycaller.com/2016/06/02/why-deleting-the-fdas-ban-of-e-cigarette-flavors-is-good-for-public-health/>

Vapor prohibitionists CTFK, Legacy lies initiative, and FDA funded Stan Glantz feign concern for youth yet again, criticize White House OMB for deleting FDA's November 2016 flavoring ban for e-cigs, cigars and pipe tobacco (even though deeming rule bans sales of all nicotine vapor products and most cigars on or before August 8, 2018)  
[http://www.tobaccofreekids.org/press\\_releases/post/2016\\_05\\_31\\_whitehouse](http://www.tobaccofreekids.org/press_releases/post/2016_05_31_whitehouse)

<http://truthinitiative.org/news/white-house-scrapped-fda-plan-restrict-flavored-e-cigarettes>  
<https://tobacco.ucsf.edu/white-house-ignores-science-linking-flavors-and-kid-use-ecigs-and-other-products-prioritizes-business-over-kids-health>

Reuters article repeats vapor prohibitionist's criticism of White House OMB without acknowledging FDA's deeming reg bans all vapor products on or before August 2018, and without interviewing anyone who supports lifesaving vapor products.

<http://www.reuters.com/article/us-u-s-health-ecigarettes-fda-idUSKCN0YN30L>

National Law Journal article on FDA vapor deeming ban repeats FDA's deceptive spin  
<http://www.natlawreview.com/article/fda-extends-regulation-tobacco-products-to-e-cigarettes>

Feeling let down and left behind with little hope for better  
<http://www.nytimes.com/2016/05/26/us/feeling-let-down-and-left-behind-with-little-hope-for-better.html>

Front page NY Times article highlights economic struggles of vapers in rural NC, but just one sentence suggests Obama's FDA vapor sales ban (that the NY Times aggressively lobbied for) will shut down the vape shops, and no mention that it will force millions of vapers to switch back to deadly cigarettes or buy black market vapor products.

Cigar Association of America (CAA), Cigar Rights of America (CRA), and International Premium Cigar & Pipe Retailers Association (IPCPR) issue statement on FDA deeming  
<http://halfwheel.com/caa-cra-ipcpr-issue-joint-statement-on-fda-regulations/116369>

Diane Katz: FDA's rules would snuff out small manufacturers of premium cigars  
<http://www.washingtontimes.com/news/2016/may/23/diane-katz-fda-cigar-rules-threaten-industrys-smal/>

FDLI to host two-part webinar on FDA Deeming Reg (\$99 members, \$199 nonmembers) FDA vapor prohibitionist Mitch Zeller to present 2:00-2:45PM on Monday June 15, 2016

Panel of Stacy Ehrlich, Joe Gitchell and vapor prohibitionist Ellen Vargyas to present 2:00-3:15PM on Tuesday, June 16, 2016

<http://www.fdpi.org/firstlookdeeming/general-information>

FDLI to host Introduction to E-cigs and Vapor Products Law and Regulation: FDA's Regulation of the Industry to be held in Los Angeles, CA on July 21, 2016

(\$799 members, \$899 nonmembers) <http://www.fdpi.org/ecigsandvapor/agenda>  
<http://www.fdpi.org/ecigsandvapor>

## US THR Surveillance (Corrections from 5/24/16 THRU)

New Reuters/IPSIS poll finds 7.4 million adult vapers in US no longer smoke cigarettes, same day CDC reports 8.1 million fewer smokers in 2015 than in 2010.

New 2016 Reuters/IPSIS poll of US adults (n=9,109) finds:

- 24.8 million use e-cigarettes or a personal nicotine vaporizer (10.0% of 247.8M adults)
- 7.4 million vapers no longer smoke cigarettes (30% of 24.8M vapers),
- 15.4 million vapers currently smoke cigarettes (62% of 24.8M vapers),
- 2.0 million vapers never smoked cigarettes (8% of 24.8M vapers).
- 15.4 million men vape (12.8% of 120.6M)
- 9.4 million women vape (7.4% of 127.2M),
- 15.1% of 18-34 year olds, 13.1% of 35-49 year olds, 6.3% of 50-59 year olds, and 3.6% of those 60 and older vape) Based on US Census estimates of 247.8M adults in 2015.

<http://www.reuters.com/article/us-usa-ecigarettes-poll-idUSKCN0YF0DE>  
[http://polling.reuters.com/#poll/TM607Y15\\_8\\_NEW/dates/20160419-20160516/type/overall](http://polling.reuters.com/#poll/TM607Y15_8_NEW/dates/20160419-20160516/type/overall)  
<http://fingfx.thomsonreuters.com/gfx/rngs/1/1925/3590/USA-ECIGARETTES-POLL.jpg>

2015 NHIS data finds US adult cigarette smoking rate declined from 19.4% in 2010 (45.5 million) to a record low 15.1% in 2015 (37.4 million), a decline of 8.1 million smokers.

Based on US Census estimates of 234.6M adults in 2010 and 247.8M adults in 2015.

<http://www.cdc.gov/nchs/data/nhis/earlyrelease/earlyrelease201605.pdf> (pages 55 & 59) Note that CDC has NOT released 2015 NHIS e-cigarette use data (to prevent news media from contrasting huge vaping increase with corresponding decline in cigarette smoking).

CDC's Brian King and Big Pharma financed vaping opponents distort huge multiyear decline in cigarette smoking to focus on smaller change from 2014 to 2015, to credit themselves and pre-2010 policy changes for the massive decline in cigarette smoking since 2010, to further demonize vaping and praise FDA's ban on vapor products. <http://www.cbsnews.com/news/us-smoking-rate-does-something-it-hasnt-in-years/>

[http://www.richmond.com/business/local/article\\_26af688e-da3e-53ad-90b6-63b29da2fb1f.html](http://www.richmond.com/business/local/article_26af688e-da3e-53ad-90b6-63b29da2fb1f.html) [http://www.medpagetoday.com/Pulmonology/Smoking/58111?xid=nl\\_mpt\\_DHE\\_2016-05-26&eun=q220600d0r](http://www.medpagetoday.com/Pulmonology/Smoking/58111?xid=nl_mpt_DHE_2016-05-26&eun=q220600d0r) <http://www.nytimes.com/2016/05/26/us/cdc-survey-shows-drop-in-cigarette-smoking-by-adults-in-2015.html>  
[http://www.tobaccofreekids.org/press\\_releases/post/2016\\_05\\_24\\_cdc](http://www.tobaccofreekids.org/press_releases/post/2016_05_24_cdc)

Brad Rodu: E-cigarette battery hazards miniscule and overblown

<http://rodutobaccotruth.blogspot.com/2016/06/e-cigarette-battery-hazards-minuscule.html>

More FDA CTP

In NY Times column, Joanna Cohen wisely urges FDA to promulgate TCA mandated color graphic warnings on cigarettes, but wrongly blames cigarette companies for FDA's arrogance

and refusal to comply with the TCA. Note Smokefree Pennsylvania urged Sen. Enzi to amend the TCA in 2007 to require graphic cigarette warnings, then CTFK/ACS/AHA/ALA lobbied Sen. Kennedy to oppose by calling it a “Trojan Horse Poison Pill”, then FDA sabotaged it by promulgating unconstitutional warnings, then FDA refused to promulgate new warnings, and instead banned lifesaving vapor products.

<http://www.nytimes.com/2016/06/03/opinion/let-smokers-see-the-warning-they-need.html>

Julia Belluz and NCI funded Mike Cummings absurdly blame tobacco companies for FDA’s refusal to promulgate Congressionally mandated color graphic cigarette warnings and for FDA’s previous violation of the US Constitution. <http://www.vox.com/2016/6/2/11818692/plain-packaging-policy-us-australia>

Joel Nitzkin: Should we just take the nicotine out of cigarettes?

