

United States Senate

WASHINGTON, DC 20510

October 1, 2019

K.C. Crosthwaite
Chief Executive Officer
JUUL Labs, Inc.
560 20th Street
San Francisco, California 94107

Dear Mr. Crosthwaite:

You have the distinct honor of taking over as Chief Executive Officer of JUUL Labs, Inc.—the e-cigarette company that public health officials have cited as primarily responsible for undermining our nation’s efforts to reduce youth tobacco use and putting an entire new generation of children at risk of nicotine addiction and other health consequences. Congratulations. While we have significant concerns regarding your appointment, given your prior executive role at Big Tobacco giant Altria, it is our hope that you will immediately commit to taking action to reduce youth use of your company’s dangerous and addictive vaping products.

When JUUL first launched in 2015, the company chose to use colorful, eye-catching designs, kid-friendly nicotine flavors, and imagery and themes that were clearly designed to appeal to children—including young people partying and “JUULing”. The company’s original marketing campaign included billboards in New York City’s Times Square, YouTube videos, and free launch parties. Congressional investigations have revealed that JUUL employees went into high-schools and onto tribal lands, spreading misinformation in an attempt to drum up more business. Further, JUUL was one of the first major e-cigarette brands to rely heavily on social media—and influencers—to promote and market its products to children.

And just like Big Tobacco’s playbook, this targeted effort to addict children worked. In 2017, 11.7 percent of high-school students were vaping. In 2018, that number skyrocketed to 20.8 percent. And, in 2019, we now have 27.5 percent of high-school students using e-cigarettes—compared with only three percent of adults using these products. Over two years, our nation has seen a 135 percent increase in youth vaping. Today, five million kids are frequent users of these addictive products—including ten percent of middle-school students. Despite your new company’s claims, these products are not safe—especially for children. Nicotine is a toxic and highly addictive substance that increases the risk of addiction to other drugs and can harm the adolescent brain, including parts of the brain responsible for learning, attention, mood, and of impulse control.

We know why children are attracted to these harmful, nicotine products in the first place. According to the U.S. Surgeon General’s Report on E-Cigarette Use Among Youth and Young Adults, much of the popularity associated with youth use of e-cigarettes can be attributed to the appealing candy and fruit flavorings that accompany these devices—flavors such as JUUL’s mint, cool cucumber, fruit medley, mango, and crème brulee. In fact, according to the Food and Drug Administration (FDA), 81 percent of children who use e-cigarettes started with a flavor.

These flavors—which have never proven that they are safe or effective at helping adults quit smoking cigarettes—are addicting an entire generation of children to nicotine. Earlier this month, the FDA took the long-overdue but vital step of announcing an imminent removal from the market of all non-tobacco e-cigarette flavors in the United States—including mint and menthol. According to news reports, JUUL does not intend to challenge this flavor ban. Given that JUUL is the e-cigarette company primarily responsible for addicting millions of children to nicotine, this is a wise decision. But more must be done, and quickly.

Please provide answers to the following questions no later than October 14, 2019:

- 1) By the end of this year, FDA has announced that all non-tobacco e-cigarette flavors—including mint and menthol—will be removed from the market and prohibited from returning, unless or until they can prove that they have a net public health benefit.
 - a. If JUUL is serious about combatting youth use of your products, there is no justifiable reason to wait for FDA’s removal of flavored products to go into effect. You could remove these flavors today. Will JUUL immediately remove all non-tobacco flavors from the market, including both retail and online sales?
 - b. Does JUUL intend to seek FDA marketing approval for any of its currently marketed e-cigarette flavors or devices? If yes, which ones?
 - c. Does JUUL intend to seek FDA marketing approval for any of its e-cigarette flavors or devices that JUUL alleges were on the market by August 8, 2016, when it submitted those products to the FDA’s Tobacco Product Listing database—including the 57 distinct flavors, in multiple distinct nicotine levels (0.5 percent, 1.7 percent, 3 percent, and 5 percent), and categorized as both e-liquids and ENDS cartridges?
 - d. Does JUUL intend to seek FDA marketing approval for any new e-cigarette flavor or device that is not currently marketed, nor was previously on the market?
- 2) In public and private, JUUL has alleged that its e-cigarettes are both safer than tobacco cigarettes and effective at helping adult smokers quit.
 - a. What clinical trials have been conducted by JUUL in the United States to prove either of these claims? JUUL’s April 25, 2019 response letter to a Congressional letter provided behavioral research studies about e-cigarettes in general. However, to clarify, we are solely interested in clinical trials involving JUUL—clinical trials, as you know, are the gold standard for determining whether products are safe and effective for their intended purposes.
 - b. If your company has not conducted any clinical trials, please explain the decision behind refusing to do so.

