

Attorney General Raoul Urges FDA To Regulate E-cigarettes And Oral Nicotine Products

August 18 2021 2:48 PM



CHICAGO— Attorney General Kwame Raoul today led a bipartisan coalition of 31 states in urging the Food and Drug Administration (FDA) to halt the surge of youth nicotine addiction by supporting restrictions on tobacco and nicotine products that disproportionately harm youth.

Raoul and the coalition are calling on the FDA to use its regulatory power to eliminate youth-appealing flavors, limit nicotine levels, and restrict marketing for these products. As the FDA now considers whether to allow e-cigarettes and oral nicotine products to stay on the market through the Premarket Tobacco Product Applications (PMTAs) filed for each product, these proposed measures would deny approval for any product that would worsen America's youth nicotine epidemic.

“E-cigarette use among youth and teens has reached epidemic levels, and FDA action is critical to supporting states' efforts to protect youth,” Raoul said. “Manufacturers of these products exploit loopholes in regulations in order to blatantly develop and market their products to youth. I am committed to continuing to work to hold manufacturers accountable. I urge the FDA to take steps to close loopholes and better regulate these harmful products to protect young people from the dangers of e-cigarettes and oral nicotine products.”

E-cigarettes and oral nicotine products have not received marketing authorization from the FDA, as required by federal law. However, these products have remained available to consumers as a result of the FDA refusing to remove them from the market. Because of this enforcement inaction, companies like Juul Labs Inc. have been vigorously marketing flavored nicotine products largely free from regulatory supervision. [In today's letter](#), Raoul and the coalition argue that the FDA must address the epidemic by imposing restrictions and age verification on traditional and digital marketing tactics directed at youth.

Raoul and the coalition also maintain that the FDA should limit the amount of nicotine in e-cigarette and oral nicotine products, which are at their highest levels to date. Nicotine has particularly harmful effects on the developing brain, with youth being significantly more likely to become addicted than adults. High youth nicotine consumption is also associated with numerous adverse physical outcomes such as nicotine poisoning and toxicity, as well as mental health and behavioral problems including depression, poor academic performance, and addiction to other substances.

Finally, Raoul and the coalition argue that banning candy, mint, fruit and menthol flavors is essential to eliminating the appeal of the products to youth consumers. More than 80% of youth using e-cigarettes choose non-tobacco-flavors. Though the FDA announced that it would prioritize enforcement against flavored cartridge-based e-cigarettes (except menthol and tobacco flavors), menthol-flavored e-cigarette sales jumped 54.5% in market share over the four weeks following the FDA's April 2020 guidance, and 82.8% over eight weeks, indicating its popularity among youth.

The FDA is expected to decide whether e-cigarettes and oral nicotine products should be allowed to remain on the market starting on Sept. 9, 2021. The coalition urges the FDA to deny all PMTAs for products containing high levels of nicotine, and for products containing menthol or other flavors.

Today's letter is part of Raoul's ongoing work to combat the dramatic increase in youth e-cigarette use and holding e-cigarette manufacturers accountable for epidemic usage levels among youth and teens. In May, the Illinois Legislature passed Raoul's legislation that prohibits companies from marketing e-cigarettes to minors, misleading advertising, and the sale of adulterated e-cigarettes. In 2020, Raoul filed a lawsuit against Juice Man LLC over allegations the company allegedly developed and marketed its products to attract minors. In 2019, Raoul's office filed a lawsuit, which is ongoing, against the nation's largest e-cigarette manufacturer, Juul Labs Inc. The Attorney General's office is also continuing to evaluate other e-cigarette manufacturers as part of an ongoing investigation into the e-cigarette industry. Additionally, Raoul has urged the FDA to ban flavored tobacco products and to strengthen e-cigarette guidance by prioritizing enforcement actions against flavored e-cigarettes.

For more information and free resources to help quit tobacco, please visit the [Illinois Tobacco Quitline website](#) or call 1-866-QUIT-YES.

Joining Raoul in leading the letter are the attorneys general of Idaho, Nebraska, New York, North Carolina, and Tennessee. Raoul is also joined by the attorneys general of Alaska, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Guam, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Utah, Vermont, Washington, and Wisconsin.