Evolution of E-Cigarettes
Youth E-Cigarette Use Patterns of Use

• Over 3.6 million high school and middle school students currently use e-cigarettes

• E-cigarettes are the most popular tobacco product among youth, surpassing cigarettes for 5 years in a row

• 27.7 percent of high school e-cigarette users use the product frequently, on at least 20 of the preceding 30 days.

• 14.1% of KY high school students use e-cigs (14.3 smoke cigarettes) – KY YRBS 2017

Source: CDC, National Youth Tobacco Survey (NYTS)
Youth E-Cigarette Use & Other Tobacco Use

• E-cigarette availability is increasing overall youth tobacco use, including among low-risk youth

• E-cigarette use is associated with trying cigarettes even for low-risk youth

• The increase in e-cigarette use has driven a 38 percent increase in use of any tobacco product among high school students (from 19.6 percent in 2017 to 27.1 percent in 2018). [Source: 2018 NYTS]
Adult E-Cigarette Use

• In 2017, 2.8% of adults were current e-cigarette users [Source: 2017 NHIS]

• Higher use among younger adults [Source: 2017 NHIS]
  • 1.2 million young adult e-cigarette users are never smokers [Source: 2016 BRFSS]
  • 40% of young adults (18-24 year olds) who were current e-cigarette users in 2015 had never been cigarette smokers [Source: 2015 NHIS]

• High levels of dual use [Source: 2015 NHIS]
  • Nearly 6 in 10 adult current e-cigarette users are also current smokers
BEFORE

Cigarettes
- R.J. Reynolds
- Philip Morris
- Lorillard

Smokeless
- UST

E-Cigarettes
- Blu
- NJOY
- Logic
- Mistic
- JUUL
- Many independent e-cigarette companies & vape shops

NOW

Altria
- Philip Morris USA
- NuMark
- Green Smoke
- John Middleton
- Nat Sherman
- RJ Reynolds
- Santa Fe Natural
- RAI Reynolds American
- British American Tobacco
- Lorillard
- ZAP
- Imperial Brands
- Fontem Ventures

JUUL

+ Many independent e-cigarette companies & vape shops

TobaccoFreeKids.org
E-Cigarette Marketing

Rapidly increasing expenditures (TV, print, radio, outdoor, internet):

Likely underestimates spending because some strategies widely used by e-cigarette companies (i.e., social media, sponsored events) excluded from this calculation.
Marketing – Early Days
Current Marketing

[Images and content related to current marketing strategies, including social media posts and advertisements.]

TobaccoFreeKids.org
blu’s “blulanta” campaign

7/18/18; https://www.instagram.com/p/BlX0Rw7D4j0/?taken-by=blulanta

7/21/18; https://www.instagram.com/p/Blg11GBn2-P/?tagged=blulanta

7/27/18; https://www.instagram.com/p/BluWGxglf5P/?tagged=blulanta
Social Media Marketing


September 15, 2018, [https://twitter.com/KandyPens/status/1041013467598217216](https://twitter.com/KandyPens/status/1041013467598217216)

November 7, 2017, [https://www.instagram.com/p/BbNJ9gkA2qk/?taken-by=popclouds](https://www.instagram.com/p/BbNJ9gkA2qk/?taken-by=popclouds)
JUUL and Social Media

June 14, 2018
JUUL changes social media policy

November 13, 2018
JUUL suspends some social media accounts

JUUL Labs Implements New Social Media Policy for Instagram, Facebook and Twitter in Ongoing Effort to Combat Underage Use and Drive Awareness of Mission to Help Adult Smokers

Company Will No Longer Use Models on Social Media Platforms; Posts Will Focus on Testimonials from Adult Smokers Who Switched to JUUL.

Company Has Partnered with Social Media Companies to Remove Posts, Pages, and Sales from Third-Parties Targeting Underage Accounts

SAN FRANCISCO (June 14, 2018) – JUUL Labs today announced a new social media policy to strengthen its industry-leading marketing code. The Company, whose mission is to eliminate cigarettes by offering adult smokers a true alternative, will no longer feature models on Instagram, Twitter, or Facebook (JUUL Labs does not have a Snapchat account). Instead, JUUL Labs will feature former smokers who switched from combustible cigarettes to JUUL on its social media platforms.

