

United States Senate

WASHINGTON, DC 20510

September 26, 2019

John T. Standley
Chief Executive Officer
Rite Aid Corporation
PO Box 3165
Harrisburg, Pennsylvania 17105

Dear Mr. Standley:

Tobacco cigarettes are responsible for more than 480,000 deaths nationwide every year and more than five million children are currently using e-cigarettes—which have been linked to 530 cases of serious vaping-related lung disease and eight deaths. Five years ago, CVS Health announced that it would no longer sell any tobacco product in their stores. Last week, Walmart announced that it would soon stop selling e-cigarette flavors—which are clearly designed to appeal and addict children to nicotine. We have written you several times over the years, asking that you join with your peers and take a leadership role in protecting the public health—including after you were cited by the Food and Drug Administration (FDA) for repeatedly selling tobacco products to minors. Faced with a youth e-cigarette epidemic, we write to once again urge Rite Aid to stop selling all tobacco products—including e-cigarettes and nicotine flavors—at your stores nationwide.

Earlier this month, the FDA announced that all e-cigarette flavors—including mint and menthol—would soon be banned in the United States, unless or until they can prove that they benefit the public health. This long overdue decision by FDA was prompted by preliminary data from the National Youth Tobacco Survey, showing yet another alarming increase in youth use of e-cigarettes.

In 2017, 11 percent of children under the age of 18 were vaping. In 2018, that number skyrocketed to 20 percent. And, in 2019, we now have 27.5 percent of kids 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, more than five million kids are frequent users of these addictive products—including ten percent of middle-school students.

We know why children are getting hooked on these products: the kid-friendly flavors that are clearly meant to appeal and addict young people, such as Cool Mint, Unicorn Milk, Citra Zing, Gummy Bear, and Neon Dream. According to the FDA, 81 percent of children who use e-cigarettes report that they started with a flavor. Further, children who vape are three times more likely than their peers to ultimately transition to tobacco cigarettes. 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.

Over the past year, faced with public outcry about youth use, certain e-cigarette manufacturers voluntarily chose to remove only some of their nicotine flavors from retail store shelves. This was clearly not sufficient for addressing the growing public health epidemic of youth vaping, which is why we commend the FDA for finally acting to get all e-cigarette flavors off the market. But more must be done, and we believe it is your corporate responsibility to confront this matter head-on.

None of the e-cigarette devices currently on the market—and which you choose to sell in your stores—have been approved by the FDA for sale in the United States. None. On its own, it is concerning that the FDA has not acted to protect children from e-cigarettes, given that nicotine is a toxic and highly addictive substance that increases the risk of heart disease, addiction, mood disorders, and lowering of impulse control. But now, in the face of FDA inaction, we have the added acute concern of children tampering with their cartridge-based e-cigarette devices, like JUUL, to vape substances other than, or in addition to, nicotine. These substances may present their own set of serious health risks. Unless or until these e-cigarette devices can prove that they benefit the public health—and have proper technology in place to prevent against adulteration—they should be removed from store shelves.

It is worth noting that nearly ten percent of Rite Aid stores inspected by the FDA since 2010 were caught selling tobacco products to children. These products—including e-cigarettes and the accompanying kid-friendly flavors—have never been proven safe. E-cigarettes have never been proven effective at helping people quit smoking. They do not have technology in place to ensure proper use. And they are being used primarily by children under the age of 18, in part because your company is either unwilling or unable to keep these products out of the hands of children who frequent your stores.

We once again urge you to put children over profits and immediately stop selling all dangerous and addictive tobacco products at your stores, including tobacco cigarettes, e-cigarettes, and e-cigarette flavors.

Sincerely,



Richard J. Durbin
United States Senator



Sheldon Whitehouse
United States Senator



Richard Blumenthal
United States Senator



Sherrod Brown
United States Senator



Jack Reed
United States Senator



Jeffrey A. Merkley
United States Senator