<http://www.rstreet.org/2016/05/31/should-we-just-take-the-nicotine-out-of-cigarettes/>

FDA pays minor league baseball to demonize and ban very low risk smokeless tobacco that poses no risks to nonusers <http://www.myfoxzone.com/story/32104357/minor-league-baseball-takes-on-tobacco>

Study of DHHS data finds smokeless tobacco use poses exponentially lower risks than cigarette smoking, nearly identical risks as never using tobacco (2016 SRNT conference)

[http://www.altria.com/ALCS- Science/ConferenceDocumentLibrary/Fisher-](http://www.altria.com/ALCS-Science/ConferenceDocumentLibrary/Fisher-)

[Health%20Risks%20Associated%20with%20the%20Use%20of%20Smokeless%20Tobacco%20Products%2020160226.pdf](http://www.altria.com/ALCS-Science/ConferenceDocumentLibrary/Fisher-Health%20Risks%20Associated%20with%20the%20Use%20of%20Smokeless%20Tobacco%20Products%2020160226.pdf)

Brad Rodu: CDC knows that its data puts smokeless tobacco risks near zero

<http://rodutobaccotruth.blogspot.com/2016/05/cdc-knows-that-its-data-puts-smokeless.html>

NCI funded THR opponents’ study finds snus as effective as nicotine gum for quitting smoking, but authors downplay their findings

<http://tobaccocontrol.bmj.com/content/25/3/267.full>

## THR Business

Latest 12 week Nielsen data show 3.1% cigarette volume decline in US, and .5% \$\$ sales increase; show 10% e- cigarette volume increase, and 3.2% \$\$ sales increase.

Note that Nielsen data don’t include premium vaporizers, e-liquids or vape shop sales.

<http://www.cspdailynews.com/category-news/tobacco/articles/markten-xl-sparks-electronic-cigarette-growth> [http://www.journalnow.com/business/business\\_news/local/e-cig-sales-experience-rebound-as-markten-styles-gain-traction/article\\_edc6dad6-dd11-5805-a267-b61c7e2c1aac.html](http://www.journalnow.com/business/business_news/local/e-cig-sales-experience-rebound-as-markten-styles-gain-traction/article_edc6dad6-dd11-5805-a267-b61c7e2c1aac.html)

## Litigation

Swedish court rules e-cigarettes cannot be regulated as medicines (i.e. banned) Sweden to implement EU TPD regulations for e-cigs instead.

<http://www.lexology.com/library/detail.aspx?g=9258ca21-ab20-4384-bcad-2a8d64044143>

ACSH: Gwynn's appeal to jury could overshadow medical science (smokeless tobacco)  
<http://acsh.org/news/2016/05/27/gwynns-appeal-to-jury-could-overshadow-medical-science/>

## Taxation

WV Senate Finance Cmte approves \$.65/pack cigarette tax hike (from \$.55 to \$1.20), OTP tax increase from 7% to 12%, and 12% tax on vapor products

<http://halfwheel.us3.list-manage.com/track/click?u=65fa22a2d5c369cf6204b7683&id=c3e624b598&e=7388ccef76>  
<http://www.wvgazette.com/news-politics/20160601/senate-puts-tobacco-tax-back-on-the-table> [http://www.bdtonline.com/news/lawmakers-nix-sales-tax-hike-tobacco-tax-rekindles/article\\_d72c84b6-2874-11e6-924a-17f3ed8ff8a4.html](http://www.bdtonline.com/news/lawmakers-nix-sales-tax-hike-tobacco-tax-rekindles/article_d72c84b6-2874-11e6-924a-17f3ed8ff8a4.html)

CASAA urges PA vapers to oppose Gov. Wolf's proposed 40% tax on vapor products  
<http://blog.casaa.org/2016/05/pa-take-action-to-oppose-40-percent.html>

Bonnie Butz: Gov. Wolf's proposed e-cigarette tax bad for business  
<http://www.mcall.com/opinion/letters/mc-ecigarettes-smoking-alternative-butz-20160601-story.html>

CASAA urges MN vapers to oppose Reynolds sponsored bill (HF 848) to change e-cig tax from 95% of wholesale price to \$.30/ml of e-liquid (i.e. \$9 tax on a 30 ml bottle), which would sharply increase e-liquid tax and sharply reduce tax on Reynolds' Vuse.

<http://blog.casaa.org/2016/05/mn-vapor-tax-is-back-and-more.html>

Minnesota healthcare groups criticize tobacco and vapor tax bill

<http://www.prnewswire.com/news-releases/health-care-leaders-tax-bill-helps-tobacco-industry-hurts-minnesota-youth-30027>

<http://minnesota.cbslocal.com/2016/05/24/tobacco-tax-break/>

CASAA urges AK vapers to oppose bill (HB 4001) to impose 75% tax on vapor products  
<http://blog.casaa.org/2016/05/ak-take-action-to-oppose-new-tax-threat.html>

Lawsuit challenges Chicago's pending tobacco tax increase, claims it violates state law

<http://halfwheel.us3.list-manage.com/track/click?u=65fa22a2d5c369cf6204b7683&id=c8131a7c7e&e=7388ccef76>

## Smoking and Vaping Bans

NJ Assembly and Senate pass bills (A893/S1734) to ban vaping and smoking outdoors at public parks, forests and beaches (Note Gov. Christie vetoed similar legislation last year)

<http://halfwheel.com/new-jersey-legislature-approves-parks-and-beaches-smoking-ban/116290>

[http://www.nj.com/monmouth/index.ssf/2016/05/watch\\_what\\_do\\_nj\\_beachgoers\\_think\\_about\\_a\\_smoking.html](http://www.nj.com/monmouth/index.ssf/2016/05/watch_what_do_nj_beachgoers_think_about_a_smoking.html) [http://www.njleg.state.nj.us/2016/Bills/A1000/893\\_11.HTM](http://www.njleg.state.nj.us/2016/Bills/A1000/893_11.HTM)  
[http://www.njleg.state.nj.us/2016/Bills/S2000/1734\\_R1.HTM](http://www.njleg.state.nj.us/2016/Bills/S2000/1734_R1.HTM)

CA Senate passes bill (SB 1333) to ban vaping and smoking at State owned parks and beaches, with \$250 fine for violators.

[http://www.leginfo.ca.gov/pub/15\\_16/bill/sen/sb\\_1301-1350/sb\\_1333\\_bill\\_20160219\\_introduced.html](http://www.leginfo.ca.gov/pub/15_16/bill/sen/sb_1301-1350/sb_1333_bill_20160219_introduced.html) <http://halfwheel.com/bill-to-ban-smoking-in-parks-beaches-passes-california-senate/116696> <http://www.latimes.com/politics/la-pol-sac-essential-politics-voting-rights-lawsuit-filed-by-1464054394-htmlstory.html>

### Smoking Bans

Chinese government reneges on its broadly publicized workplace smoking ban by changing regulation from a “comprehensive ban” to a “selective ban” that allows for indoor smoking areas.

