

Understanding the FDA Ban on Sales of JUUL E-Cigarettes, Starting With That Magnetic "Vaporize" Ad Campaign

National Law Firm That Has Battled the Tobacco Industry for Decades Explains the Ban and How it Ties to an Industry Hell-Bent on Addicting Our Nation's Youth

PENSACOLA, FL, UNITED STATES, July 20, 2022 /EINPresswire.com/ -- On June 23, 2022, the U.S.

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By 2019, one in three high school students reported ever using an e-cigarette, and the same was true for one out of every seven middle school students.”

*Matt Schultz, Levin
Papantonio Rafferty*

[Food and Drug Administration](#) (FDA) announced its ban on the sale of JUUL e-cigarettes across the country. The FDA's order meant that JUUL was required to stop selling and distributing its e-cigarette products. The order applied to all the company's products marketed in the U.S. “In addition, those currently on the U.S. market must be removed, or risk enforcement action,” the FDA stated.

Although FDA stayed the marketing denial order on July 5, 2022, the temporary suspension does not mean the order has been rescinded. Rather, the ban represents a major

win against a company that Pensacola-based national law firm Levin Papantonio Rafferty (LPR) has been [fighting in court](#) for the last three years. LPR Attorney [Matt Schultz](#) serves on the trial team for civil litigation currently happening in California. In his eyes, the FDA's order strikes at the heart of a business model that effectively crippled the country with nicotine addiction.

A Long History of Targeting Teens

“Cigarette manufacturers have long known that if people don't begin smoking before age 18, they are extraordinarily unlikely to ever begin,” Schultz explained. “Because the industry eventually kills a substantial proportion of its customer base, and because virtually no one takes up nicotine after age 18, the industry has targeted youth going back to the 1920s.”

Schultz underscored his point by referencing the infamous 1978 memo sent from an area sales manager to the president of the Lorillard Tobacco Company: “The base of our business is the high school student.”

JUUL Labs Inc. (JLI)—the company that invented and began selling JUUL in 2015—imitated Big

Tobacco's nefarious practices to create a kid-friendly nicotine product rolled out with its youth-oriented "Vaporized" ad campaign. The marketing went viral. Youth e-cigarette use skyrocketed, and JLI made a bundle of cash, eventually attracting a \$13 billion investment from tobacco titan Altria, which owns Phillip Morris, maker of Marlboro cigarettes.

Dangers of JUUL E-Cigarettes Start at Nicotine Addiction and Keep Going

Electronic cigarettes (also known as e-cigarettes, e-cigs, and vaping products) are designed to look like cigarettes, writing pens, USB flash drives, and other common products. Although other companies manufacture e-cigarettes and vape products, JUUL was new and different when introduced in 2015. It eventually acquired more than 70% of this market, though its popularity fell when it discontinued its kid-friendly flavors after a public backlash against the company in 2018.

JUUL's popular e-cigarettes consist of the JUUL device, which resembles a USB flash drive, and disposable pods containing flavored e-liquids laden with nicotine. Each pod delivers as much or more nicotine as a pack of traditional cigarettes, but it doesn't burn out and can be used discreetly, as happened in thousands of middle and high schools across the country.

JUUL's innovation was not limited to its flash drive appearance. Before JUUL came to market, all e-cigarettes used nicotine in its unprotonated or "freebase" form, which is harsh on the throat when inhaled and which served as a practical limit on the concentration of nicotine in existing e-cigarettes. JLI mixed its nicotine with benzoic acid, forming a nicotine "salt." Nicotine not only is less harsh when inhaled in "salt form," but also delivers deep into the lung, while the "freebase" nicotine in existing e-cigarettes was absorbed mostly in the mouth.

JUUL's delivery of nicotine to the deep lung meant extremely fast delivery to the brain, enhancing the product's addictive power. JLI's manipulation of nicotine into its "salt" form thus generated a vapor that was smooth, mild, and easy to inhale. Because it was not as harsh as existing e-cigarettes, JLI could pack much more nicotine into its e-liquids than other products, and, in fact, it contained two to three times as much nicotine as all existing e-cigarettes while remaining easier to inhale and delivering nicotine deep into the lung where it is rapidly absorbed. JLI marketed this product in kid-friendly flavors like Mint, Mango, and Fruit Medley, coupled with an ad campaign that fueled what former FDA commissioner Dr. Scott Gottlieb called "an epidemic of e-cigarette use among teenagers."

JUUL Lawsuits Center on Deceptive Marketing That Addicts Young People

Levin Papantonio Rafferty represents individuals who became addicted to nicotine as a result of using JUUL. The JUUL lawsuits (Case 3:19-md-02913-WHO) claim that JLI deceptively marketed its highly concentrated nicotine delivery system to teenagers and young adults, resulting in a new wave of nicotine addiction among youth at levels that had not been seen in nearly 40 years.

JUUL built its marketing strategy on one overriding objective: to acquire a disproportionate share of youth and thus attract investment from Big Tobacco, both of which happened. "We are representing thousands of plaintiffs who have developed an addiction or some kind of injury as a result of using these JUUL products," said LPR Attorney Sara Papantonio. "Most of these plaintiffs are young kids who got swept away in JUULs misleading advertisement scheme."

The JUUL Saga Continues

Although the FDA banned the marketing of JUUL on June 23, JLI appealed the order to a federal court in Washington, D.C. The FDA announced on July 5 that JUUL could continue in the marketplace while the company's appeal moves forward. The federal court may defer to the FDA's ruling, in which case JUUL will be removed from the market permanently.

Alternatively, the court could overrule the FDA's decision; or send the matter back to the FDA for further consideration. According to Schultz, the whole process likely will take several months. Meanwhile, lawsuits over JUUL's defective product and youth marketing tactics continue in consolidated litigation before Judge William Orrick in San Francisco.

"We were on the eve of our first trial when FDA's marketing denial order was issued," Schultz explained. "Although that trial was postponed, it appears we will try a case on behalf of the San Francisco Unified School District starting in November. Regardless of how the FDA issue pans out, we intend to hold those behind the rise of JUUL accountable before a jury of everyday folks."

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