

# **The FDA's Double Standard: Prioritizing Big Tobacco Over Nicotine Vaping Alternatives**

An examination of regulatory inconsistencies affecting vaping products compared to traditional tobacco.

In recent years, the rise of nicotine vaping has transformed the landscape of tobacco consumption, positioning itself as a potentially less harmful alternative for smokers seeking to quit. Despite this shift, the U.S. Food and Drug Administration (FDA) has been criticized for its regulatory approach, often perceived as favoring established tobacco companies over innovative vaping products. This article examines the regulatory inconsistencies that reveal a double standard in the FDA's treatment of nicotine vaping compared to traditional tobacco products.

## ***Historical Context***

To understand the current regulatory landscape, it is crucial to acknowledge the long history of tobacco regulation in the United States. For decades, the FDA has aimed to reduce smoking-related harm primarily through stringent regulations on tobacco products. However, the advent of vaping, which was introduced as a way to provide smokers with a less harmful alternative, has complicated this narrative. Instead of embracing vaping as a viable solution for smoking cessation, the FDA's approach has often seemed more punitive, focusing more on restricting access rather than fostering public health benefits (Zeller & Holmes, 2021).

## ***The Pre-Market Tobacco Product Application (PMTA) Process***

At the heart of the FDA's regulatory framework for vaping products is the Pre-Market Tobacco Product Application (PMTA) process, which requires manufacturers to provide extensive evidence of their products' safety and efficacy before they can be marketed. This process, while intended to ensure consumer safety, has created significant barriers for smaller vaping companies, making it challenging for them to compete with larger tobacco corporations.

In contrast, traditional tobacco products have historically faced far less stringent scrutiny regarding their market entry and continued sale. Major tobacco companies enjoy a level of brand legacy and consumer familiarity that allows them to navigate regulatory hurdles more easily (Fischer et al., 2020). This discrepancy raises questions about the FDA's commitment to fostering competition and innovation in the nicotine market.

## ***Flavor Bans and Targeted Regulations***

Another area where the FDA's double standard is evident is in its recent moves to ban flavored vaping products. Flavors have been a significant selling point for vaping, particularly among younger consumers. In response to perceived youth vaping rates, the FDA has implemented restrictive regulations targeting flavored vape products. While the intention behind these regulations is to curb underage usage, they disproportionately affect smaller vaping companies, many of which rely on a diverse range of flavors to stay competitive (Perkins et al., 2021).

Conversely, traditional tobacco products, including menthol cigarettes—a flavor that has long been linked to increased youth initiation—have faced far less regulatory pressure from the FDA. The continued prevalence of menthol cigarettes on the market highlights the selective enforcement of regulations that seemingly prioritize maintaining revenue streams for big tobacco over protecting public health (Klein et al., 2021).

## ***The Role of Lobbying and Industry Influence***

The relationship between the FDA and the companies it regulates has raised concerns about the influence of lobbying and corporate interests in shaping policy. Major tobacco corporations have historically invested heavily in lobbying efforts to protect their interests, often resulting in regulations that favor their established products (Duke et al., 2020). This influence becomes particularly evident when analyzing how regulatory decisions are made, with big tobacco companies benefiting from a reputation and infrastructure that smaller vaping firms lack.

Moreover, the FDA's recent regulatory actions appear to reflect the interests of tobacco giants rather than the public's health needs. By fostering an environment where big tobacco can thrive while imposing burdensome regulations on the vaping industry, the FDA's policies may inadvertently undermine the potential benefits of safer alternatives for smokers.

## ***The Public Health Perspective***

From a public health standpoint, the FDA's regulatory approach raises significant concerns. Vaping is often viewed as a harm reduction tool, with many health experts arguing that it poses considerably less risk than traditional smoking. However, the FDA's tightening grip on the vaping industry could limit access to these alternatives for current smokers, hindering efforts to reduce smoking-related morbidity and mortality (National Academies of Sciences, Engineering, and Medicine, 2018).

Furthermore, the lack of clarity and consistency in the FDA's regulatory framework can lead to confusion among consumers, detracting from the goal of promoting informed decisions regarding tobacco and nicotine use. By prioritizing traditional tobacco products while imposing restrictive measures on vaping, the FDA risks reinforcing existing tobacco use rather than combating it.

## Conclusion

The FDA's regulatory landscape reveals a troubling double standard that favors established tobacco companies while imposing stringent restrictions on nicotine vaping alternatives. As the agency continues to grapple with the complexities of nicotine regulation, it must strive for a balanced approach that equally considers the interests of public health, innovation, and consumer choice. Prioritizing vaping as a viable alternative for smokers could lead to significant health benefits, but achieving this requires an overhaul of existing policies that currently prioritize the interests of big tobacco. The future of tobacco regulation should aim to reduce harm and embrace the potential of vaping, allowing smokers a genuine opportunity to choose less harmful alternatives.

## References

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The **Tennessee Smoke Free Association (TSFA)** is an advocacy group and trade organization with a focus on Tobacco Harm Reduction (THR) through the use of personal vaporizers (electronic cigarettes) and other smokeless tobacco products shown to reduce the morbidity and mortality associated with smoking. The TSFA was formed in 2014 to provide support and education regarding alternative methods of Tobacco Harm Reduction. We focus on the prevention of tobacco harm and seek to cooperate with the Tennessee Health Agencies to function for the greater health of the Tennessee public as well as monitor the legislation for or against our movement of tobacco harm reduction. You can learn more by visiting [\*\*\*TNSmokeFree.org\*\*\*](https://TNSmokeFree.org).