<http://www.ecns.cn/cns-wire/2016/06-01/212877.shtml> <http://www.reuters.com/article/us-china-smoking-idUSKCN0YP0GK>

Dallas Parks and Recreation Board votes to ban smoking (but not vaping) at parks, bill goes to City Council (TX) <http://cityhallblog.dallasnews.com/2016/06/park-board-snuffs-out-smoking-at-dallas-parks-but-puff-away-at-golf-courses-and-shooting-range.html/>

### Vaping Bans

Jacob Sullum: California undermines public health by treating e-cigs like the real thing <http://www.forbes.com/sites/jacobsullum/2016/05/26/california-promotes-smoking-related-disease-by-treating-e-cigarettes-like-the-real-thing/#6b0096a058ee>

Ontario Liberals shoot down effort to exempt vapour lounges and compassion clubs from new rules <http://news.nationalpost.com/news/canada/canadian-politics/ontario-tories-to-seek-exemption-for-pot-lounges-and-vaporizers-to-new-anti-smoking-bill>

Quebec's cigarette protecting workplace vaping ban took effect May 26 <http://www.lexology.com/library/detail.aspx?g=9258ca21-ab20-4384-bcad-2a8d64044143>

Big Pharma funded vaping prohibitionists again urge NY legislators to ban the use of lifesaving vapor products in all workplaces <http://blog.timesunion.com/capitol/archives/249521/medical-groups-push-for-statewide-e-cig-ban/>

### Minimum Age Laws

NJ Senate passes bill (S 359) to raise minimum age for sale of lifesaving vapor products, deadly cigarettes and low risk OTP to 21 (Gov. Christie vetoed the same bills last year) [http://www.nj.com/politics/index.ssf/2016/05/raising\\_age\\_to\\_21\\_to\\_buy\\_cigarettes\\_and\\_smoking\\_ba.html](http://www.nj.com/politics/index.ssf/2016/05/raising_age_to_21_to_buy_cigarettes_and_smoking_ba.html)

Worcester (MA) increases minimum age for sales of tobacco products to 21 <http://www.telegram.com/news/20160601/worcester-board-of-health-raises-minimum-smoking-age-to-21>

FDA/NIH funded anti-tobacco anti-vaping activist UNC's Adam Goldstein touts survey finding that most Americans support raising the legal age for tobacco sales to 19, 20 or 21; but study deceptively conflated low risk OTP with deadly cigarettes, and never informed participants that the legislation would also apply to lifesaving vapor products. [http://www.ajpmonline.org/article/S0749-3797\(16\)30116-7/fulltext](http://www.ajpmonline.org/article/S0749-3797(16)30116-7/fulltext)

<https://www.sciencedaily.com/releases/2016/06/160601132621.htm>

<https://consumer.healthday.com/cancer-information-5/smoking-cessation-news-628/most-americans-support-rise-in-legal-smoking-age-711487.html>

## UK

NNA and ECITA complaints about misleading anti e-cigarette advertisement upheld by Advertising Standards Authority <http://nnalliance.org/activities/news/123-nna-complaint-about-misleading-anti-e-cigarette-advertisement-upheld-by-asa>

Robert Innes – Advice from Lancashire County Council: Well, not quite...(reveals that false claims about vaping by US health agencies, and Big Pharma funded medical/health groups are worse than the misleading anti e-cig ad banned by UK's ASA) <http://www.vapingpost.com/2016/06/02/advice-from-lancashire-county-council-well-not-quite/>

E-cigarette company recalls rechargers

<http://www.westsussextoday.co.uk/news/county-news/electric-shock-risk-forces-e-cigarette-charger-recall-1-7413321>

## New Zealand

New Zealand's government considers legalizing sale of nicotine vapor products (and proposes plain packaging cigarette law despite no evidence Australia's law reduced cigarette consumption or smoking). <http://www.newshub.co.nz/politics/government-in-e-cigarette-push-2016053022#axzz4AB2eKZCR> <http://www.stuff.co.nz/national/politics/80558869/cigarette-plain-packaging-plan-set-to-be-revealed-by-nz-government>

Australia Consults Vapor Prohibitionists on Policies

Clive Bates: Do not read this or discuss it and in no circumstances should you comment <http://www.clivebates.com/?p=4153>

Terry Barnes – Regulating e-cigarettes: read all about it!

[http://catallaxyfiles.com/2016/05/29/regulating -e-cigarettes-read-all-about-it/](http://catallaxyfiles.com/2016/05/29/regulating-e-cigarettes-read-all-about-it/)

Hong Kong

Hong Kong government to further protect cigarettes by banning all vapor products (nicotine vapor products were banned many years ago) [http://www.scmp.com/news/hong-kong/health-environment/article/1963152/end-vaping-hong-kong-government-plans -ban-import](http://www.scmp.com/news/hong-kong/health-environment/article/1963152/end-vaping-hong-kong-government-plans-ban-import)

WHO lobbies for intolerant and ineffective Plain Cigarette Packaging Laws on WNTD

WHO vapor prohibitionist Margaret Chan urges all nations to require plain cigarette packaging (despite no evidence Australia's 2012 plain packaging law reduced cigarette consumption or smoking) [http://www.who.int/campaigns/no- tobacco-day/2016/en/](http://www.who.int/campaigns/no-tobacco-day/2016/en/)

[http://www.un.org/apps/news/story.asp? NewsID=54094#.V09vX9QrLMq](http://www.un.org/apps/news/story.asp?NewsID=54094#.V09vX9QrLMq)

<http://www.who.int/mediacentre/news/releases/2016/world-no-tobacco-day/en/>

<http://www.who.int/campaigns/no-tobacco-day/2016/key-messages/en/>

<http://www.who.int/campaigns/no-tobacco-day/2016/faq-plain-packaging/en/>

<http://www.who.int/tobacco/publications/industry/plain-packaging-tobacco-products/en/>

[http://www.upi.com/Health\\_News/2016/05/31/WHO-Plain-packs-for-cigarettes-to-go-global/1921464713475/](http://www.upi.com/Health_News/2016/05/31/WHO-Plain-packs-for-cigarettes-to-go-global/1921464713475/) <http://www.bbc.com/news/health-36396666>

[http://www.dw.com/en/who-says-tobacco-plain-packaging-helps -cut-smoking-rates/a-19295687](http://www.dw.com/en/who-says-tobacco-plain-packaging-helps-cut-smoking-rates/a-19295687)

Derek Yach & Gillian Christie say reduced risk tobacco products would reduce cigarette smoking more rapidly and faster than WHO's call for plain packaged cigarettes

<http://thevitalityinstitute.org/may-31-world-no-tobacco-day-today/>

Property Rights Alliance: Plain cigarette packaging an infringement against trademarks

<http://dailycaller.com/2016/05/31/why-who-is-wrong-about-plain-packaging/>

<http://www.malaysiakini.com/letters/343832>

Property Rights Alliance letter to WHO director Margaret Chan

[http://www.propertyrightsalliance.org/userfiles/file/international-coalition-letter -](http://www.propertyrightsalliance.org/userfiles/file/international-coalition-letter-)

[%20against%20plain%20packaging%20English%20version.pdf](http://www.propertyrightsalliance.org/userfiles/file/international-coalition-letter-%20against%20plain%20packaging%20English%20version.pdf)

Drew Johnson: Plain packaging of tobacco is plain disastrous

[http://www.bdlive.co.za/opinion/2016/06/02/plain- packaging-of-tobacco-is-plain-disastrous](http://www.bdlive.co.za/opinion/2016/06/02/plain-packaging-of-tobacco-is-plain-disastrous)

Vox columnist Julia Belluz advocates and claims plain packaging laws benefit public health (despite no evidence Australia's law reduced cigarette consumption or smoking), criticizes First Amendment of US Constitution, fails to acknowledge that Obama's FDA sabotaged the Congressionally mandated color graphic warnings on cigarettes (and instead blames tobacco companies), also quotes NCI funded Mike Cummings blaming tobacco company lobbying and

contributions to Congress (even though Congress doesn't appoint federal judges and cannot violate the US Constitution).