November 13, 2018, https://www.instagram.com/p/BqlaXe1n84N/
The Flavor Trap: How Tobacco Companies are Luring Kids with Candy-Flavored E-Cigarettes and Cigars

- Tobacco companies have a long history of developing and marketing flavored tobacco products as “starter” products that attract kids.
- Growth in market share of sweet-flavored tobacco products, especially e-cigarettes and cigars.
- Flavored products have fueled the popularity of e-cigarettes and cigars among youth.

https://www.tobaccofreekids.org/microsites/flavortrap/
81.5% of current youth e-cigarette users said they used them “because they come in flavors I like.”
Flavored E-Cigarettes are Popular Among Youth

• More than two-thirds of high school e-cigarette users had used a flavored e-cigarette in the past month, an increase from 60.9 percent in 2017.

• Current use of menthol or mint flavored e-cigarettes among high school e-cigarette users also increased from 42.3 percent in 2017 to 51.2 percent in 2018.
JUUL Popularity Among Youth

The New York Times

‘I Can’t Stop’: Schools Struggle With Vaping Explosion

By Kate Zernike
April 2, 2018


The Washington Post

Juuling: If you don’t know what it is, ask your kids

By Lynda Bil
May 9, 2018

https://www.washingtonpost.com/local/public-safety/juuling-if-you-dont-know-what-it-is-ask-your-kids/2018/05/09/37e2f026-4d65-11e8-84a0-458a1aa9acc0a_story.html?utm_term=.58104e55fd64
“It was love at first puff,” said Matt, now 19.

“The Juul was super, super sneaky and I loved it,” he said.

“Matt was open about wishing he didn’t do it. … It was a constant battle for him.”

The Price of Cool: A Teenager, a Juul and Nicotine Addiction

E-cigarettes may help tobacco smokers quit. But the alluring devices can swiftly induce a nicotine habit in teenagers who never smoked. This is the tale of one person’s struggle.

JUUL Market Share: 74.5%

Source: Nielsen Total US xAOC/Convenience Database & Wells Fargo Securities, LLC
JUUL: Sleek & Easy to Conceal

A 2018 study found that nearly one-fifth of youth (ages 12-17) surveyed reported having seen JUUL used in their school.

JUUL Use Among Youth

• No official national prevalence data and existing e-cigarette prevalence data is not recent enough to capture JUUL’s increase in market share

• A quarter of youth and young adult JUUL users don’t refer to JUUL use as “e-cigarette use” or “vaping,” but rather as “JUULing”

• 63% of youth and young adult JUUL users don’t know that JUUL pods always contain nicotine

Source: Willett, J, et al., “Recognition, use and perceptions of JUUL among youth and young adults,” Tobacco Control, published online April 18, 2018
E-Cigarette Use Among Youth and Young Adults

A Report of the Surgeon General

U.S. Department of Health and Human Services

https://e-cigarettes.surgeongeneral.gov/default.htm
Major Findings from the 2018 NASEM Report on E-Cigarettes

- E-cigarettes are not risk-free, but can be far less harmful than combustible tobacco cigarettes if smokers switch completely.
- Long-term effects are not yet clear.
- Nicotine levels can vary, but can be comparable to levels in combustible cigarettes, resulting in dependence.
- E-cigarettes contain and emit numerous potentially toxic substances, although at significantly lower levels than regular cigarettes.
- The substances emitted by e-cigarettes can vary depending on the characteristics of the product and how it is operated.
- Youth and young adults who use e-cigarettes are more likely to try cigarettes.
- There is limited evidence that e-cigarettes may help people stop smoking cigarettes.
- There is no available evidence to indicate if using both cigarettes and e-cigarettes (dual use) lowers health risks.
What is in E-Cigarette Aerosol?

- **Volatile Organic Compounds**
- **Ultrafine Particles**
- **Nicotine**
- **Cancer-causing Chemicals**
- **Heavy Metals Such as Nickel, Tin, and Lead**
- **Flavoring Such as Diacetyl, a Chemical Linked to a Serious Lung Disease**

[https://www.cdc.gov/tobacco/basic_information/e-cigarettes/pdfs/Electronic-Cigarettes-Infographic-508.pdf](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/pdfs/Electronic-Cigarettes-Infographic-508.pdf)
FDA and E-Cigarettes

• FDA’s Final “Deeming Rule” issued May 5, 2016, effective August 8, 2016.

