

FDA Sets Limits on Retail Sales of Flavored E-Cigarettes

New limits on fruity flavors that appeal to teens will keep them out of most convenience stores, gas stations



Juul represents 73% of U.S. e-cigarette sales in stores tracked by Nielsen, according to Wells Fargo. PHOTO: RICHARD B. LEVINE/ZUMA PRESS

By [Jennifer Maloney](#) Updated March 13, 2019 9:37 a.m. ET

Convenience stores and gas stations will effectively be banned from selling most flavored e-cigarettes under restrictions issued Wednesday by the Food and Drug Administration.

The new directives for retailers and manufacturers, [first proposed by the FDA in November](#), are aimed at limiting access to the e-cigarette flavors most popular among children and teens, whose use of the devices surged last year. Market leader Juul Labs

Inc. sells nicotine liquids in flavors such as mango and cucumber. Others sell strawberry shortcake, gummy bear and cotton candy flavors.

“E-cigarette use among kids has become so widespread, so pervasive, and so troubling, that we risk addicting an entire generation of children on nicotine and watching the dramatic gains we’ve made in reducing smoking rates be erased,” said FDA chief Scott Gottlieb, who plans to step down [sometime over the next month](#).

Under the proposed restrictions, expected to be finalized and implemented within the next few months, brick-and-mortar stores will be barred from selling e-cigarettes in flavors other than tobacco, mint and menthol unless they prevent minors from entering the store altogether or create a separate section of the store that minors can’t enter. Meanwhile, websites that sell flavored vaping products must curb bulk purchases and use third-party age-verification services.

The FDA will require all e-cigarette makers, including Juul, to submit products currently on the market to the agency for review by August 2021, a year earlier than its previous deadline. The agency will also ban the sale of all flavored cigars introduced to the market since February 2007. Separately, it is pursuing a plan to prohibit flavored cigars entirely, but the broader ban could take years to implement.

Juul’s vaporizers are thumb-drive shaped devices that deliver a powerful dose of nicotine from liquid-filled pods. Facing regulatory pressure, [the startup in November](#) said it would temporarily stop selling most of its flavored refills at brick-and-mortar stores. But other flavored e-cigarettes, including Juul-compatible pods manufactured by third parties, remain on store shelves. All of Juul’s flavors are available on its website, which has age-verification controls.

Juul represents 73% of U.S. e-cigarette sales in stores tracked by Nielsen, according to Wells Fargo. The startup says its goal is to help adult cigarette smokers switch to less harmful products, and that it supports the FDA’s efforts to curb underage use.

The news last week of Mr. Gottlieb’s imminent departure raised questions about the fate of his planned regulatory overhaul of the tobacco industry. The outgoing commissioner said his agency’s pledge to reduce underage use of e-cigarettes “has broad support” within the Trump administration. “Our dedication to this effort will

endure and our commitment to advancing our comprehensive framework will continue.”

The Trump administration said Tuesday that National Cancer Institute Director Ned Sharpless will be [named acting FDA commissioner](#). Dr. Sharpless has posted Twitter messages signaling that he shares Dr. Gottlieb’s concern over underage vaping. In addition to the crackdown on e-cigarettes, Dr. Gottlieb announced in July 2017 his intention [to ban menthol cigarettes](#) and reduce nicotine in all cigarettes to the point that they are no longer addictive. The fate of those proposals remains unclear. Write to Jennifer Maloney at jennifer.maloney@wsj.com