<http://www.vox.com/2016/6/2/11818692/plain-packaging-policy-us-australia>

Canadian Health Minister Jane Philpott announces 3 month consultancy on proposed plain packaging law for ALL tobacco products (despite no evidence Australia's 2012 plain packaging law reduced cigarette consumption or smoking, and even though smokeless tobacco, premium cigars and pipe tobacco are less harmful than cigarettes)

<http://healthycanadians.gc.ca/health-system-systeme-sante/consultations/tobacco-packages-emballages-produits-tabac/index-eng.php>

<http://healthycanadians.gc.ca/health-system-systeme-sante/consultations/tobacco-packages-emballages-produits-tabac/document-eng.php>

<http://www.reuters.com/article/us-canada-health-tobacco-idUSKCN0YM2E8>

Legal battle looms over tobacco pack changes (Canada)

<http://globalnews.ca/news/2730669/legal-battle-looms-over-tobacco-pack-changes/>

Kenyan Health Ministry proposes plain packaging cigarette law

<http://www.nation.co.ke/news/Tobacco-companies-get-new-headache/-/1056/3227228/-/9hktq3z/-/index.html>

Norwegian Health Minister Bent Høie announces government's intent to mandate plain packaging for lifesaving snus as well as for deadly cigarettes (to deceive the public to believe snus is as harmful as cigarettes)

<http://www.bloomberg.com/news/articles/2016-05-31/new-zealand-backs-plain-cigarette-packaging-in-smoking-clampdown>

<http://www.newsinenglish.no/2016/06/02/health-minister-expects-cigarette-packaging-protests/>

THR Research

New study finds vapers (like smokers) engage in nicotine compensation by vaping more low level nicotine e-liquid with more and longer puffs (than when vaping higher level nicotine e-liquid)

[http://link.springer.com/article/10.1007/s00213-016-4338-2?wt\\_mc=Internal.Event.1.SEM.ArticleAuthorOnlineFirst](http://link.springer.com/article/10.1007/s00213-016-4338-2?wt_mc=Internal.Event.1.SEM.ArticleAuthorOnlineFirst)

Carl Phillips: Saying e-cigarettes are "95% less harmful" is a very bad idea (correctly points out existing evidence indicates e-cigarettes are 99% less harmful than cigarettes)

<https://antithrlies.com/2016/05/25/saying-e-cigarettes-are-95-less-harmful-is-a-very-bad-idea-part-143-of-10000/>

Caroline Frank: What are e-cigarettes and the controversies that surround them?

"Overall, we found that the ethical arguments in support of e-cigarette use for tobacco harm reduction largely outweigh the arguments against them."

<http://blogs.biomedcentral.com/on-medicine/2016/05/31/wntd-e-cigarettes/>

Public health activist Chris Bullen tells truth about scientific evidence on vapor products, urges doctors to encourage smoker patients to quit smoking by switching to vaping

<http://www.nejm.org/doi/full/10.1056/NEJMclde1602420?query=TOC#t=cldeOpt1>

Vapor prohibitionist Stan Glantz lies about scientific evidence, unethically urges doctors to discourage smoker patients from quitting smoking by switching to vaping

<http://www.nejm.org/doi/full/10.1056/NEJMclde1602420?query=TOC#t=cldeOpt2>

Study finds vaping marijuana less harmful and more effective than smoking or consuming it other ways <http://www.nature.com/articles/srep25599>

<http://www.theguardian.com/society/2016/may/26/cannavaping-could-see-e-cigarettes-used-to-deliver-medicinal-cannabis>

<http://www.thelocal.ch/20160527/swiss-boffins-create-cannabis-e-cigarette>

## THR Advocacy

UK smoking in pregnancy challenge group recommends smokers vape: Use of electronic cigarettes in pregnancy: A guide for midwives and other healthcare professionals

<http://www.smokefreeaction.org.uk/SIP/files/eCigsIP.pdf>

<https://vivbenett.blog.gov.uk/2016/05/26/achieving-a-smokefree-pregnancy-can-e-cigarettes-help-jo-locker/>

Researchers emphasize need to rethink tobacco control strategies <http://www.news-medical.net/news/20160525/Researchers-emphasize-need-to-rethink-tobacco-control-strategies.aspx>

Center for Global Development's Rajesh Mirchandani interviews THR advocate Dave Sweanor and THR opponent Bill Savedoff <http://www.cgdev.org/blog/tobacco-control-or-eradicate-podcast-david-sweanor-and-bill-savedoff> <https://www.youtube.com/watch?v=jWRhBrwSwdw>

Dave Sweanor: E-cigarettes yay or nay <https://stittsvegas.com/2016/05/28/e-cigarettes-yay-or-nay/>

White Cloud to host free webinar with "A Billion Lives" director Aaron Biebert on June 6 at 2PM eastern US time

<https://zoom.us/webinar/register/ae2de903c4d4461fc5b9141539e44ee6?utm>

Barry Evans: E-cigarettes vs Tobacco

<http://www.northcoastjournal.com/humboldt/e-cigarettes-vs-tobacco/Content?oid=3787323>

## Junk Science, Propaganda and Lies

Study confirms nicotine consumption (via smoking and vaping) results in temporary changes in flow-mediated dilation (FMD) and oxidative stress, but authors falsely claim study found

that one use of an e-cig causes acute harm to users.

<http://www.sciencedirect.com/science/article/pii/S0012369216485624>

Clive Bates responds to study (above) pointing out that caffeine has similar effects

<http://www.ncbi.nlm.nih.gov/pubmed/27108682>

2005 study found caffeine consumption also results in temporary changes in flow-mediated dilation (FMD) similar to nicotine consumption.

<http://www.ncbi.nlm.nih.gov/pubmed/15799717>

FDA/NIH funded vapor prohibitionist Stan Glantz totally misrepresents study findings (above) to deceitfully claim e-cigs cause heart disease and lung disease, and “e-cigarettes could be half as dangerous as conventional cigarettes even if they cause no cancer.”

<http://tobacco.ucsf.edu/important-new-study-shows-immediate-effects-e-cigs-cardiovascular-system-big-smoking-cigarette>

Dental trade group (AAOMS) that has demonized smokeless tobacco for many years issues 2 press releases in 2 weeks hyping same case study of exploding e-cig battery to scare public about lifesaving vapor products, failed to acknowledge the many health and safety benefits for smokers who switch to vaping. <http://www.prnewswire.com/news-releases/e-cigarette-explosions-causing-serious-mouth-injuries-300278337.html> <http://www.prnewswire.com/news-releases/e-cigarette-explosions-causing-serious-mouth-injuries-300275021.html> [http://www.joms.org/article/S0278-2391\(16\)00009-4/abstract](http://www.joms.org/article/S0278-2391(16)00009-4/abstract)

Ohio ABC affiliate repeats lies about vaping to confuse and scare viewers

<http://abc22now.com/news/local/keep-kids-safe-from-e-cigarettes>

Texas ABS affiliate repeats lies about vaping to confuse and scare viewers

<http://abc27.com/2016/05/26/ut-study-e-cigarette-marketing-appealing-to-youths/>

HRW issues more anti-tobacco farmer propaganda claiming Indonesian children are poisoned (a similar 2014 HRW report below claimed US children were poisoned) by nicotine when harvesting tobacco, blaming tobacco companies and capitalism, demanding teens be banned from working on family farms, while failing to acknowledge transdermal nicotine absorption (which can cause nausea and vomiting) when harvesting tobacco is easily prevented by wearing long sleeves, long pants and gloves. <https://www.hrw.org/node/289751/> <https://www.hrw.org/news/2014/05/14/us-child-workers-danger-tobacco-farms> (2014 HRW report)

