

A Duty Ethics Analysis of Electronic Cigarette Risk Communication

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On my honor as a University student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments.



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Problem Frame Introduction

Vaping devices, also known as e-cigarettes, e-vaporizers, or electronic nicotine delivery systems (ENDS), are battery-operated devices that people use to inhale an aerosol, which typically contains nicotine, flavorings, and other chemicals (NIDA, 2020). Traditional cigarettes are scientifically proven to have major negative health effects; tobacco smoking can lead to lung cancer, chronic bronchitis, and emphysema (Health Effects, 2018).

Because e-cigarettes are thought to be better for one's health than traditional cigarettes, some scholars have produced a utilitarian argument which considers disclosing limited or misleading information to the population to be morally acceptable in the name of protecting overall public health. This approach neglects to acknowledge the extent to which society values individual rights and personal autonomy. If we continue to address electronic cigarettes from a purely consequentialist framework we might fail to recognise the moral rules of society and ultimately come to an incorrect conviction regarding the morality of risk representation for e-cigarettes. Since vaping devices are so popular among teens and are now the most commonly used form of nicotine among youth in the United States (NIDA, 2020) this failure may produce major negative consequences to the health and consumer confidence of future generations.

I will argue that the most ethical way to communicate the risks of electronic cigarettes should not be determined based purely on the consequences of approach but instead be determined based on how well the approach conforms to moral rules of society today. Since truthfulness and self-determination are widely respected principles of the population, the risk communication of e-cigarettes must be honest and respect the freedom of individual choice. In order to examine the moral aspects of risk communication for electronic nicotine devices and

come to the conclusion that the current approach is unethical I will evaluate the situation through a duty ethics framework which considers subjects to be acting in good will if their actions are led by a categorical imperative.

Background

Research so far suggests that vaping devices might be less harmful than combustible cigarettes when people who regularly smoke switch to them as a complete replacement. However, e-cigarettes can still damage a person's health (NIHA, 2020). Nicotine is one of the most addicting agents. The US surgeon general has concluded nicotine to be as addictive as cocaine or heroin (Tolchin 1988).

Literature Review

Many scholars believe there are circumstances where it is justified to omit or distort information when communicating potential risks. During a symposium, Martin Cetrona and Julius Landwirthb came to the conclusion public health ethics permits suppression of individual rights to protect public health, as with required vaccinations (Cetrona and Landwirthb, 2005). Following extensive research, they published an article in the Yale Journal of Biology and Medicine. This publication is considered one of the leading moral doctrines on the ethical considerations of isolation and quarantine and provided a guide to restraint, contending that any infringement on individual liberty should be proportional, necessary, relevant, equitably applied, and done by least restrictive means (Cetrona and Landwirthb, 2005). While these authors provide an important moral perspective, additional research has been conducted that is more specific to risk communication ethics and tobacco products.

In 2001, a distinguished team of community health and health behavior professionals, led by Lynn T. Kozlowski, published an editorial on the use of medical nicotine (MN) on health reduction. Although vague, “medical nicotine” was defined in the article as a “nicotine replacement pharmaceutical” (Kozlowski, 2001). Depending on the marketing strategy of manufactures, modern electronic cigarettes may fall into this category. In response to concerns that higher rates of never smokers initiating medical nicotine practices would result in net public health harms via increased nicotine addiction, and the possibility for MNs to act as a gateway to tobacco cigarettes, Kozlowski applied the risk/use equilibrium to evaluate the possible problems caused by increased use of a less dangerous product (Kozlowski, 2001). This model depicts that if the extent of use rises faster than risk is decreased, public health will be increasingly disadvantaged and alternatively if the extent risk is decreased faster than use rises, public health will be advantaged (Figure 1).

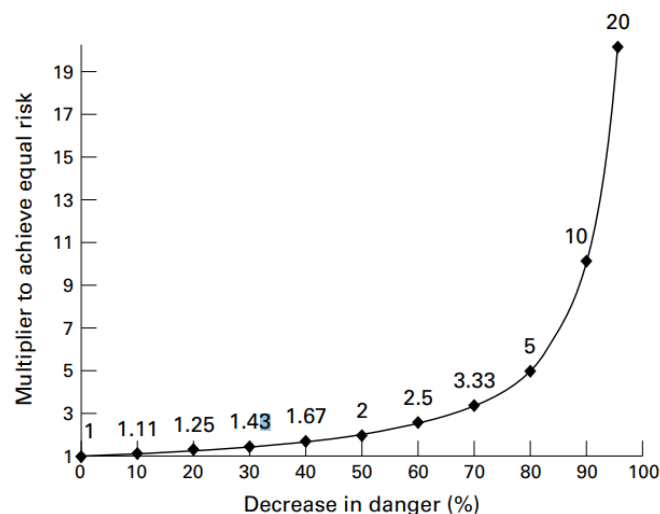


Figure 1: The risk/use equilibrium [5]

