

Attorney General Raoul Urges The FDA To Do More To Protect Minors From E-Cigarette Addiction

September 5 2023 8:42 AM



CHICAGO - Attorney General Kwame Raoul today called on the U.S. Food and Drug Administration (FDA) and its Center for Tobacco Products to do more to protect kids

from e-cigarettes. Specifically, Raoul is encouraging the FDA to limit flavors that attract minors, reduce nicotine levels to prevent addiction, and protect young people from marketing.

“I have spent years dedicated to protecting minors and young people from becoming addicted to nicotine and tobacco products. Since becoming Attorney General, I have worked across state and party lines with other attorneys general to address youth e-cigarette usage, which has reached epidemic levels nationwide,” Raoul said. “The FDA is a critical partner in this effort, but it can and must do more. That is why we are urging the FDA to take additional steps to protect young people from nicotine addiction through e-cigarette usage.”

More than 9,000 different types of e-cigarette devices are now sold in the United States, and nearly 6,000 of those are disposable devices. Last year, 14% of high school students reported that they were currently using e-cigarettes. Teen nicotine consumption is linked to nicotine poisoning, mental health and behavioral problems, academic issues and future addiction to other substances.

[In a letter](#) submitted to the FDA responding to a request for comments on the Center for Tobacco Products’ proposed five-year strategic plan, Attorney General Raoul and a bipartisan coalition of 30 attorneys general urge the FDA to set up guardrails to prevent young people from becoming addicted to nicotine through e-cigarettes.

Raoul and the attorneys general are urging the FDA to:

1. **Prohibit all non-tobacco flavors in e-cigarettes.** These flavors – mimicking fruits, candies and desserts – are a major reason young people try e-cigarettes in the first place.
2. **Enact evidence-based limits on nicotine in e-cigarettes.** More than 80% of e-cigarettes sold contain more than 5% of nicotine concentration. And because some devices last for hundreds or thousands of puffs, young people end up consuming much more nicotine.
3. **Restrict marketing that attracts youth** by making sure marketing materials do not target them and preventing young people from being bombarded with ads about e-cigarettes. E-cigarette manufacturers have used social media and influencer marketing to entice teenagers.
4. **Close the “disposable loophole.”** Disposable e-cigarettes have not been subject to the same existing FDA enforcement guidance as cartridge e-cigarettes, and they have surged in popularity. More than half of youth e-cigarette users last year reported that they use disposable e-cigarettes instead of cartridge-based e-cigarettes.

The attorneys general are also asking the FDA to promptly enforce the law against companies and sellers across the e-cigarette supply chain who are flouting federal regulations.

Today's letter is Attorney General Raoul's latest action to combat increased youth e-cigarette use and to hold e-cigarette manufacturers accountable for epidemic usage levels among youth and teens. Earlier this year, Raoul and six attorneys general announced a \$462 million settlement with Juul Labs Inc. (Juul), one of the nation's largest e-cigarette manufacturers. Raoul's office co-led negotiations, particularly those centered around injunctive relief. The state of Illinois will receive approximately \$67.6 million under the agreement that includes the most stringent restrictions on Juul's marketing, sales and distribution practices that are included in any state settlement. Subsequently, Attorney General Raoul and U.S. Sen. Dick Durbin called on the FDA to consider relevant findings and restrictions from the settlement as the agency evaluates issues related to youth e-cigarette use.

In addition to taking action against Juul, Attorney General Raoul co-led a [bipartisan coalition](#) of states in 2022 calling on the FDA to reject marketing authorization for all non-tobacco nicotine products. In 2021, [Raoul initiated legislation](#) to prohibit companies from marketing e-cigarettes to minors and utilizing misleading advertising, as well as selling adulterated e-cigarettes. In 2020, Raoul entered into a [consent decree](#) with Juice Man LLC to resolve a lawsuit alleging the company developed and marketed its products to attract minors. The consent decree effectively prohibits Juice Man from operating in the state of Illinois. 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.

Attorney General Raoul is joined in sending this letter by the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Northern Mariana Islands, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington and Wisconsin.

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