Bloomberg.com article hypes HRW’s fear mongering anti-tobacco farmer anti-tobacco industry propaganda deceptively disguised as protecting poisoned children

<http://www.bloomberg.com/news/articles/2016-05-25/still-smoke-your-cigarettes-may-have-poisoned-indonesian-kids>

CDC/NIOSH Recommended Practices: Green Tobacco Sickness

<http://www.cdc.gov/niosh/topics/greentobaccosickness/> <http://www.cdc.gov/niosh/docs/2015-104/>

<http://www.cdc.gov/niosh/docs/2015-104/pdfs/2015-104.pdf>

2012 article on protective clothing for tobacco harvesters  
<http://www.nepjol.info/index.php/IJOSH/article/view/4963/4865>

Bill Godshall Executive Director  
Smokefree Pennsylvania 1926 Monongahela Avenue  
Pittsburgh, PA 15218  
412-351-5880

---

**Submission: June 22, 2016**

From: Robert B. Sklaroff, M.D.  
To: Submissions  
Subject: Fwd: Tobacco Harm Reduction Update  
Date: Wednesday, June 22, 2016 1:28:42 PM

---

Please circulate to your committee ASAP.

----- Forwarded message -----

From: Bill Godshall  
Date: Wed, Jun 22, 2016 at 1:09 PM  
Subject: Tobacco Harm Reduction Update To:

FDA Vapor Deeming Ban

11 US Vapor Trade Associations file lawsuit challenging FDA Vapor Deeming Ban  
<https://drive.google.com/file/d/0BzaeY6YSkAHpeURVai1Va3RqYUE/view?pref=2&pli=1>  
<http://www.r2bsmokefree.org/>  
<http://vaping360.com/11-vaping-groups-unite-to-sue-fda/>  
<http://evapingcoalition.org/e-vaping-coalition-america-strikes-back-fda/>

Keller and Heckman's Azim Chowdury to present webinar "What to Expect from FDA's Deeming Regulation: E-Cigarettes and Cigars" on June 22 from 1-2 PM (today).  
<https://www.khlaw.com/9310>

Keller and Heckman's Azim Chowdury interviewed on lawsuit filed challenging Indiana vapor monopoly law and new vapor industry lawsuit challenging FDA deeming ban  
<https://www.youtube.com/watch?v=gCLRJvarDAU>

Cigar trade groups plan lawsuit against FDA  
<http://halfwheel.com/cigar-trade-groups-plan-lawsuit-against-fda/118501>

FDA Vape rules Released, Now what? (AVA's Greg Conley interviewed)  
<http://www.cstoredecisions.com/2016/06/16/vape-rules-released-now/#>

Harsh regulations have turned vapers into activists  
<http://motherboard.vice.com/read/harsh-regulations-have-turned-vapers-into-activists?>

Can e-cigarettes survive the war against vaping? <http://forbesindia.com/article/cross-border/can-ecigarettes-survive-the-war-against-vaping/43521/0>

Local vape shops concerned new FDA rule will shut them down (Tennessee)  
<http://wjhl.com/2016/06/10/local-vapor-shops-concerned-new-fda-rules-will-shut-them-down/>

Mike Siegel: Why must the American Cancer Society continue to lie to the public? This time, they do so in coordinated fashion <http://tobaccoanalysis.blogspot.com/2016/06/why-must-american-cancer-society.html>

Even more ACS letters-to-editors lie about Cole/Bishop amendment in a nationwide lobbying campaign targeting US Senators to preserve FDA's cigarette protecting ban on the sale of lifesaving vapor products to adults. [http://www.stltoday.com/news/opinion/mailbag/mccaskill-must-stand-up-to-tobacco-industry/article\\_52edf8df-3ca5-5cbb-8118-0ec13f7c3317.html](http://www.stltoday.com/news/opinion/mailbag/mccaskill-must-stand-up-to-tobacco-industry/article_52edf8df-3ca5-5cbb-8118-0ec13f7c3317.html)  
<http://www.tallahassee.com/story/opinion/2016/06/08/letter-sen-nelson-should-stand-up-big-tobacco/85624870/>  
<http://www.highlandstoday.com/hi/list/news-opinion-letters/letters-to-the-editor-20160610/>

FDA posts new website entitled "The Facts on the FDA's New Tobacco Rule" that repeats many false claims about vaping and FDA's Deeming Rule, beginning with Mitch Zeller's "Under this new rule, we're taking steps to protect Americans from the dangers of tobacco products" (as FDA's Deeming Rule protects deadly cigarettes and large cigarette companies by banning lifesaving vapor products)  
<http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm506676.htm>

Op/ed by Allen Laman repeats FDA propaganda touting Vapor Deeming Rule, but acknowledges rule will devastate vapor products, manufacturers and vape shops; details disastrous impact of Indiana's e-cig monopoly law that is set to go into effect in July  
<http://www.indianapolismonthly.com/news-opinion/eight-things-know-fda-regulate-e-cigarettes-like-tobacco/>

More FDA

FDA reissues June 8 press release urging vapers and tobacco users to file complaints with FDA claiming products are defective and/or cause health problems  
<https://consumer.healthday.com/public-health-information-30/food-and-drug-administration-news-315/faulty-tobacco-products-711778.html>

FDA touts \$36 million propaganda campaign to demonize very low risk smokeless tobacco products (even though cigarette smoking poses 100 times higher overall mortality risks and oral cancer risks than does smokeless tobacco use), which could prompt many smokeless tobacco users to switch to far more harmful cigarettes  
<http://www.heraldnet.com/article/20160618/LIVING/160619268>

FDA reinvites tobacco manufacturers to allow FDA to inspect their sites (after FDA did the same thing last year); indicating few if any manufacturers took FDA up on its offer  
<http://www.fda.gov/TobaccoProducts/NewsEvents/ucm507099.htm>

CDC's Brian King flip flops on cigarette tax hikes and smoking bans CDC's Brian King et

al expose and complain that very few smokefree workplace laws and cigarette tax hikes were enacted from 2010-2014 when Obama's DHHS (including CDC) spent most of its tobacco control resources advocating FDA's unlawful e-cig ban from 2009-2011, advocating vaping bans in public places, and advocating FDA's Deeming Rule since 2011 by demonizing very low risk vapor and smokefree tobacco products, nicotine, flavorings, occasional tobacco use, cigars and hookah.

[https://www.cdc.gov/pcd/issues/2016/15\\_0409.htm](https://www.cdc.gov/pcd/issues/2016/15_0409.htm)

But several weeks ago, CDC's Brian King falsely attributed last year's sharp decline in US adult cigarette smoking to newly enacted smokefree workplace laws, cigarette tax hikes and CDC advertisements: "Within the last year we've had a lot of progress at both the state, local, and federal level in terms of implementing smoke-free laws, raising the price of tobacco, and running hard-hitting mass-media campaigns,"<http://www.csmonitor.com/World/Progress-Watch/2016/0613/US-smoking-rate-sees-faster-decline>

Note that CDC funded vaping prohibitionist ANR (which lobbied for smokefree workplace laws before 2010, but then began lobbying to ban vaping with Big Pharma funded ACS, AHA, ALA) claims 286 local vaping bans were enacted from 2009-2014

<http://www.no-smoke.org/getthefacts.php?id=824>

Big Pharma funded CTFK repeats CDC's hypocritical criticism of smokefree workplace laws and cigarette tax hikes after CTFK spent most of 2010-2014 lobbying for FDA vapor product bans, smokeless tobacco use bans, and taxing very low risk vapor and OTP the same rate as deadly cigarettes by lying about vaping, nicotine, flavorings, occasional tobacco use, cigars, hookah, vapor companies and tobacco companies.

