EXPLAINER

In Favor of Flavor

February 2024

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Introduction

In 2009, the U.S. Food and Drug Administration (FDA) established the Center for Tobacco Products (CTP) to develop regulatory guidelines to manage the tobacco (and, later, nicotine) marketplace with the goal of reducing negative tobacco-related health outcomes. One of the CTP's current priorities is understanding the public health implications of reduced-risk flavored tobacco and nicotine products, which include electronic nicotine delivery systems (ENDS, also referred to as vapes or e-cigarettes), heat-not-burn (HnB) products, and oral tobacco and nicotine products (snus, snuff, and nicotine pouches).

To assess these products' effects on public health, the CTP must weigh both sides of the debate. On one side, opponents of flavored products believe that they lure adults and minors to start vaping, serving as a gateway to combustible cigarettes. On the other side, proponents of flavored products emphasize their value in helping individuals switch from incredibly harmful combustible cigarettes to an alternative product that provides the sensory experience they seek while greatly reducing their health risks.

Flavor's power to influence behavior is incredibly complex. It is often thought of as a simple component of marketing and individual preference, but it is more deeply rooted in neurobiological processes than you might think (see our recent report that explores these concepts in more detail).

Flavors and the Youth "Problem"

All stakeholders agree that reducing youth access to any nicotine product—flavored or not—must be a priority. Because certain flavors like fruit, candy, dessert, and menthol are particularly appealing to young adults and adolescents, who are more likely to initiate and continue smoking flavored products, deterring and preventing use is critically important.

To help address this concern, Tobacco 21 was signed into law as an amendment to the Federal Food, Drug, and Cosmetic Act on Dec. 20, 2019, making it illegal for those under age 21 to purchase tobacco or nicotine products and decreasing the underage use of such products. In addition, forward-thinking policies, such as state and local product registries that allow unapproved and illicit products to be identified and removed, can help block access to products marketed toward youth. By enhancing and enforcing existing regulations like these, youth-access concerns can continue to be alleviated while flavored, reduced-risk products can be made available to adults via reasonable regulatory pathways. In fact, the CTP recently funded an initiative to set up standardized measures to evaluate flavored tobacco products, with the goal of developing a more robust evidence base to inform regulatory decision-making and reduce tobacco and ENDS use at the population level.

Banning Flavors Is Not the Solution

About a decade ago, emerging scientific evidence began demonstrating the importance of non-tobacco-flavored reduced-risk products. A 2015 study found that two out of every three individuals who independently switched to an ENDS product were able to completely stop smoking combustible cigarettes. A majority of the participants from this

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study attributed their success to being able to access non-tobacco- and non-menthol-flavored ENDS products. Researchers have also investigated the appeal and likelihood of adult use of multiple flavor varieties of ENDS, finding that they offered potential benefits for current cigarette users without conferring a substantial risk of initiation among tobacco non-users, including young adults. In fact, in locations when flavor bans are put into place, smoking rates rise among both adult and underage consumers.

Simply put, flavors help people quit smoking and stay smoke-free.

Unfortunately, around the same time research began demonstrating the value of ENDS products, the underage use of vapes began to increase, triggering an aggressive response from regulators and policymakers that led to the current situation in which the FDA has not yet approved a non-tobacco-flavored ENDS product for sale in the United States.

Paving a Path Forward

First and foremost, to reduce the illegal importation and sales of unregulated products and to provide safe, regulated, reduced-risk products, the FDA should begin approving ENDS products as safe and effective risk-reduction tools. In addition, other forms of reduced-risk products are also worth considering. For example, researchers have found that oral, tobacco-derived nicotine pouches can potentially reduce harm if adult tobacco consumers fully switch to them from more harmful tobacco products. In Sweden, oral products like snus are perceived as a key tool in reducing smoking rates. In addition, recent research highlighted the increasing adoption of HnB products as an alternative to conventional cigarettes, emphasizing their potential to reduce the health risks associated with combustible products. Moreover, several studies have suggested that HnB products have fewer and reduced levels of harmful and potentially harmful constituents than smoke from conventional cigarettes.

In short, establishing a broad flavor portfolio of a variety of reduced-risk products should be a priority for product manufacturers (through product development and regulatory science), and the FDA-CTP should fully engage in developing product standards, rapidly evaluating these products, and monitoring their use after awarding marketing orders.

Conclusion

The role of flavored products in tobacco harm reduction is a complex issue that requires a comprehensive understanding of public health, consumer perceptions, marketing strategies, and regulatory policies. Across-the-board prohibition of flavors in reduced-risk tobacco and nicotine products is a sledgehammer that disregards the critical role these products can play in helping smokers transition away from combustible cigarettes. Although study findings underscore the need for continued research and evidence-based policy development to address the issues related to flavored, reduced-risk tobacco products, current evidence suggests that—if regulated appropriately—these products can serve as critical smoking cessation tools that could positively impact public health. Policymakers would be wise to be in favor of flavors in pursuit of these objectives.

This explainer is based on a research paper published by the R Street Institute. To learn more about flavor in ENDS and similar products, refer to the full paper.

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