

'We don't want them in our city': SF officials seek Juul crackdown

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March 19, 2019

// Business

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March 19, 2019

Updated: March 20, 2019 9:39 a.m.



San Francisco officials proposed legislation Tuesday that would ban the sale of e-cigarettes in the city and prohibit e-cigarette companies like Juul from occupying city-owned property in the future.

Two bills authored by City Attorney Dennis Herrera and Supervisor Shamann Walton — whose district includes Juul's corporate headquarters in the Dogpatch neighborhood — are part of several actions the city wants to pursue to crack down on youth vaping in general, and Juul in particular.

Walton said the proposed legislation should also serve as a warning and statement to Juul that “we don’t want them in our city.”

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Juul is currently headquartered on Port of San Francisco property in Pier 70.

“I don’t eventually want to see them leave this city,” he said. “I would have liked for them to have been gone yesterday.”

One bill that Herrera and Walton introduced at Tuesday’s Board of Supervisors meeting would ban the sale and shipment of e-cigarettes to San Francisco stores and customer addresses until the U.S. Food and Drug Administration begins a vetting process known as a pre-market review, in which manufacturers must prove their products are appropriate for public health before selling them on the market.

The city already bans youth-friendly flavors like candy and fruit in tobacco products through Proposition E, which voters passed in 2018. Physical stores are barred from selling them. The bill would ban all e-cigarettes regardless of flavor so long as they contain nicotine, and it would also ban the shipment of such items to private residences in San Francisco.

The second bill would ban companies that sell, manufacture and distribute tobacco products, including e-cigarettes, from city property. San Francisco already prohibits tobacco companies from doing business on city property, and this measure would explicitly add e-cigarettes to the existing ban. The proposed bill would not be applied retroactively, so it would not kick Juul out of its current space at Pier 70, but it would prevent e-cigarette companies from leasing city property in the future.

At a Tuesday news conference, city officials blasted the e-cigarette company for what they called “predatory practices” toward young adults, with Juul’s sleek, palm-size vaporizers and pods that evoke tastes like mango, creme and cucumber.

“These companies may hide behind the veneer of harm reduction, but let’s be clear, their product is addiction,” Herrera said. “They’re in the business of getting people addicted, or keeping them addicted.”

Director of Public Health Dr. Grant Colfax said the two bills are a positive step toward “breaking the epidemic” of e-cigarette use in San Francisco.

“The industry is addicting a whole new generation of youth to nicotine,” he said. The proposed legislation is “a major step in preventing that gateway from e-cigarette addiction to tobacco use and tobacco addiction. This will save hundreds, if not thousands of lives.”

Juul said that it supports keeping tobacco and vapor products, including its own, away from youth. But it criticized the proposed legislation, saying its primary impact would be

to “limit adult smokers’ access to products that can help them switch away from combustible cigarettes.”

“We encourage the City of San Francisco to severely restrict youth access but do so in a way that preserves the opportunity to eliminate combustible cigarettes,” the company said. “This proposed legislation begs the question — why would the city be comfortable with combustible cigarettes being on shelves when we know they kill more than 480,000 Americans per year?”

Altria, owner of the maker of Marlboro cigarettes, recently took a 35 percent stake in Juul, valuing the privately held company at \$38 billion.

City Attorney Herrera also has joined his counterparts in New York City and Chicago to urge the FDA to start the pre-market reviews immediately instead of in 2022, as the agency had planned. An FDA draft proposal announced last week could move up that date to 2021, but the cities sent a joint letter sent to the federal agency Tuesday to request that the reviews start right away.

Juul has long said its intended goal is to help adult smokers quit traditional combustible cigarettes. The company has taken steps to restrict many of its flavored pods from customers under 21.

E-cigarettes are not approved by the FDA for smoking cessation, but some adult smokers say vaping helps them smoke fewer traditional cigarettes. A recent study published in the New England Journal of Medicine found that e-cigarettes may be a more helpful smoking cessation tool than nicotine patches.

But the rapid rise in youth vaping is alarming public health officials. The number of middle- and high-school students who use tobacco products grew 36 percent between 2017 and 2018, from 3.6 million to 4.9 million, according to the U.S. Centers for Disease Control and Prevention, which attributes the rise to a surge in e-cigarette use. Teens and young adults are more likely to become addicted to nicotine than adults because their brains are still developing until around age 25.

Some local experts applauded the city’s efforts to curb youth access to e-cigarettes, while acknowledging that “motivated” users could find a way to circumvent the proposed policy.

“I think it’s very reasonable to say we’re not going to allow e-cigarettes to be sold in the city until the FDA has determined they’re safe and they benefit public health,” said Pam Ling, a tobacco researcher at UCSF. “I think some of the problems we currently see, particularly with a product like Juul, has been it was allowed on the market before testing and approval. That leads to smokers and others paying to be guinea pigs for the company.”