[http://www.tobaccofreekids.org/press\\_releases/post/2016\\_06\\_16\\_cdc](http://www.tobaccofreekids.org/press_releases/post/2016_06_16_cdc)

CDC issues Everyone Deserves a Smokefree Home that touts HUD's proposed regulation to ban smoking (and likely vaping since HUD demonized vaping and asked for comments on banning vaping) in all public housing units, recommends resources that advocate vaping bans, and touts ineffective FDA approved drugs, text messages, apps and CDC ads (including an ad demonizing vaping) as effective for quitting smoking.

<http://www.cdc.gov/features/smokefree-home/index.html>

Mandating More Harmful Low Nicotine Cigarettes

22nd Century boasts that Obama's CDC has called its very low nicotine Spectrum cigarettes an "important tool in clinical studies for investigating . . . the impact of reduced nicotine cigarettes on nicotine addiction..."

<http://www.businesswire.com/news/home/20160616005829/en/22nd-Century%E2%80%99s-Proprietary-SPECTRUM%C2%AE-Cigarettes-Identified-Crucial>

Global Vapor and Cigarette Markets

Euromonitor's Shane MacGuill reports:

- \$8 Billion (US) of vapor products were sold to 30 million vapers worldwide in 2015,
- \$3.4 Billion of vapor products sold in US in 2015 (43% of world vapor market),
- tank systems and cigalikes each comprise about 50% of US vapor product sales,
- tank systems comprise 85% and ciglikes comprise 15% of vapor sales in rest of world,

- 2.1% worldwide cigarette volume decline from 2014 to 2015,
- 20.4% of adults in the world smoke,
- 2.4% cigarette volume decline in China from 2014 to 2015, and
- Chinese consume >45% of world's cigarettes. <http://blog.euromonitor.com/2016/06/what-is-the-new-tobacco-data-telling-us.html> <http://blog.euromonitor.com/2016/06/tobacco-in-2015-a-tale-of-two-regions-reversing-roles.html> <http://www.bloomberg.com/news/articles/2016-06-20/the-u-s-e-cigarette-market-is-the-biggest-in-the-world-chart> <http://www.businesswire.com/news/home/20160620005506/en/China-Cigarettes-Market-Declines-Time-Decades> <http://www.cityam.com/243721/tobacco-volumes-decline-china-first-time-two-decades-and>

#### Vaping and Smoking Research

Study finds vaping may reduce cardiovascular disease risk among cigarette smokers; Cigarette smoke but not electronic cigarette aerosol activates a stress response in human coronary artery endothelial cells [http://www.drugandalcoholdependence.com/article/S0376-8716\(16\)30047-3/fulltext](http://www.drugandalcoholdependence.com/article/S0376-8716(16)30047-3/fulltext)

Marcus Munafo: Electronic cigarettes could have a huge effect on public health <https://theconversation.com/electronic-cigarettes-could-have-a-huge-effect-on-public-health-58968>

Heartland: Study report health benefits from e-cigarette use <https://www.heartland.org/policy-documents/study-reports-health-benefits-e-cigarette-use> <http://tobaccocontrol.bmj.com/content/early/2016/06/06/tobaccocontrol-2015-052822.full>

Jane Brody: No such thing as a healthy smoker <http://well.blogs.nytimes.com/2016/06/20/no-such-thing-as-a-healthy-smoker/>

Long term study finds smokers attempt to quit 30 times before succeeding, not 5 to 7 times as previously claimed by so-called smoking cessation experts <http://bmjopen.bmj.com/content/6/6/e011045> <http://www.reuters.com/article/us-health-smoking-quit-attempts-idUSKCN0Z72PL>

Colorado DPHE survey finds teen cigarette smoking declined to record low 10% (as vaping has increased), finds marijuana use did NOT increase since CO voters approved legalization in 2012 (in sharp contrast to fear mongering claims by pot prohibitionists) <http://denver.cbslocal.com/2016/06/20/colorado-marijuana-youth-use-legalization/>

New research suggests e-cigarettes act as 'roadblock' to smoking among young people [http://www.eurekalert.org/pub\\_releases/2016-06/ac-ego061716.php#.V2QghAu2MUc.facebook](http://www.eurekalert.org/pub_releases/2016-06/ac-ego061716.php#.V2QghAu2MUc.facebook)

New research shows e-cigarettes not a gateway for young people to take up smoking "For the third year in a row our research confirms young people are not using e-cigarettes if they've never smoked before." ASH Wales executive director Suzanne Cass <http://ashwales.org.uk/en/whats-new/new-research-shows-e-cigarettes-are-not-a-gateway-for-young-people-to-take-up-smoking>

#### Vapor Education

Healthy Living cover story "The Truth About Vaping" (objective article) <http://trendmag.trendoffset.com/publication/>

i=306860&ver=html5&p=1#{"page":0,"issue\_id":306860}

Aaron Biebert answers questions about A Billion Lives before European premier at the Global Forum on Nicotine in Warsaw <https://www.youtube.com/watch?v=dPeQE0JtwTk>

DHHS funded Junk Science and Propaganda

Brad Rodu – Phantom Gateway: Kids who ever try stuff are more likely to ever try other stuff (exposes how FDA funded UCS anti-vaping activists deceitfully biased their junk study to manufacture bogus news headlines claiming e-cigs are a gateway to cigarettes, which is similar to what other FDA funded junk scientists and universities have done).

<http://rodutobaccotruth.blogspot.com/2016/06/phantom-gateway-kids-who-ever-try-stuff.html>

Expert reaction to study on e-cigarettes and future cigarette use

<http://www.sciencemediacentre.org/expert-reaction-to-study-on-e-cigarettes-and-future-cigarette-use/>

Jacob Sullum: If vaping causes smoking, why are cigarettes less popular than ever with teenagers?

<http://www.forbes.com/sites/jacobsullum/2016/06/16/if-vaping-causes-smoking-why-are-cigarettes-less-popular-than-ever-with-teenagers/#1e1b8c864481>

Guy Bentley: Doctors slam study linking e-cigarettes to teen smoking

<http://dailycaller.com/2016/06/14/doctors-slam-study-linking-e-cigarettes-to-teen-smoking/#ixzz4BexdKSh0>

Mike Siegel: Pediatrics “Gateway” article author hiding conflicts of interest with Big Pharma; Drug companies have gotten their money’s worth

<http://tobaccoanalysis.blogspot.com/2016/06/pediatrics-gateway-article-author.html>

Transcript for CDC telebriefing: YRBS (where CDC’s Brian King repeats fearmongering lies about nicotine and vaping, unethically conflates lifesaving vaping and very low risk smokeless tobacco with deadly cigarette smoking, preaches abstinence-only).

<http://www.cdc.gov/media/releases/2016/t0609-yrbs.html>

ABC NEWS touts USC junk study (funded by FDA) claiming e-cigs are gateways to cigarettes, quotes AAP’s Karen Wilson demonizing vaping without disclosing AAP’s funding by Big Pharma, but also quotes AVA’s Greg Conley and SFATA’s Cynthia Cabrera telling the truth about vaping and the junk study funded by FDA.

<http://abcnews.go.com/Health/teens-vape-smoke-cigarettes-study-finds/story?id=39819819>

MedPage Today headline and article tout false claim about FDA funded USC junk study of “ever e-cig users” that falsely concluded e-cigs are gateway to cigarettes

<http://www.medpagetoday.com/Pulmonology/Smoking/58481>

NIDA funded Univ of Michigan MTF surveyors (who found record low cigarette smoking rates among 8th, 10th and 12th graders) inappropriately study “ever use” e-cig data (instead of “current use” data) to falsely conclude/claim that teens don’t vape to quit smoking or as a cigarette substitute.

