

# French court rules e-cigs fall under tobacco monopoly

9 December 2013

A French commercial court ruled on Monday that e-cigarettes qualify as tobacco products and should only be sold by registered tobacconists. e-against them however, saying their potential health risk "remains undetermined".

The ruling by the [court](#) in Toulouse is subject to appeal but could eventually see the distribution of e-cigarettes limited by a state-imposed monopoly on [tobacco sales](#).

In October European lawmakers rejected a bid to classify [e-cigarettes](#) as medicinal products, which would have restricted their sale to pharmacies.

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The decision comes amid a global boom in sales of e-cigarettes—battery-powered, vapour-releasing tubes that are promoted as a healthier alternative to traditional [tobacco products](#).

The case stems from a complaint made by a local tobacconist against the Esmokeclean e-cigarette shop in the southern town of Plaisance-du-Touch.

The court in nearby Toulouse gave its verdict Monday, ordering Esmokeclean to stop selling and advertising e-cigarettes as it was violating the "state monopoly on the sale of tobacco"—a decision that could set a precedent.

Cigarettes and other tobacco products can only be sold in France at registered outlets and their advertising is banned.

The court said e-cigarettes fall into that category despite containing no tobacco.

A lawyer for Esmokeclean said the company would appeal the ruling and in the meantime would be allowed to continue selling and advertising e-cigarettes.

Governments have struggled with how to regulate e-cigarettes since their emergence and growing popularity in recent years.

Supporters claim they are harmless and a valuable tool in helping smokers to quit.

The World Health Organisation has advised

APA citation: French court rules e-cigs fall under tobacco monopoly (2013, December 9) retrieved 12 October 2022 from <https://medicalxpress.com/news/2013-12-french-court-e-cigs-fall-tobacco.html>

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