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Statement of Robin Koval, CEO and President of Truth Initiative®

The Trump Administration's New E-Cigarette Policy Is Sadly Deficient Leaving Menthol and Flavors Like Cotton Candy and Gummy Bear on the Market Placing Politics Ahead of the Protection of America's Youth

WASHINGTON, D.C. – The Trump administration's e-cigarette policy announced today is vastly inferior to the one promised on Sept. 11 and keeps menthol and other youth-appealing e-cigarette flavors on the market. It clearly favors the very industry that has ensnared a new generation to become tobacco users, the highest number in nearly 20 years. The policy allows menthol flavors in all forms, including pods and all flavored liquid nicotine like cotton candy and gummy bear used in open systems, to remain on the market. This is a move that clearly puts politics and industry profits ahead of the health of America's youth and virtually green lights the continuation and escalation of the youth e-cigarette epidemic.

This policy is a huge win for JUUL and other e-cigarette companies who have aggressively marketed highly addictive tobacco products to kids knowing full well the negative impact nicotine has on the developing brain. Add to that the fact that no one knows all the short- or long-term health effects of e-cigarettes. Exempting menthol also creates a giant loophole for these same manufactures to rename mint products to menthol. It will most likely result in menthol becoming the No. 1 e-cigarette flavor choice among youth, similar to what happened with JUUL's mint flavor when the company removed its other flavors, such as mango and fruit medley, from the market.

Moreover, the new policy completely ignores the clear evidence that flavors are a key driver of the youth e-cigarette epidemic, given that 97% of youth who vape use flavored products. Allowing all flavored e-cigarette liquids with youth-appealing names like unicorn vomit to remain on the market in all retail outlets selling tobacco while awaiting a Food and Drug Administration review means kids will continue to easily get their hands on them. In addition to JUUL, youth already use brands like Suorin and SMOK and are very familiar with open systems. YouTube is filled with videos showing how easy it is to refill a pod, including JUUL, with any available e-cigarette liquid. With no apparent restrictions on retailers, the local convenience stores and gas stations on every corner could be selling cotton candy vape juice alongside youth-appealing menthol e-cigarette pods. And while Tobacco 21 is a step in the right direction, relying on retailers to enforce and solve the problem of flavors and youth use is untenable and another example of using the weakest tool available to solve a massive problem.

Recent research shows that vape shops are by far the most popular retail outlet for youth e-cigarette users to obtain e-cigarettes, with 16.5% reporting they got their device from a vape

shop in the last month. In fact, 74% of youth e-cigarette users aged 9-17 who attempted any retail purchase were successful in doing so. The tobacco and vaping industry's talking point that flavored e-cigarettes and vape shops are necessary for smokers to switch from cigarettes also ignores the data. According to the National Health Interview Survey, only 3.2% of adults in the United States use e-cigarettes at all and many use tobacco flavor. Furthermore, the data show that the majority of adult e-cigarette users either never previously used cigarettes or continue to smoke, thereby undermining any potential public health benefit.

Today's policy announcement is especially disappointing given the first-hand accounts youth shared with first lady Melania Trump and Department of Health and Human Services Secretary Alex Azar at a White House listening session held last fall. Several teens recounted their personal experiences with vaping, including how easy it is to buy at retail shops despite being underage, and the fact that many used menthol flavored e-cigarettes to soothe and cool their throats to allow them to vape even more.

The administration and the FDA had it right the first time when they said they would remove all flavored e-cigarettes, including mint and menthol, across all retail outlets. But today we are handed a policy that is a complete gift to the tobacco and vaping industries and mirrors the one JUUL announced in November.

By allowing e-cigarettes on the market without premarket approval, the FDA and administration gave corporate interests, including the tobacco industry, free access to addict a new generation of primarily non-smokers to nicotine with no evidence that e-cigarettes are a net benefit to public health — the mandate required of the FDA by Congress. As a result, today more than 5 million young people are current e-cigarette users. We owe our youth better and for those that have already been exposed to nicotine addiction, we need to provide services to help them overcome potential dependence. That is why Truth Initiative has created the first-of-its kind free text message e-cigarette quit program called This is Quitting which is already helping tens of thousands of young people to stop vaping by texting DITCHJUUL to 88709 for support and proven quit strategies.

Safeguarding the American public, especially our children, should come first. We strongly urge the administration and the FDA to reconsider its policy and restrict access to all flavored e-cigarettes in all retail outlets until they have gone through the pre-market review clearly required by law. This is not the time for half measures, and political concerns should not be placed over sound policy to protect our kids.

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