[http://www.drugandalcoholdependence.com/article/S0376-8716\(16\)30134-X/abstract](http://www.drugandalcoholdependence.com/article/S0376-8716(16)30134-X/abstract)

Study found 9,945 vape shops in US in 2015 (a threefold increase from 2013), unsurprisingly found 2/3rds of 2,755 colleges in study had at least one vape shop within a three mile radius (as vape shops, like other businesses, locate where customers live), but authors conclude (based upon nothing presented in their study) "Regulations on the sale and advertisement of e-cigarettes to youth and young adults are critically needed."  
<http://tobaccocontrol.bmj.com/content/early/2016/06/14/tobaccocontrol-2016-052957.abstract>

FDA/NCI funded activists mislead and scare news media about their study's findings at [http://www.ncbi.nlm.nih.gov/pubmed/27288488#cm27288488\\_16318](http://www.ncbi.nlm.nih.gov/pubmed/27288488#cm27288488_16318) (that Zvi Herzog explains were likely due to nicotine in e-cig aerosol when exhaling via the nose, which is unlikely to cause harm) as fear mongering headline falsely claims "E-cigarettes 'increase risk of infection by damaging hundreds of genes in immune system'" <http://www.mirror.co.uk/lifestyle/health/e-cigarettes-increase-risk-infection-8252698>

FDA funded THR denier Stan Glantz attacks RJ Reynolds for not publishing a clinical trial on snus (after Glantz lobbied journals to stop publishing tobacco industry research) [https://tobacco.ucsf.edu/sites/tobacco.ucsf.edu/files/u795/glantz\\_Neeley-RJR-snus.pdf](https://tobacco.ucsf.edu/sites/tobacco.ucsf.edu/files/u795/glantz_Neeley-RJR-snus.pdf)

#### Cigarette Litigation

US Supreme Court puts end to Price/Miles Marlboro Lights class action; rejects plaintiffs appeal urging reinstatement of \$10.1 billion verdict against Philip Morris USA

<http://www.reuters.com/article/us-usa-court-cigarettes-idUSKCN0Z61J1>  
<http://www.altria.com/Media/Press-Releases/Pages/PressReleaseDetails.aspx?reqID=2178784>  
<http://www.startribune.com/supreme-court-rejects-appeal-from-illinois-smokers/383626461/>  
<http://madisonrecord.com/stories/510918200-end-of-the-road-for-price-v-philip-morris>

US Supreme Court sides with RJ Reynolds in EU's tobacco conspiracy lawsuit

[http://www.supremecourt.gov/opinions/15pdf/15-138\\_5866.pdf](http://www.supremecourt.gov/opinions/15pdf/15-138_5866.pdf)  
<http://www.courthousenews.com/2016/06/20/supremes-put-end-to-eus-tobacco-conspiracy-suit.htm>  
[http://www.journalnow.com/news/local/u-s-supreme-court-rejects-rico-claims-in-reynolds-eu/article\\_0d9dfd6f-2038-54bf-88f3-0fccc6580425.html](http://www.journalnow.com/news/local/u-s-supreme-court-rejects-rico-claims-in-reynolds-eu/article_0d9dfd6f-2038-54bf-88f3-0fccc6580425.html)  
[http://www.nytimes.com/2016/06/21/business/international/justices-side-with-rj-reynolds-in-rico-case.html?\\_r=1](http://www.nytimes.com/2016/06/21/business/international/justices-side-with-rj-reynolds-in-rico-case.html?_r=1)  
<http://www.seattletimes.com/business/high-court-nixes-european-suit-against-r-j-reynolds/>

#### Trans Pacific Partnership (TPP) / Plain Packaging

US Sen. Orrin Hatch (R-UT) says TPP doesn't have the votes to pass because its tobacco carve-out has cost 13-16 votes in the House and 8 votes in the Senate. Note the TPP's "tobacco carve out" to protect ineffective (and unconstitutional in the US) plain packaging laws was insisted upon by the Obama Administration and lobbied for by Big Pharma funded CTFK, ACS, AHA, ALA <http://www.politico.com/tipsheets/morning-trade/2016/06/hatch-obama-willing-to-dance-on-tp-214854>

8 US Senate Democrats (Warren, Whitehouse, Sanders, Boxer, Brown, Merkley, Blumenthal, Markey) issue report claiming none of the US Chamber of Commerce board members support the organization's efforts to protect IP rights of tobacco companies; Chamber calls report a "partisan line of attack" that was "egregiously false" and recycled "old myths and tired talking points." <http://www.nytimes.com/2016/06/15/business/us->

[chamber-of-commerce-tobacco-climate-change.html](http://www.chamber-of-commerce-tobacco-climate-change.html)

NY Times article promotes worldwide adoption of Australia's plain packaging law, falsely claims it reduced smoking, fails to acknowledge it violates US Constitution

<http://www.nytimes.com/2016/06/21/health/cigarette-packaging-ugliest-color.html>

Indiana's Vapor Monopoly Law

E-cigarette players fume over favored security firm (investigative report on the Indiana legislature's crony capitalism law that authorized one security company, for a huge fee, to determine which of the 100,000+ vapor products are allowed to be sold in the state)

<http://www.ibj.com/articles/59058-e-cigarette-players-fume-over-favored-security-firm>

Indiana vape law shuts down thousands of e-liquid makers out of industry

<http://www.indystar.com/story/news/2016/06/18/indiana-vape-law-shuts-dozens-e-liquid-makers-out-industry/86030412/>

Taxation

Chicago tobacco tax increase delayed due to lawsuit

<http://halfwheel.com/chicago-tobacco-tax-increase-delayed/118058>

Joshua Krane: Tobacco tax in unfair to vaping, bad for public health (California)

<http://www.sacbee.com/opinion/op-ed/soapbox/article83620902.html>

Sacramento Bee and other vaping prohibitionists demonize tobacco companies to promote referendum that taxes lifesaving vapor products at same rate as cigarettes.

<http://www.sacbee.com/news/politics-government/capitol-alert/article84249422.html>

CA vapor and tobacco tax proponents raise \$1.1 million to promote ballot initiative

<http://www.sacbee.com/news/politics-government/capitol-alert/article84842912.html>

<http://californiahealthline.org/morning-breakout/since-may-initiative-deadline-cigarette-tax-issue-rakes-in-more-than-1-1m/>

West Virginia hopes nicotine addicts will help fill budget deficit

<https://www.e-cigarette-forum.com/forum/threads/west-virginia-hopes-nicotine-addicts-will-help-fill-budget-deficit.749711/>

Flavoring Retail Restriction

Lowell (MA) Board of Health protects cigarettes by banning retailers from selling flavored vapor products, smokeless tobacco products and cigars (but not menthol cigarettes) unless store generates at least 90% of revenue from tobacco or vapor sales; also increased minimum age for sales of vapor and tobacco products to 21 years.