In a frequently cited publication by Public Health England it is stated “the current best estimate is that e-cigarette use is around 95% less harmful to health than smoking” (Public Health England, 2015). Another popular source, the Truth Initiative website, raises suspicion about this claim by questioning the evidence for such a statistic and generating concerns about author and funding conflicts of interest (E-cigarettes: Facts, stats and regulations). Despite the many other articles in agreement with this line of many people invested in the topic are only familiar with the former assertion.

According to the model (Figure 1) were e-cigarettes considered to be 95% less harmful than tobacco cigarettes, a 20% of non-smoker uptake of MNs would be required to offset the public health benefits of 1% of smokers switching to MNs. In practice, the number of smokers who have recently switched from smoking cigarettes to electronic nicotine delivery devices is reported to be 22% (New CDC Data). This would call for a 440% non-smoker uptake of MNs would be required to offset the public health benefits -- a statistical impossibility.

Using this utilitarian framework it is most likely that e-cigarettes would result in net public health benefit despite the inevitable uptake of the product in the non-smoking fraction of the population. Kozlowski and his team therefore write, “medical and public health authorities should advocate for MN products that provide doses of nicotine in forms that are as affordable and reinforcing as the more toxic tobacco products. They should also advocate for the long term use of MN by those who need it” (Kozlowski, 2001). Together, the authors conclude while concerns for some adverse public health effects of products such as ENDS are reasonable and worth trying to minimize, withholding information about relative risks of electronic cigarettes is an effective way to promote overall public health. However, this consequentialist argument does

not recognise the importance of autonomy and informed consent two concepts highly valued in society today.

Both publications agreed that circumstances existed where it is justified to omit or distort information during risk communication. This assertion is inadequate because it fails to recognize people as rational individuals. My analysis will address shortcomings in scholarship by evaluating the morality of risk communication approaches based on their conformity to moral rules.

Conceptual Framework

Each ethical framework approaches risk communication differently, and in order to understand the position each framework supports, one must first understand the framework. According to duty ethics, an action is ethically acceptable if it is in agreement with a moral rule that is applicable in itself without regard for the consequences of that action (Van de Poel, 2011). The most notable proponent of duty ethics, also known as deontological ethics, is Immanuel Kant. In his opinion autonomy is a core concept of ethics and an individual should be able to determine what is morally correct through reasoning. Kantian ethics revolves around a two-part categorical imperative that acts as the foundation of all moral judgements.

The first part of the categorical imperative describes the universal principle from which all moral norms can be extracted. It states “act only on that maxim which you can at the same time will that it should become a universal rule” (Van de Poel, 2011). This is often interpreted to mean that one should only act in a specific way if that individual would want everyone to act that way. A maxim as used in this case is just like a norm; it is a proposition that prescribes what concrete action is required or forbidden. According to duty ethics this moral rule should be

unconditionally good and able to serve anyone without contradiction. In my evaluation of the extent to which the current risk communication of e-cigarettes is ethical I will consider two modern norms: be truthful

The second part called the reciprocity principle states “act as to treat humanity, whether in your own person or in that of any other, in every case as an end, never as the means only” (Van de Poel, 2011). This has been understood to mean that each person should respect herself and all people as rational beings, capable of making rational choices and judgments. Therefore when I explore the morality of the utilitarian approach to risk communication I will examine the amount of individual autonomy.

Analysis

The principles of self-determinism and liberty often conflict with actions to try to protect public health. To this day some respected health information sources continue to omit key relevant health details or provide misleading differential risk information. The authors of this type of misinformation claim that it is in the best interest of the public to communicate the risks of electronic cigarettes this way. However these methods are dishonest and deprive consumers from acting autonomously. Therefore when this approach to risk communication is viewed from a framework of duty ethics, it is revealed to be unethical.

Universal Principle: Be truthful

Honestly is one of the most widely agreed upon virtues. It is encouraged in schools every time a student signs a pledge and its importance is supported by the ability to be persecuted by law for lying in certain situations. It is clear to see that ‘be truthful’ has become a moral rule that prescribes individuals to tell the truth and refrain from lying. There are two ways in which this

rule can be violated. The first infraction is the act of lying or giving information known to be false. The other violation of this maxim occurs when a portion of truth is told but another piece is withheld, commonly known as not telling the ‘whole truth.’