• What does the deeming rule cover?
  • Some minimum age requirements (in person only, not online)
  • Product registration and ingredient reporting
  • Warning label requirements (delayed until August 2018)
  • Product review applications (delayed until August 2022)

• What *doesn’t* it cover?
  • Child-proof packaging
  • Flavors
  • Self-service
  • Marketing restrictions (similar to cigarettes): sponsorships, branded merchandise
FDA Actions on E-Cigarettes: April 2018

Statement from FDA Commissioner Scott Gottlieb, M.D., on new enforcement actions and a Youth Tobacco Prevention Plan to stop youth use of, and access to, JUUL and other e-cigarettes

For Immediate Release April 24, 2018

Statement

- FDA cites 40 retailers for violations related to youth sales of JUUL e-cigarettes
- Agency announces a new blitz of retail establishments targeting youth sale violations
- Agency takes new action to examine youth appeal of JUUL
- Agency takes steps to foreclose online sales of JUUL to minors
- These are the first steps in a new effort aimed at stopping youth use of e-cigarettes

U.S. FOOD & DRUG ADMINISTRATION

April 24, 2018

Submission Tracking Number (STN): RD0000476

JUUL Labs, Inc.
660 Alabama Street
2nd Floor
San Francisco, CA 94110
FDA, FTC take action against companies misleading kids with e-liquids that resemble children’s juice boxes, candies and cookies

Warning letters are part of joint effort to protect youth from dangers of nicotine and tobacco products and part of FDA’s new Youth Tobacco Prevention Plan

FDA warns more companies to stop misleading kids with e-liquids that resemble kid-friendly foods as part of Youth Tobacco Prevention Plan

Companies cease sales of e-liquids with labeling or advertising that resembled kid-friendly foods following FDA, FTC warnings

Warning letters for products that looked like juice boxes, cookies and candy part of efforts to protect youth from dangers of nicotine and tobacco products
FDA Actions on E-Cigarettes:  
May 2018 (cont’d)

FDA News Release

**FDA requires additional e-cigarette makers to provide critical information so the agency can better examine youth use and product appeal, amid continued concerns around youth access to products**

For Immediate Release  
May 17, 2018

Summary  
Letters to four companies follow initial request to JUUL Labs as part of an ongoing effort to address youth use under the agency’s Youth Tobacco Prevention Plan

Release  
June 21, 2018: Letters were also issued in late May to Myle Vape Inc. regarding Myle Products, and to MMS ECVD LLC regarding Bo Starter Kit, to reflect additional relevant companies in the manufacturing and distribution chain.
FDA Actions on E-Cigarettes: September 2018

FDA News Release

FDA takes new steps to address epidemic of youth e-cigarette use, including a historic action against more than 1,300 retailers and 5 major manufacturers for their roles perpetuating youth access.

Warning letters and civil money penalty complaints to retailers are largest coordinated enforcement effort in agency history. FDA requests manufacturers provide plan for mitigating youth sales within 60 days; warns it may restrict flavored e-cigarettes to address youth epidemic.

For Immediate Release

September 12, 2018

FDA launches new, comprehensive campaign to warn kids about the dangers of e-cigarette use as part of agency’s Youth Tobacco Prevention Plan, amid evidence of sharply rising use among kids.

“For The Real Cost” Youth E-Cigarette Prevention Campaign to target nearly 10.7 million at-risk youth through digital platforms, social media, and in-school ads nationwide.

For Immediate Release

September 18, 2018
FDA In Brief: FDA warns company illegally selling e-liquid products intended for vaping that contain unapproved drugs for erectile dysfunction, weight loss and falsely claim to be FDA-approved

FDA News Release

FDA advances investigation into whether more than 40 e-cigarette products are being illegally marketed and outside agency’s compliance policy

Agency seeks more information from companies as it continues to pursue its Youth Tobacco Prevention Plan amid evidence of sharply rising e-cigarette use among kids

For Immediate Release

October 12, 2018

Today, the U.S. Food and Drug Administration sent letters to 21 e-cigarette companies, including the manufacturers and importers of Vuse Alto, myblu, Myle, Rubi and STIG, seeking information about whether more than 40 products — including some flavored e-cigarette products — are being illegally marketed and outside the agency’s current compliance policy. These new actions build on those taken by the FDA in recent weeks as part of its Youth Tobacco Prevention Plan to address the epidemic of youth e-cigarette use, including cracking down on the sale and marketing of e-cigarettes to kids and educating youth about the dangers of using these products.
At the Department of Health and Human Services, we are deeply concerned about the risks that e-cigarettes pose for children, given how quickly teenage use of these products has accelerated.

