

## **FDA’S PLANS TO TAKE ACTION ON MENTHOL CIGARETTES AND FLAVORED CIGARS ARE SIGNIFICANT, BUT MOVES ON E-CIGARETTES FALL SHORT TO STEM YOUTH EPIDEMIC**

### **STATEMENT OF ROBIN KOVAL, CEO AND PRESIDENT OF TRUTH INITIATIVE®**

The FDA's announcement today of proposed steps to prevent youth use of flavored e-cigarettes, cigars and cigarettes shows that the agency is serious about taking action to close the “on ramp” to nicotine addiction for kids. Banning menthol cigarettes and all flavored cigars is one of the most powerful actions the FDA can take when it comes to saving lives. But the agency must act quickly — the regulatory process can be slow and each day lost is measured in lives. While the FDA’s proposed sales restrictions on e-cigarettes are a step forward, they are not enough to stem the youth e-cigarette epidemic. We continue to urge the FDA to eliminate flavors, ban online sales, restrict marketing to youth and require thorough premarket review for e-cigarettes so that we can ensure that these products are a benefit to public health and won’t show up in every high school and middle school in America. Considering the fact that youth who use e-cigarettes are four times more likely to begin smoking tobacco cigarettes, today's alarming National Youth Tobacco Survey results underscore that e-cigarettes and flavored tobacco products are addicting a new generation and turning back the clock on decades of progress in the fight against tobacco.

We are encouraged by Commissioner Gottlieb’s strong announcement of enforcement and actions, but the FDA’s plan falls short by not reversing its decision to allow e-cigarettes to stay on the market through August 2022 without FDA review. This premarket review requirement is one of the FDA’s most important tools to stop the introduction of products that appeal to kids and protect public health. As the JUUL disaster shows, the priority must be to deal with these issues before they have become an epidemic and cultural phenomenon. Until we roll back the premarket review delays, we are always going to be playing defense.

The FDA’s reliance on sales restrictions to “adult” outlets and dependence on retailers to enforce age requirements is not enough to stem the enormous appeal of these products to youth. We know that many youth acquire the product through social sources and that vape shops are not often 18 and over outlets. This will require significant effort by the FDA to step up inspection and enforcement actions to ensure that e-cigarette retailers are indeed only for adults. Furthermore, the FDA must ban all internet sales, similar to those for traditional cigarettes. E-cigarette retailer sites have been especially lax on age restrictions. In fact, a recent Truth Initiative® case study found that half of the underage customers we studied successfully completed an online purchase of the top-selling e-cigarette, JUUL — bypassing all the company’s age verification steps even after JUUL had promised they had tightened their process. For age restrictions to work, sales must be face-to-face. Adult smokers are already in the habit of going to stores to buy cigarettes so this step should not deter them from switching to e-cigarettes or narrow the “off ramp.”

We also strongly urge the FDA to reconsider its decision to allow mint and menthol flavors to continue to be sold in gas stations and convenience stores given their huge appeal among youth.

Today's new data show 51.2 percent of high school students who currently use e-cigarettes use menthol- or mint-flavored products. According to a Truth Initiative survey, among youth and young adult JUUL users, Cool Mint, Mango and Fruit Medley were the three most popular flavors among 12-17-year-olds with Cool Mint being the most popular flavor among 18-21-year-olds. To a young person, mint means candy, period.

If done right and quickly, the FDA regulation has the potential to keep e-cigarettes out of the hands of youth, and at the same time direct them to help adult smokers quit deadly cigarettes completely. The long overdue menthol ban will also help significantly since we know that menthol cigarettes increase youth initiation, increase nicotine dependence and make it harder for smokers to quit. We look forward to working with the FDA to drive down tobacco use and ensure a new generation does not become addicted to nicotine.