

MEDPAGE TODAY®

Primary Care > Smoking & Tobacco

Vaping Companies Marketing to Teens, House Panel Told

— House members urged to take action, but some see public health benefit from e-cigs, too

by [Joyce Frieden](#), News Editor, MedPage Today

July 24, 2019

WASHINGTON -- Children and teenagers should not be vaping, House members and witnesses agreed at a hearing Wednesday, but they disagreed on what government should focus on regarding e-cigarettes such as those made by JUUL: their potential as smoking-cessation aids for adults, or their role in creating a new generation of nicotine addicts.

"JUUL ... has misled the American people, has lied, and has used our broken system to target [teens]," Rep. Rashida Tlaib (D-Mich.), a member of the House Oversight & Reform Subcommittee on Economic and Consumer Policy, said at a [subcommittee hearing on JUUL's role in the youth nicotine epidemic](#). "I'm not going to sit here and allow this committee to be used ... to say that e-cigarettes, vaping, JUUL, is not killing our people; they are. It's leading to health harms; it's leading to addictions that are going to hurt people."

Rep. Michael Cloud (R-Texas), the committee's ranking member, took the other tack. "It's clear that methods for cessation that existed just a few years ago -- cold turkey, nicotine gum, or patches -- sometimes simply are not enough," Cloud said. "Recent studies suggest that e-cigarettes could be part of a broader tobacco control strategy and could be considered viable components to cessation. There's a growing consensus in the scientific community that e-cigarettes are less harmful than traditional tobacco products. In fact, a study commissioned by the public health service of England found that e-cigarettes were [95% less harmful](#) than tobacco cigarettes"

2019 less harmful than tobacco cigarettes.

Help for Adult Smokers?

The witnesses at the hearing were similarly divided. "JUUL is a fatally flawed product. A recent study showed 15- to- 17-year-olds are 16 times more likely to report JUUL use than 25-34-year olds, even though JUUL claims its products are only intended for adults," said Jonathan Winickoff, MD, a pediatrician at Massachusetts General Hospital in Boston, who was representing the American Academy of Pediatrics. "JUUL and products like it are eroding the progress we made in reducing teen tobacco use ... JUUL must be held to account for the epidemic it has created, and Congress and the administration must take action to end it."

Raymond Niaura, PhD, of the College of Global Public Health at New York University in New York City, had a nuanced opinion. "E-cigarettes have the potential to help adults stop smoking," he said, adding that "this is not to minimize the importance of concern about youth vaping."

"Just last week, a survey reported that smokers who switched to e-cigarettes and used them every day were significantly more likely to quit smoking compared to those who did not use e-cigarettes," he said. "Quitting smoking is the number one priority for smokers and we need to use all the tools available to help reduce this burden."

Concerns About Marketing

Some witnesses were especially concerned about JUUL's marketing tactics. Meredith Berkman, co-founder of the group Parents Against Vaping E-Cigarettes (PAVE), said that at her child's school, a JUUL representative talked to the students about his company's product "under the guise of education ... The teachers left the room and a man named Ali gave a confusing talk about JUUL, telling them it was not for kids, but for adults, that it was much safer than cigarettes and the FDA would approve it any day," said Berkman. "When [my son and a friend] went up to talk to him afterward, Ali repeated it was for adults, not kids, took out the sleek-looking JUUL, showed them how it worked, and called it [the] iPhone of vapes."

She emphasized that her organization wasn't asking that e-cigarettes be banned. "We're not prohibitionists; we want the flavors that are hooking the kids off the market." She also noted that some teens didn't understand that JUULing and vaping were the same thing. "If you ask them if they're vaping they'll say 'no' because kids do not associate vaping and JUULing."

Rae O'Leary, RN, MPH, a representative from the Cheyenne River Sioux Tribe Health Committee in Eagle Butte, South Dakota, described how JUUL officials had met with

Committee, in Lagie Butte, South Dakota, described how JUUL officials had met with members of her committee to discuss a program to get tribal members who were smokers to switch to JUUL. They suggested selling "starter kits" to the tribe at a deeply discounted price -- \$5 instead of \$50 -- in exchange for the tribe's health department promoting the switching idea to their patients who smoked.

"Throughout JUUL's presentation, they made multiple claims their product was effective for smoking cessation and less harmful than tobacco-containing products. ... These claims are all violations of the Family Smoking Prevention and Tobacco Control Act," she said.

"Committee members wisely requested written documentation on the switching program proposal ... [JUUL] did not provide [it], and instead sent a mutual non-disclosure agreement ... with untrue information that the non-disclosure agreement had already been discussed." The committee didn't sign the agreement and JUUL has not returned, she said.

Congressional Action Urged

Subcommittee members also heard from Sen. Richard Durbin (D-Ill.), who spearheaded congressional passage of a smoking ban on most airplanes in 1987. He described how cigarette manufacturers developed e-cigarettes once they saw the smoking rate rapidly declining.

"Losing their precious market share, Big Tobacco put researchers and marketers to work. First they needed new product that didn't carry the moral taint of cancer-causing tobacco ... even better if it looked like a USB flash drive," he said. "How did they lure the kids? All of the different flavors, including Fruit Medley, Gummi Bear, Whipped Cream, Unicorn Poop, Razzle Berry, and Cotton Candy."

Finally, "they needed the FDA to look the other way ... Unfortunately, the FDA has been happy to serve [that role], delaying common-sense regulation of the e-cigarette industry by years, refusing to remove illegal products from the market, and standing silent in the face of these false health claims by JUUL," he said. "What's been the result? Between 2017 and 2018, the number of American teenagers using any tobacco product increased by 40% ... All of our significant, hard-earned gains to reduce youth use of tobacco products are being reversed because of e-cigarettes like JUUL and the accompanying kid-friendly flavors."

Durbin is now cosponsoring a bill, along with Sen. Lisa Murkowski (R-Alaska) and representatives Diana DeGette (D-Colo.) and Jamie Raskin (D-Md.) that would give e-cigarette companies 1 year to prove that their products help adult cigarette smokers quit, that they aren't harmful, and that they don't cause children to start using nicotine.

"Congress waited far too long to start protecting children from cigarettes; history is now repeating itself with e-cigarettes," he said. "Our inaction, combined with FDA's complacency, is dooming an entire new generation of children to nicotine addiction."

The subcommittee [continues its two-part look at JUUL on Thursday](#) with an appearance from JUUL co-founder James Monsees, among other witnesses.