

**FDA Should Regulate E-Cigarettes as a Covered Tobacco Product to be Subject to the Federal Food, Drug, and Cosmetic Act, as Amended by the Family Smoking Prevention and Tobacco Control Act**

**Docket No. FDA-2014-N-0189-20870**

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**Objective/Purpose**

**In this public comment, we provide preliminary findings from our recent unpublished research to provide support for the regulation of e-cigarettes as a “covered tobacco product” by the Food and Drug Administration (FDA). We will also provide findings to provide support for including e-cigarettes as a “covered tobacco product” in FDA’s proposals to “prohibit the sale of covered tobacco products to individuals under the age of 18 and to require the display of health warnings on cigarette tobacco, roll-your own tobacco, and covered tobacco product packages and in advertisements.”**

**Methods**

We present findings from the Georgia State University Tobacco Center of Regulatory Science (GSU TCORS) 2014 Tobacco Products and Perceptions Survey—a cross-sectional, online survey of a probability sample of US adults—conducted in June-July 2014. This survey was conducted as part of the GSU TCORS RO1 research project entitled "Conducting Consumer Behavior, Risk Perception and Media Research on Novel Tobacco Products" under Grant Number: 1P50DA036128-01. This study was approved by GSU’s Institutional Review Board (IRB Number: H14028, Reference Number: 328177).

The 2014 Tobacco Products and Perceptions Survey utilizes a probability sample of US adults aged 18 years and older (drawn from KnowledgePanel), and included an oversample of 599 regular cigarette smokers (those who have smoked at least 100 cigarettes and now smoke every day or some days). The survey yields estimates that are representative of the adult population in the United States. A total of 5717 respondents (of 7991 invited) completed the survey (defined as responding to at least 50% of the questions) yielding a response rate of 71.5%. Data from this survey were analyzed using STATA (v. 11). All odds and percentages presented were weighted and provide estimates for the US adult population. Final study weights account for the oversampling of smokers and adjust for survey non-response according to demographic benchmarks (namely, gender, age, race/Hispanic ethnicity, education, census region, household income, home ownership, metropolitan area, internet access) using the latest March supplement of Current Population Survey and an iterative proportional fitting (raking) procedure.

## **Findings from the 2014 GSU Tobacco Products and Perceptions Survey that Support FDA’s Regulation of E-Cigarettes as a Covered Tobacco Product**

### **1. In general, there is public support for the regulation of e-cigarettes based on findings from our survey.**

- Adults are more than three times as likely to agree or strongly agree with the statement that “e-cigarettes should not be sold to anyone under the age of 18” as they are to be neutral, disagree, or strongly disagree.
  - 77.3% (95% CI: 75.9% - 78.5%) “strongly agree” and “agree”
  - 18.1% (95% CI: 17.0% - 19.3%) “neither agree nor disagree”
  - 4.6% (95% CI: 4.0% – 5.4%) “strongly disagree” and “disagree”

Among those who express a non-neutral opinion, adults are over 16 times more likely to express agreement than disagreement.

- Adults are one-third more likely to agree or strongly agree with the statement that, “the restrictions on using e-cigarettes in public places should be the same as the restrictions on smoking regular cigarettes in public places” as they are to be neutral, disagree, or strongly disagree.
  - 57.8% (95% CI: 56.4% – 59.3%) “strongly agree” and “agree”
  - 26.2% (95% CI: 24.9% - 27.5%) “neither agree nor disagree”
  - 16.0% (95% CI: 15.0% - 17.1%) “strongly disagree” and “disagree”

Among those who express a non-neutral opinion, adults are over 3 times more likely to express agreement than disagreement.

- Adults are as likely to agree or strongly agree with the statement that “there should be restrictions on the sale of flavored e-cigarettes” as they are to be neutral, disagree, or strongly disagree.
  - 50.1% (95% CI: 48.7% - 51.6%) “strongly agree” and “agree”
  - 35.6% (95% CI: 34.2% - 37.0%) “neither agree nor disagree”
  - 14.3% (95% CI: 13.3% - 15.3%) “strongly disagree” and “disagree”

Among those who express a non-neutral opinion, adults are over 3 times more likely to express agreement than disagreement.

- Slightly less than half of adults agree or strongly agree with the statement that “public policies on the sale and advertising of e-cigarettes should be used to discourage the use of e-cigarettes.”
  - 46.7% (95% CI: 45.2% – 48.1%) “strongly agree” and “agree”
  - 40.1% (95% CI: 38.7% - 41.6%) “neither agree nor disagree”
  - 13.2% (95% CI: 12.2% - 14.2%) “strongly disagree” and “disagree”

Among those who express a non-neutral opinion, adults are over 3 times more likely to express agreement than disagreement.

**2. Currently, the perceptions of US adults about the potential for risk, harm, and benefit from e-cigarette use vary. If e-cigarettes are regulated as a covered tobacco product, then accurate information can be communicated to consumers about the potential for risk, harm, and benefit so that they can make informed decisions about whether or not to use these products.**

Perceptions of Harm from Using E-Cigarettes

Respondents were asked the following question: “Is using e-cigarettes less harmful, about the same, or more harmful than smoking regular cigarettes?”

- 35.1% (95% CI: 33.8% - 36.5%) report “I don’t know.”
- 33.8% (95% CI: 32.5% - 35.2%) believe that using e-cigarettes is less harmful than smoking regular cigarettes.
- 28.3% (95% CI: 27.0% - 29.6%) believe that using e-cigarettes is about as harmful as smoking regular cigarettes.
- 2.8% (95% CI: 2.3% - 3.3%) believe that using e-cigarettes is more harmful than smoking regular cigarettes.

Perceptions of the Addictiveness of E-Cigarettes

Respondents were asked the following question: “Do you think people can become addicted to e-cigarettes?”

- 61.7% (95% CI: 60.2% - 63.1%) do think that people can become addicted to e-cigarettes.
- 33.7% (95% CI: 32.3% - 35.1%) report, “I don’t know.”
- 4.7% (95% CI: 4.1% - 5.4%) don’t think that people can become addicted to e-cigarettes.

### Perceptions of Harm from Breathing Secondhand E-Cigarette Vapor

Respondents were asked the following question: “Do you think that breathing vapor from other people’s e-cigarettes is not at all harmful to one’s health, somewhat harmful to one’s health, or very harmful to one’s health?”

- 42.6% (95% CI: 41.1% - 44.0%) of US adults responded “I don’t know.”
- 25.6% (95% CI: 24.3% - 26.9%) think that breathing vapor from other people’s e-cigarettes is somewhat harmful to one’s health.
- 18.0% (95% CI: 16.9% - 19.2%) think that it is very harmful to one’s health.
- 13.9% (95% CI: 12.9% - 14.9%) think that it is not at all harmful to one’s health.

### Beliefs about E-Cigarette Users’ Likelihood of Quitting Smoking Regular Cigarettes

Respondents were asked the following question: “Are cigarette smokers who also use e-cigarettes more likely to quit smoking cigarettes, less likely to quit, or equally likely to quit smoking cigarettes?”

- 49.0% (95% CI: 47.5% - 50.4%) believe that cigarette smokers who also use e-cigarettes are equally likely to quit smoking regular cigarettes.
- 29.7% (95% CI: 28.4% - 31.1%) believe they are more likely to quit.
- 21.3% (95% CI: 20.1% - 22.6%) believe they are less likely to quit.