Yet products such as e-cigarettes need to be put through an appropriate regulatory process. Under the most likely path for marketing authorization, they must show that their marketing is appropriate for protecting the public health, taking into account their risks and benefits to the population as a whole.

Rising e-cigarette use by children makes the marketing of this product especially deserving of close attention.
Company Voluntary Actions

**Altria**
- Stop selling MarkTen Elite, Apex by MarkTen
- For cig-a-like products, stop selling flavored refills except for menthol, mint, and tobacco
- Support federal 21 law

**JUUL**
- Limiting sales of flavored refill pods (except for mint, menthol, and tobacco) exclusively to its website instead of retail stores
- Limiting purchases from its website to prevent bulk purchases
- Suspending official social media accounts on Instagram and Facebook; limiting Twitter posts to “non-promotional communications only.” Age-restricting its Twitter account.
- Coordinating with major social media platforms to monitor content and “remove youth-oriented social media content from third-parties or users”
- Enhancing online age-verification system for purchases
- Increased enforcement against unauthorized online sales, including third-party sales

**IMPERIAL BRANDS**
- Increase purchase age on website to 21+
- End contracts with retailers found to illegally sell to minors
- Developing “connected” device with “locking” technology
FDA Actions on E-Cigarettes: November 2018

FDA Statement

Statement from FDA Commissioner Scott Gottlieb, M.D., on proposed new steps to protect youth by preventing access to flavored tobacco products and banning menthol in cigarettes

For Immediate Release  November 15, 2018

• Propose to restrict sales of flavored e-cigarettes (except mint, menthol, and tobacco flavors) to “age-restricted, in-person locations”

• Propose to require stricter age verification measures for sales of flavored e-cigarettes (except mint, menthol, and tobacco flavors)
FDA’s November 2018 Proposals Do Not Go Far Enough

• Companies’ voluntary action cannot replace regulatory action.

• Sales restrictions cannot replace comprehensive regulations, including:
  • Enforcing pre-market review of products that were not on the market as of August 8, 2016
  • Prohibit sales of all flavored tobacco products until FDA evaluates public health impact
  • Restrict e-cigarette marketing
  • Restrict internet sales
Threats to the Deeming Rule

• In Congress:
  o The House approved FY19 Agriculture-FDA Appropriations bill includes a policy rider that would weaken FDA authority over cigars and e-cigarettes
  o The Senate did not include any tobacco related provisions in their FY19 Agriculture-FDA Appropriations bill
  o The bills are currently being Conferenced. This rider is one of the outstanding issues on the bill
  o Congress must address this bill before government funding runs out on December 21, 2018
House Ag-FDA Appropriations Rider

• The rider in the House Ag-FDA Appropriations bill would exclude “large and premium” cigars from FDA regulation.

  o Undercuts FDA’s scientific conclusion that there is no appropriate public health justification for exempting premium cigars from FDA oversight

  o Defines “large and premium cigars” so broadly that it could also exempt some cheap, machine-made, flavored cigars, that are widely used by kids (similar to S. 294/H.R. 564, the Traditional Cigar Manufacturing and Small Business Jobs Preservation Act)

  o No regulation means among other things, no ingredient disclosure, no warning labels, no marketing restrictions, and no ability to limit flavorings.
House Ag-FDA Appropriations Rider

• The rider would also exempt an additional set of cigars (introduced to the market from February 2007 to April 2014) from a scientific review by FDA
  o This would exempt some cheap, flavored cigars that are widely used by kids from a scientific review
  o A scientific review would allow the FDA to assess the impact of these cigars on kids and public health
House Ag-FDA Appropriations Rider

• The rider would also make it easier for e-cigarette manufacturers to bring some new products to market.
  
  o More products in the future could go through the less rigorous “substantial equivalence” review by FDA instead of a full public health review
  
  o Weakening FDA’s authority over e-cigarettes doesn’t make sense given the popularity of e-cigarettes among high school students and the uncertainty about their long-term health risks
The FDA Law Doesn’t Change Each State’s Right To...

