

# The Illegal Drug at Every Corner Store

Nitrous oxide is widely available as long as everyone pretends it's being used for whipped cream. An industry has arisen to exploit that loophole.

By Amogh Dimri

TO JUDGE by the shelves of America's vice merchants, the nation is in the grips of a whipped-cream frenzy. Walk into any vape store or sex shop, and you'll find canisters of nitrous oxide showcased in window displays—ostensibly to catch the eye of bakers and baristas, who use the gas to aerate creams and foams. At the bodega near my apartment, boxes of up to 100 mini-canisters are piled up to eye level, next to Baby Yoda bong.

In fact, culinary professionals generally don't shop for equipment at stores with names like Puff N Stuff or Condom Sense. The true clientele inhales the gas to get high. A dangerous and technically illegal drug, nitrous oxide is widely available as long as everyone pretends it's destined for use as a food product. Indeed, a whole industry appears to have built its business model around exploiting this loophole. Large distributors brand and flavor nitrous in ways that attract young inhalers, stock it with retailers catering to other vices, and sell it in quantities that are implausible for culinary use but ideal for huffing. The gas can even be ordered from Walmart, Amazon, and eBay. Without meaningful regulation, getting high on nitrous will remain as convenient as picking up a bag of chips.

NITROUS OXIDE has been recreationally inhaled since the 1800s. It induces a euphoric head rush and tingling in the user's fingers and toes,

often followed by giddy laughter. Almost as soon as it starts, it's over. The effects of a single hit typically last for less than a minute.

The modern version of the drug, known colloquially as a “whippet” or “whip-it,” has recently climbed the youth-popularity ranks. (These products are distinct from the Reddi-Wip cans found at the supermarket, which contain cream and nitrous oxide together. The canisters proliferating now contain the gas alone.) Although pandemic-era lockdown protocols hampered illicit drugs' supply chains, nitrous oxide remained broadly available by comparison. In 2018, about 12.5 million Americans over age 12 reported having ever used it, a number that rose to nearly 14 million in 2022. Social media is full of clips of young people ripping hits before falling on their faces (so much so that TikTok eventually banned nitrous-related search terms). Fans of the drug have created gas-tank accessories in the video game *Roblox*; one rapper's song “Whippet” features him and his entourage ripping hits of nitrous from tanks tucked in their waistbands between verses. A recent Columbia graduate told me that, back in college, one friend's birthday party featured a salad bowl “full to the brim” with used nitrous canisters. (He spoke on condition of anonymity in order to discuss illegal drug use.)

As you might imagine, depriving your brain of oxygen in favor of laughing gas is not wise. Heavy nitrous users can suffer severe health consequences, including, occasionally, death. Varun Vohra, an emergency-medicine professor at Wayne State University, in Detroit, told me that heavy users experience symptoms including irregular walking, bodily weakness, and severe limb pain. (Nitrous-oxide-related emergency-room visits in Michigan more than doubled from 2022 to 2023.) Inhaling the gas deactivates vitamin B12, which harms nerves in the brain and the spinal cord. Among chronic users, this can eventually induce paralysis. Users also report depression, anxiety, mood swings, and even hallucination. A senior at Tulane University, who also spoke on

condition of anonymity, told me that he'd quit the drug after one night when he took a deep inhale and blacked out. He awoke on the floor a few seconds later, unable to remember what had happened; his friends told him he'd had a seizure.

Perhaps the greatest danger arises from what people do *while* huffing the drug. Ed Scott, a city-council member in Rialto, California, told me that his son, Myles, died in a car accident after his friend inhaled the gas while driving and passed out at the wheel. This inspired Scott to investigate the drug's use in California. He told me that he found many other fatal car accidents in which nitrous-oxide products were discovered at crash sites but police—who thought they were helium canisters—did not register the crashes as DUIs.

Given the health and safety risks, the sale and use of nitrous oxide for recreational purposes is technically illegal. The key word here is *technically*. Businesses can generally get away with selling nitrous oxide over the counter as long as they say it's for culinary use—and pretend not to know what customers are really doing with it. (Some states prohibit sales to anyone under 21 or 18.) If, that is, they even bother pretending. The Tulane senior told me that the clerks at his local smoke shop greeted him with shouts of “whip-it boy!” when he visited to restock.

