



Letitia James

New York State Attorney General

Attorney General James Sues JUUL Labs

November 19, 2019

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Alleges that JUUL Engaged in Deceptive Marketing Practices Targeting Minors; Company Misled Consumers About Nicotine Content; Misrepresented the Safety of JUUL Products

NEW YORK – New York Attorney General Letitia James today announced a lawsuit against the electronic cigarette company JUUL Labs, Inc. (JUUL) for deceptive and misleading marketing of its e-cigarettes, which contributed to the ongoing youth vaping epidemic in New York State. The lawsuit, filed in New York County Supreme Court, alleges that JUUL took a page from Big Tobacco's playbook by engaging in deceptive business practices when marketing and advertising its products, and illegally sold its products to minors through its website and in third-party retail stores throughout the state, causing large numbers of New York youth to become addicted to nicotine. The suit also alleges that JUUL's advertising campaign misled consumers by failing to warn that they contained nicotine, and by misrepresenting its products as a safer alternative to

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represents 70 percent of the market share for e-cigarettes and is a dominant player in the industry.

“There can be no doubt that JUUL’s aggressive advertising has significantly contributed to the public health crisis that has left youth in New York and across the country addicted to its products,” said **Attorney General James**. “By glamorizing vaping, while at the same time downplaying the nicotine found in vaping products, JUUL is putting countless New Yorkers at risk. I am prepared to use every legal tool in our arsenal to protect the health and safety of our youth.”

The lawsuit alleges that JUUL's conduct violates General Business Law §§ 349 and 350, which prohibit deceptive acts and practices and false advertising; Common Law Public Nuisance, which prohibits substantial and unreasonable interference with the public health; and Executive Law § 63(12), which prohibits repeated and persistent fraud and illegality, based on violations of the New York Public Health Law prohibiting underage sales of tobacco products to minors. Additionally, JUUL allegedly violated the Federal Trade Commission Act §5 prohibiting unfair business practices that substantially injure consumers, and the Food, Drug & Cosmetic Act 21 U.S.C. § 387k, prohibiting the introduction into interstate commerce of any modified risk tobacco product without an order from the Secretary of Health & Human Services.

As of November 13, 2019, New York State law was changed, making it illegal to sell nicotine products, including e-cigarettes, to consumers who are under 21-year-old. Previously, the law applied to consumers younger than age 18. Despite this prohibition, JUUL violated the law by selling its products to New Yorkers under the age of 18.

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In addition to marketing to young New Yorkers, JUUL engaged in direct outreach to high school students, including in at least one New York City school, where a JUUL representative falsely stated to high school freshmen that its products were safer than cigarettes. JUUL's pervasive launch and ad campaign reached teenagers across the country, who then introduced JUUL's products to their peers in rapid numbers. By 2017, JUUL's products were ubiquitous in schools around the country.

The New York State Department of Health (DOH) estimates that 1 million residents use e-cigarette products on a regular basis – 220,000 of those users are under 18-years-old. To date, there have been 42 deaths and 2,172 cases of severe vaping-related illnesses nationwide, including 146 New Yorkers who have suffered vaping-related illnesses. In October 2019, a 17-year-old male from the Bronx died due to a vaping-related illness, making that the first reported vaping-related fatality in New York, and the youngest vaping-related fatality in the United States.

This matter is being handled by Special Counsel Morenike Fajana of the Executive Division and Assistant Attorney General Emily Auletta of the Consumer Frauds Bureau, with assistance from Tobacco Enforcement Section Chief Leslieann Cachola, and Bureau Chief Lisa Landau, of the Health Care Bureau; Section Chief Amy Schallop and Bureau Chief Jane Azia of the Consumer Frauds Bureau; and Senior Enforcement Counsel John Oleske of the Executive Division, with support from Jodi Feld, Chief Scientist, and Jeffrey Fralick, Intern, both of the Environmental Protection Bureau. The case is supervised by Chief Deputy Attorneys General Meghan Faux and Chris D'Angelo, and First Deputy Attorney General Jennifer Levy.

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