

Sandusky Register

FDA seeks ban on Juul vaping products

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SANDUSKY — The Food and Drug Administration is attempting to ban products from once-popular electronic cigarette brand Juul.

Juul has gone to court and received a temporary order blocking the ban, so the FDA's action is now in litigation.

The FDA announced the ban on Thursday, saying it has ordered Juul Labs Inc. to stop selling all of its products in the U.S.

“The products include the Juul device and four types of JUULpods: Virginia tobacco flavored pods at nicotine concentrations of 5.0% and 3.0% and menthol flavored pods at nicotine concentrations of 5.0% and 3.0%,” the FDA said in announcing the ban.

The FDA said Juul had not submitted sufficient information to prove its products were safe.

In response, Juul said it believed it had submitted enough facts about its products to the federal agency. And the company went to court and obtained an order Friday from a federal appeals court, temporarily blocking the FDA ban.

The issue now apparently will be decided in federal court. Juul contends the FDA's order was “arbitrary and capricious.”

Juul became particularly popular among young people years ago when it offered flavored pods for vaping devices. Since then, however, many of its flavors have been banned.

An employee at Puckerfish Vape Shop in Sandusky said the store no longer carries Juul products and that consumers have largely moved on from Juul products.

“It affects our business not at all,” said Tristan Schell, a store employee.

Schell said many of the flavors disliked by regulators are still available in entirely disposable devices, often made by Breeze.

“Those are incredibly popular,” Schell said. “That's what you find in schools.”

There are environmental issues with the disposables being tossed out after use, Schell said. When the shop notices a repeat customer coming in for disposables, shop employees often point out the customer can save money in the long run with a reusable device, Schell said.

The American Lung Association said it supports the FDA ban, calling it “long overdue and most welcome.”

“The American Lung Association commends FDA for following the science and denying Juul the ability to sell its products that are clearly marketed to addict a new generation of youth to tobacco,” the group said in a statement on its website.

“Juul is largely responsible for the youth vaping epidemic, where it used the same tactics as the major cigarette companies to prey on youth, including appealing flavors, deep price discounts, youth-focused marketing campaigns and high levels of nicotine to addict them. Juul was the most popular e-cigarette among teens for several years and remains among the most popular today. Ending the sale of all Juul products, including its menthol flavor, sends the message to companies that their blatant disregard for public health will not be tolerated,” the group said.

But critics argue that it makes little sense to ban e-cigarettes that are much less harmful than actual tobacco cigarettes.

Writing on the blog for the libertarian Cato Institute think tank in Washington, D.C., Cato senior fellow Dr. Jeffrey A. Singer wrote that e-cigarettes are a “proven tobacco harm reduction tool.”

“In the United Kingdom, Public Health England tells primary care practitioners to suggest e-cigarettes to their tobaccosmoking patients as a cessation aid. PHE claims vaping is 95 percent less harmful than smoking tobacco,” Singer wrote.

Under the Biden administration, the FDA has been aggressive in regulatory steps aimed at tobacco and nicotine.

On June 21, just two days before it announced its Juul ban, the FDA said it plans to establish a new rule setting the maximum amount of nicotine in tobacco cigarettes and other tobacco products.

Nicotine is the addictive product that makes it hard to quit smoking, the agency said.

“The goal of the potential rule would be to reduce youth use, addiction and death,” the FDA said.

“Each year, 480,000 people die prematurely from a smoking-attributed disease, making tobacco use the leading cause of preventable disease and death in the United States.”

Earlier this year, the FDA announced plans to ban menthol cigarettes, a product the agency says is particularly popular with young people, young adults and Black people.

The agency said it will accept comments until July 5 and then make a final decision on the proposed ban.

The FDA says a menthol cigarette ban will reduce lung cancer deaths. Critics of the proposed ban say enforcement is likely to fall particularly upon Black people.