AMAJOR INDUSTRY has grown out of the regulatory vacuum. In 2020, Marissa Politte's family sued United Brands, the Silicon Valley–based company that distributes the brand Whip-It!, after she was killed by an unconscious nitrous-huffing driver. Documents revealed by the lawsuit suggest that the players involved know they're benefiting from a legal loophole. A former warehouse employee estimated that three-quarters of United Brands' customers were smoke shops, not bakeries or cafés. The client list named retailers including Mary Jane'z Novelties, Herban Legend Smoke Shop, Smoke 420, and Precious Slut 1. In a seven-year span, documents show, the company sold about 52,000 “chargers,” or

miniature nitrous capsules, to Kaldi's Coffee—and more than 1 million to the It's A Dream smoke shop.

Internal emails between United Brands and retailers, uncovered by the lawsuit, suggest a certain cynicism around legal compliance. One United Brands employee emailed a retailer requesting that the Whip-It! chargers “are used properly and legally.” The retailer responded: “yah man we know the deal we put a disclaimer... you know we all got to cover our asses, better safe than sorry.” (United Brands did not respond to multiple requests for comment.)

Meanwhile, many other companies market nitrous in ways that seem conspicuously ill-tailored to professional pastry chefs. A variety of gas tanks are sold with names that evoke marijuana strains, not whipped cream—Monster Gas (slogan: “Become easy, Become happy!”), Hippy Whippy, Baking Bad, Cosmic Gas—and in flavors such as mango smoothie and tropical punch. Colorful labels feature fruits, unicorns, women in bathing suits, or sports cars. (Hervé Malivert, the director of culinary affairs at the Institute of Culinary Education, told me that many food professionals are loyal to iSi chargers, which they order from the company's website—not at a gas station. Malivert said he has never heard of a chef using flavored gas or gas tanks.)

One of the most prominent nitrous companies is Galaxy Gas, which was founded in 2021 by three brothers who ran Cloud 9, an Atlanta-based smoke-shop chain. A Cloud 9 executive told *New York* magazine that Galaxy Gas at one time made up nearly 30 percent of all nitrous sales nationwide. Asked by CBS to explain why anyone would need to buy a tank with enough nitrous oxide to make thousands of servings of whipped cream, a Galaxy Gas spokesperson claimed that the product was for customers seeking an “erotic culinary lubricant.” (The company's rising profile in the world of whip-its has brought legal scrutiny. According to *New York*, its trademark was recently sold for \$1 to a newly

registered corporate owner, and it has paused direct sales. Galaxy Gas did not respond to requests for comment.)

In response to the spread of nitrous-oxide use, states and the federal government have begun taking steps toward more effective regulation. The most notable example is Louisiana, where the drug used to be outlawed only if sold for the purpose of being inhaled. Legislation enacted last May made its sale presumptively illegal, with carveouts for genuine industrial and culinary use. Jeanette Brick, the president of iSi North America, told me that her company does not oppose the Louisiana law. “These laws are intended to prevent misuse, and they have not negatively impacted our ability to serve the culinary community in the state,” she said in an email. She also noted that “iSi does not sell large tanks of nitrous oxide, as they have no culinary application and are increasingly associated with misuse. We strongly advocate for additional restrictions on these large tanks to help curb their growing misuse among teenagers.”

Outside Louisiana, however, legislative efforts have yet to deliver significant change. In 2017, for example, then-California State Senator Jim Nielsen proposed a bill to ban nitrous-oxide sales in stores selling tobacco or tobacco-related products. Industry lobbyists opposed the bill, and it eventually failed to pass.

In the absence of effective regulation, litigation has emerged as the best tool to achieve accountability. In 2023, a Missouri jury found United Brands liable for conspiring to sell nitrous oxide as a drug. The company was ordered to pay \$720 million to Marissa Politte’s family for her wrongful death. The novel jury verdict and the large court-mandated payout might set a lasting precedent. “You have companies whose full-time scheme it is to pour this stuff onto our streets,” Johnny Simon, the Politte family’s attorney, told me. “That’s who we need to go after.”

Still, case-by-case litigation can push only so hard against countervailing market forces. Nor should it have to, when the blueprint for lifesaving regulation exists. Had something like Nielsen's California bill been federal law in 2020, Politte might still be alive. The driver who killed her bought his nitrous oxide from a smoke shop.