• Implement & enforce smoke-free laws
  • Expand to include e-cigarettes

• Apply tobacco taxes to e-cigarettes

• Take action to restrict the sale & distribution of e-cigarettes
  • Sales to youth (minimum age)
  • Flavors
  • Self-service displays/placement

• Pass licensing requirements
Current State and Local Policies for E-Cigarettes

- **Smoke-free**: 13 states (CA, CT, DE, HI, ME, MA, NJ, NY, ND, OR, RI, UT, and VT), 700+ localities
- **Tax**: 9 states (CA, DE, KS, LA, MN, NC, NJ, PA, WV), DC, and localities (4 in AK, Chicago, IL, Cook County, IL, and Montgomery County, MD)
- **Flavor restrictions**: 150+ localities
Non-Policy Activities

• Prevalence surveys
  • Introduction of new products and resulting changes in tobacco use trends require improved, more detailed surveillance
• Monitor new product releases
• Monitor compliance with FDA regulations
• Monitor store marketing and promotions
  • Ads, pricing
• Watch for harm reduction proposals
• Share what you find!
Industry Efforts to Oppose State and Local Tobacco (& E-Cigarettes) Policies

Who's Calling the Shots in State Politics?

E-cigarette laws written with the help of Reynolds American

By Nicholas Kusnetz  
Jared Bennett  
4:59 am, March 25, 2016  Updated: 5:00 am, March 25, 2016

Tobacco companies have won legislative language in at least 19 states that protects e-cigarettes from tobacco control programs and cigarette taxes. At least 11 of those pull nearly verbatim from template language written by Reynolds American Inc., which sells the VUSE e-cigarette. Below is an excerpt from Reynolds’ template, which was obtained by the Center for Public Integrity, together with matching excerpts from the state laws, all of which ban sales of e-cigarettes to minors. Click on the bill titles to see larger versions.
Industry Efforts to Oppose State and Local Tobacco (& E-Cigarettes) Policies

CT – TAKE ACTION TO STOP AND OUTRAGEOUS TAX ON VAPING!

On September 8, 2017, Governor Dannel Malloy delivered a compromise budget to the Connecticut legislature that contains an outrageous 75% wholesale tax on vapor products and a $2.00/oz hike in the tax on smokeless tobacco (bringing the total tax to $3.00/oz).

Complicating matters is the fact that Connecticut has been without a budget for more than two months. This is contributing to an urgency to pass this budget this week.

Please take action now and send a message to Governor Malloy and key lawmakers in the Connecticut legislature urging them to remove this tax proposal from the 2018-2019 budget.

Take Action – Send a Message

Remember to make a call today too. The important numbers and talking points for you to use on your call are listed below.

Governor

CALLS TO ACTION

Starkville, MS (UPDATE) – Take action to stop an indoor #vaping ban!
Robbinsdale, MN – Take Action to oppose a Tobacco (and #vapor) 21 law
Detroit Lakes, MN – Local Alert! Take action to stop Tobacco and Vapor 21
CT – Take action to stop an outrageous tax on vaping!
CT – Gov. Malloy’s Budget “Compromise” Contains an Outrageous Vapor Tax!
Industry Efforts to Oppose State and Local Tobacco (& E-Cigarettes) Policies

BANS & PROHIBITIONS
JUST DON'T WORK

No on Prop E
@LetSFbeRealSF
Residents, business owners, adult consumers, free choice advocates against the SF flavored tobacco ban.
San Francisco, CA
nospice.com
Joined June 2017
Tweet to Message

No on Prop E
@LetSFbeRealSF • Mar 22
Paid for by No on Prop E • Stop the Prohibition Proposition, A Coalition of Concerned Citizens Supporting Freedom of Choice, Adult Consumers, Community Leaders, and Neighborhood Small Businesses, Committee Major Funding from R.J. Reynolds Tobacco Company. Financial disclosures are available at sfhealth.org.

No on Prop E
@LetSFbeRealSF • Jun 3
It’s Election Day, #SanFrancisco Be sure to get to the polls and VOTE #NoPropE

Bloomberg
Tobacco Giant Fights San Francisco’s Proposed Ban on Flavored Products
Juul Increasing Lobbying Efforts

Juul Hires Washington Insiders as Battle Shifts From Schoolyards to Capital

Maker of e-cigarettes popular with teens brings on former White House, FDA officials as it ramps up its lobbying efforts

By Jennifer Maloney
Updated Oct. 5, 2018 5:44 p.m. ET

Juul boosts lobbying amid FDA scrutiny

By Nathaniel Weixel - 10/10/18 06:00 AM EDT
Resources for More Information

- CDC: [https://www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm)
- FDA: [https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm456610.htm](https://www.fda.gov/TobaccoProducts/Labeling/ProductsIngredientsComponents/ucm456610.htm)
- TFK factsheets: [https://www.tobaccofreekids.org/what-we-do/industry-watch/e-cigarettes](https://www.tobaccofreekids.org/what-we-do/industry-watch/e-cigarettes)