[http://www.lowellsun.com/todayshadlines/ci\\_30022605/over-protests-lowell-board-bans-under-21-tobacco](http://www.lowellsun.com/todayshadlines/ci_30022605/over-protests-lowell-board-bans-under-21-tobacco)

Vaping Bans

NY Assembly protects cigarettes by approving bill (A 5955) to ban vaping in workplaces

<http://assembly.state.ny.us/Press/20160616c/> <http://assembly.state.ny.us/leg/?bn=A.5955-B&term=2015http://blog.timesunion.com/capitol/archives/250479/indoor-e-cigarette-ban-passes-in-assembly-future-is-cloudy-in-senate/>

NY Senate adjourns without taking action on proposed workplace vaping ban, to return for next Regular Session in January 2017 <https://www.nysenate.gov/news-and-issues>  
<http://www.wgrz.com/news/legislature-works-into-night-to-end-session/247760307>

Victoria (Australia) politicians consider bill to ban vaping in workplaces  
<http://www.sbs.com.au/news/article/2016/06/21/politicians-debate-vic-no-smoking-laws>

#### Minimum Age Laws

Schenectady (NY) County Legislature to hold July 5 public hearing to raise minimum age for sale of vapor products and tobacco products to 21

[http://www.dailygazette.com/news/2016/jun/15/0614\\_smokes/](http://www.dailygazette.com/news/2016/jun/15/0614_smokes/)

Portland (Maine) increases minimum age for vapor and tobacco product sales to 21

<http://halfwheel.com/portland-maine-increases-tobacco-purchase-age/118469>

Guam Legislature votes to increase minimum age for sale of lifesaving vapor products, deadly cigarettes and low risk OTP to 21

<http://www.guampdn.com/story/news/2016/06/17/bill-raise-legal-smoking-age-passes/86025514/>

#### More Vapor Prohibition India

Karnataka (India) Health Ministry protects cigarettes by banning lifesaving e-cigs (third state in India to ban e-cig sales)  
<http://www.deccanherald.com/content/552561/karnataka-bans-e-cigarettes.html>

Despite ban, many e-commerce sites still selling e-cigarettes (India)

<http://www.deccanherald.com/content/553130/despite-ban-many-e-commerce.html>

#### Australia

Australian Competition and Consumer Commission (ACCC) protects cigarettes, falsely insinuates e-cigs are toxic and cause cancer (just as the US FDA did in 2009), sues two vapor companies claiming they made false statements on websites, claims tested vapor products contained toxic chemicals and carcinogens; refuses to admit that virtually all products (including foods) contain trace levels of toxins and carcinogens, that trace levels of toxins are nontoxic, and that trace levels of carcinogens don't cause cancer.

<http://www.accc.gov.au/media-release/accc-takes-action-against-e-cigarette-suppliers-for-alleged-misleading-%E2%80%9Cno-toxic-chemicals%E2%80%9D-claims>

2014/15 ACCC report demonizes vaping, vaguely states: "The testing showed that e-cigarettes may contain chemicals that are toxic." <https://www.accc.gov.au/publications/accc-aer-annual-report/accc-aer-annual-report-2014-15/accc-and-aer-annual-report-2014-15/part-3-performance-program-11-accc-goal-2-protect-the-interests-and-safety-of-consumers-and-support-fair-trading-in-markets-affecting-consumers-and-small-business/23-protect-consumers-from-unsafe-products>

ACCC's policy banning and demonizing vapor products and nicotine (as deadly cigarettes remain legal, and as the government promotes Big Pharma nicotine products) <https://www.productsafety.gov.au/content/index.phtml/itemId/999401>

Article on ACCC's lawsuits against vapor companies repeats ACCC's lies about vapor products and toxicology as factual, fails to point out that virtually all products (including foods) contains trace levels of toxins, but the products are NOT toxic to consume  
<http://www.news.com.au/finance/business/manufacturing/ecigarette-makers-facing-court-over-no-toxic-chemicals-in-worldfirst-action/news-story/fe9dd24507825313f66430e599e5cf12>

Guardian news headline, Australian AP article falsely refer to unethical and inhumane e-cig prohibitionists as "health advocates", tout ACCC lawsuits against vapor companies  
<https://www.theguardian.com/society/2016/jun/20/e-cigarettes-health-advocates-welcome-court-action-against-two-manufacturers>

Sidney Morning Herald article on ACCC lawsuits repeats false fearmongering claims about vapor products, but acknowledges that trace levels of toxins are nontoxic.  
<http://www.smh.com.au/business/consumer-affairs/accc-launches-federal-court-action-against-ecigarette-companies-over-allegedly-misleading-nontoxic-claims-20160620-gpn1o6.html>

Daily Mail article on ACCC's lawsuits fails to point out that virtually all products (including food) contain trace levels of carcinogens, but the products don't cause cancer  
<http://www.dailymail.co.uk/news/article-3649872/E-cigarette-retailers-mislead-consumers-cancer-chemicals.html>

New Zealand

Big read: Switch to vaping (NZ)

[http://www.nzherald.co.nz/smoking/news/article.cfm?c\\_id=321&objectid=11657443](http://www.nzherald.co.nz/smoking/news/article.cfm?c_id=321&objectid=11657443)

WHO

WHO issues list of 50 essential products that help people with disabilities and health problems, but didn't include lifesaving vapor products despite meeting WHO's criteria and definitions, and even though hundreds of millions of lives are at stake.

[http://www.who.int/phi/implementation/assistive\\_technology/low\\_res\\_english.pdf?ua=1](http://www.who.int/phi/implementation/assistive_technology/low_res_english.pdf?ua=1)  
[http://www.ipsnews.net/2016/06/the-50-essential-products-that-could-help-people-with-disabilities/http://www.who.int/phi/implementation/assistive\\_technology/global\\_survey-apl/en/http://www.who.int/phi/implementation/assistive\\_technology/en/](http://www.ipsnews.net/2016/06/the-50-essential-products-that-could-help-people-with-disabilities/http://www.who.int/phi/implementation/assistive_technology/global_survey-apl/en/http://www.who.int/phi/implementation/assistive_technology/en/)

After classifying coffee as a "likely carcinogen" since 1991, IARC now says "no evidence" drinking coffee is linked to cancer.

[http://www.thelancet.com/pdfs/journals/lanonc/PIIS1470-2045\(16\)30239-X.pdf](http://www.thelancet.com/pdfs/journals/lanonc/PIIS1470-2045(16)30239-X.pdf)  
<http://www.reuters.com/article/us-health-who-coffee-idUSKCN0Z10X9>

ACSH's Hank Campbell: IARC reverses course on coffee, which should worry people who care about science

<http://acsh.org/news/2016/06/15/iarc-reverses-course-on-coffee-and-that-should-worry-people-who-care-about-science/>

Junk Science, Propaganda and Lies

Vice reporter John Lott and Big Pharma financed CTFK push smokeless tobacco usage bans, demonize very low risk smokeless tobacco products (that have helped more than a million cigarette smokers quit smoking) even though cigarette smoking poses 100 times higher oral cancer risks and overall mortality risks than does smokeless tobacco use)  
<https://sports.vice.com/ca/article/campaign-to-snuff-out-smokeless-tobacco-in-baseball-intensifies>

Hallmark Channel invites JJ Livingston to repeat false fear mongering claims about lifesaving vapor products; claims e-cigs are as addictive as cocaine and heroin, claims tobacco companies market flavored e-cigs to kids, claims e-cigs are as harmful as cigarettes, claims e-cigs don't help smokers quit, promotes FDA's vapor ban.  
<https://www.youtube.com/watch?v=ynO-SbrS8DA>

Australian prohibitionist and propagandist Simon Chapman keeps repeats false claims about nicotine to confuse, scare, prevent smokers from quitting, and defend Australia's inhumane bans on e-cigs and snus (while deadly cigarettes remain legal)  
<https://theconversation.com/is-nicotine-really-as-safe-as-e-cigarette-supporters-make-out-61007>

Bill Godshall Executive  
Director  
Smokefree Pennsylvania 1926  
Monongahela Avenue  
Pittsburgh, PA 15218