The warning label on electronic nicotine delivery devices can be considered an example where a respected public health information source has provided truthful information but not the entire truth. It states: “WARNING. This product contains nicotine. Nicotine is an addictive chemical” (Surgeon General's Report Highlights, 2015). While the government sponsored warning does present some accurate information regarding the risks of using END products, it fails to acknowledge the additional potential for harm to the users of the product. In comparison, cigarettes are required to present a different message: “SURGEON GENERAL’S WARNING: Smoking Causes Lung Cancer, Heart Disease, Emphysema, and May Complicate Pregnancy” (Surgeon General's Report Highlights, 2015). This juxtaposition may lead consumers to believe that because ENDS do not have this explicit warning they will not cause the serious illnesses that smoking traditional cigarettes cause. Since it has not been scientifically proven that these devices do not cause the listed complications, the message to users becomes misleading. In addition the half true statements are in direct conflict with the universal principle of being truthful and as such are considered unethical according to the framework of duty ethics.

Some sources only address the possible benefits neglect to report any potential harm that may occur whatsoever. One respectable source advised “there are likely to be substantial benefits to individual and population-level public health by successfully encouraging more smokers to switch to using e-cigarettes” (UK New Nicotine Alliance, 2017). While most sources fail to report the negative impacts of e-cigarettes, only reporting harmful consequences and neglecting

to report potential benefits may be considered equally dishonest because neither forms inform the user of the whole truth. This type of report is exemplified in a statement by the Philippine Medical Association that said, “the PMA together with various medical associations called for a total ban on the manufacture and sale of electronic cigarettes or e-cigarettes, which deliver unwanted chemicals into the body and could cause cancer and other deadly disease.” (Philippine Medical Association, 2013). The association did not recognize the potential harm reduction that could result from switching from traditional cigarettes to ENDS which may be beneficial information to some consumers.

Not only are these messages not completely truthful, they interfere with the preservation of informed consent from the user which is a principle often employed when not all risks can be predicted. In both examples the user is not given an exhaustive account of the information which prevents the existence of legitimized informed consent of the user.

Reciprocity Principle: Autonomy

The reciprocity principle of the categorical imperative emphasizes how important recognizing each individual's ability to reason is to duty ethics. This is why Kantian ethics supports risk communication that is not only truthful but also aims to inform and not persuade or suggest. A highly dignified organization wrote,

“Based on the current scientific evidence... the Canadian Lung Association has determined electronic cigarettes are potentially harmful to lung health and are NOT an approved smoking cessation aid. There are many Health Canada approved therapies to help someone quit smoking; the e-cigarette is NOT one of them” (Canadian Lung Association, 2016).

This statement aims to prescribe action instead of present information, even going so far as to emphasize certain commands to be sure the desired action is understood. Reports such as these demonstrate how some information sources do not respect self-determinism and instead aim to persuade the reader. From the perspective of duty ethics, the consequences of risk communication are not relevant when making decisions about the morality of these communications. Instead duty ethicists define morally correct risk communications to be honest and respect the freedom of choice and autonomy. Although persuasive information sources may result in preferential consequences, according to duty ethics they are morally unacceptable.

An alternative opinion has been documented that argues it is reasonable to influence the decisions of nicotine consumers and to refrain from recognizing them as rational beings because of the possibility a nicotine addiction can prevent an individual from acting rationally (Stanton, Sinnott-Armstrong & Huettel, 2017). Therefore in these circumstances paternalistic decision making may result in a more preferable outcome. This contention concentrates on the consequences of the action instead of the morality of the action itself. When reconsidered through a duty ethics viewpoint it becomes clear this action violates the second formulation of the categorical imperative as a result must be considered immoral.

Conclusion

Current evidence suggests that e-cigarettes have the potential to make significant public health gains through their role as tobacco harm reduction devices. However, in clinical practice, physicians have an ethical duty to provide their patients with evidence-based comparative risk assessments to allow them to make informed choices with respect to their smoking status. Deception or evasion about major differences in product risks is not supported by duty ethics.

Public health information sources have an obligation to correct the current dramatic level of consumer misinformation on relative risks that they have fostered in order to protect future generations from potentially extreme negative health consequences and destructive loss in consumer confidence.

Word Count: 2872

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