- c. Will you commit to ceasing all marketing and advertising that promotes cessation or health claims about the relative health impacts or benefits of using JUUL compared to cigarettes or other tobacco products?
- 3) In recent months, hundreds of people nationwide have been sickened with severe respiratory illness linked to vaping. There have been fourteen deaths to date. In some of these cases, it appears that individuals were tampering with their e-cigarette devices—including their JUUL devices—to vape substances other than, or in addition to, nicotine. In other cases, it appears individuals were using JUUL as intended.
 - a. What steps has JUUL taken to ensure that its devices or pods cannot be adulterated for use with other substances?
 - b. There are numerous YouTube videos demonstrating how to refill a JUUL pod. When did JUUL first become aware that its devices or pods were easily adulterated for use with other substances? Did JUUL immediately alert FDA when it became aware of these concerns?
 - c. What steps has JUUL taken to ensure that non-JUUL pods or cartridges cannot be used with the JUUL device?
- 4) News reports from September 25, 2019, indicate that JUUL will suspend all broadcast, print, and digital product advertising in the United States.
 - a. Does this include suspending all in-store advertising and marketing for JUUL products (including the posters and other promotional material often displayed in convenience stores)?
 - b. Will you commit to not re-starting any broadcast, print, or digital product advertising in the future?
- 5) Over the past few years, JUUL has dedicated significant resources toward undermining state and local efforts to restrict or ban the sale of flavored tobacco products, like JUUL's own mint, menthol, fruit medley, cucumber, mango, and crème brulee flavors.
 - a. Nationwide, how much money has JUUL spent fighting against local and state efforts to restrict or ban e-cigarette flavors between September 30, 2016 and September 30, 2019?
 - b. Will JUUL commit to no longer fighting—financially or otherwise—local and state efforts to restrict or ban e-cigarette flavors and unapproved vaping devices?
- 6) Does your company support a federal tobacco tax on FDA-deemed tobacco products, including e-cigarettes, similar to what is done for cigarettes?

For years, JUUL has targeted children, spread misinformation about its products, and refused to conduct unbiased, basic research on its cessation and health claims. Every single one of our federal public health agencies has declared youth vaping an “epidemic”—an epidemic that JUUL, more than any other company, has fueled. As the new CEO of JUUL, you are now responsible for what happens next. It is our hope that you choose to protect children over profits.

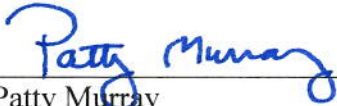
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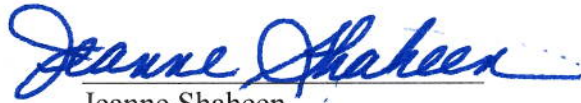
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United States Senator



Sherrod Brown
United States Senator



Patty Murray
United States Senator



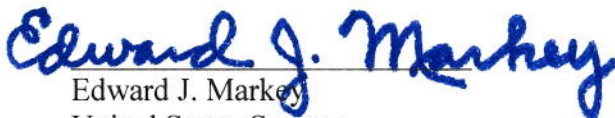
Jeanne Shaheen
United States Senator



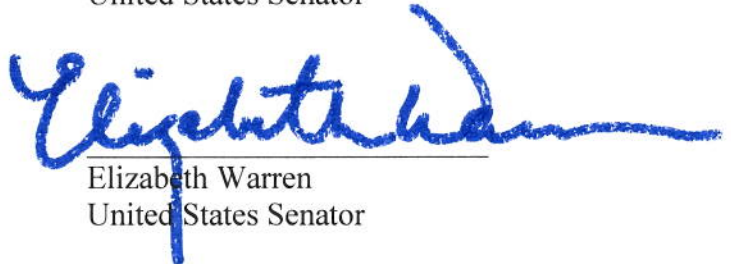
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