



Vape shops push back at flavored e-cigarette ban

Melissa Quinn

September 16, 2019

Vape shops in the Washington, D.C. area had strong words about President Trump's move to ban flavored e-cigarettes.

“Just because we’ve got a jackass in office doesn’t mean that he gets to put his opinion and his label and screw over millions of hard-working mom and pop shops just like us,” said Preston Paul of Clarendon Vapes & Cigars in Arlington, Virginia.

The president, sitting alongside first lady Melania Trump, Health and Human Services Secretary Alex Azar and acting Food and Drug Administration Commissioner Ned Sharpless, announced his administration is preparing to outlaw the sale of flavored e-cigarettes.

The Wednesday announcement came amid concerns over the growing popularity of teenage vaping and as 380 people in 36 states have been infected with mysterious lung illnesses, which appear to be linked to vaping. Six people have died from the respiratory illnesses, leaving federal regulators and health officials under mounting pressure to enact harsher regulations on e-cigarettes.

A plan for banning more flavored e-cigarettes is expected in the coming weeks, Azar told reporters, though there would be a 30-day delay before the rule takes effect.

“Don’t vape,” Trump told reporters Thursday. “We don’t like vaping. I don’t like vaping.”

But vape shops say the industry, which includes 20,000 vape and smoke shops nationwide, has been unfairly maligned, in part because of Juul, an e-cigarette company that has come under scrutiny by federal and state officials for its marketing practices deliberately targeting teens. The president and federal regulators, they believe, have made a knee-jerk decision without studying the long-term effects of vaping.

Sean Popal of Vape Town & CBD in Washington, D.C., said the San Francisco-based company, which has also been accused of deceiving consumers about the strength of the nicotine in its products, became “too big too quick” and attracted the attention of federal regulators with its advertising.

But Popal also said flavored e-cigarettes have shouldered all the blame for the mysterious lung illnesses, even as doctors have said many people infected with the illnesses vaped THC, the ingredient that causes the high in marijuana.

“It’s not because of vaping that people are getting sick,” he said. “It’s because of the THC cartridges that people are making at home and distributing to young kids and adults at a very cheap price. That’s the one that people are making illegally, and they’re not chemists. Most of them don’t know what they’re doing.”

The THC cartridges, Popal added, are largely unregulated.

Walter Olson, a senior fellow at the Cato Institute, said vape stores are set up for consumers who want safe, legal, and vetted products, and said the ban would cause those stores to lose products that are well-recognized and with good quality control.

"It will be one more blow to a small business that has already got a lot to worry about," he said. "As that implies, there’s a number of things that pressure them from different directions, including the FDA’s tightening of regulations in the area, the fact that a lot of users go to the Internet as with other problems of brick and mortar companies."

Though a federal prohibition of most flavored e-cigarettes won’t be immediate and the details have yet to be finalized, consumers already appear to be bracing for their removal from the market. Paul, of Clarendon Vapes & Cigars, said one shopper purchased seven bottles of vape juice after Trump’s announcement, and the store has fielded numerous phone calls from customers asking about the ban.

Avail Vapor, a vape store, urged its customers to stock up on flavored e-cigarette products in anticipation of the new restrictions. Any flavored e-cigarettes that aren’t sold once the Trump administration’s ban takes effect will likely have to be tossed in the trash, Popal said.

For defenders of vaping, it’s hard to reconcile how flavored e-cigarettes can be outlawed when cigarettes remain on the market, and some fear consumers will turn back to cigarettes once the products are taken off the market.

“There’s a war on vaping when we’re still allowing cigarettes to be legal, which are killing millions and millions of people every single year,” Paul said. "Vaping has been around since 2008. There's five people in the last 15 years as opposed to big-money tobacco that's killing millions of Americans every year."

And they’re imploring federal regulators to first conduct research into what is causing the mysterious illnesses before issuing a blanket ban.

"It would destroy the livelihood of thousands and thousands of people that are trying to survive," Will Reaver, manager of Clarendon Vapes & Cigars, said of the impact a ban would have on the small vape shops that have opened in recent years. "For business owners that are trying to make it, this is a big part of our income, part of our livelihood. There's not even enough research to claim that these deaths were caused by vaping."