

# Administration's E-cigarette Policy Leaves Thousands of Flavored E-cigarettes on the Market

The Trump Administration's policy only restricts flavors in some types of e-cigarettes. It only restricts flavors (except for tobacco and menthol flavors) in some prefilled products, leaving countless flavored e-cigarette products widely available.

## 1. Disposable flavored e-cigarettes will remain widely available



The e-cigarette industry has already introduced the next new fad – cheap, disposable e-cigarettes in flavors such as strawberry, grape and mango.<sup>1</sup> These devices are appealing to youth due to their high nicotine levels, wide range of flavors, ease of use, and concealability.

## 2. 15,000+ flavored e-liquids will remain widely available



There are well over 15,000 flavored e-liquids available on the market today. These flavors often mimic candy, sweets and fruits and come in varying nicotine strengths, sometimes even higher than in Juul (a 5% Juul pod delivers the equivalent nicotine of a pack of cigarettes). Also, purchasing e-liquid by the bottle is often cheaper than purchasing Juul pods, making them even more appealing to price-sensitive youth.

## 3. Popular open systems will remain widely available, including refillable Juul-compatible pods



After Juul, Smok and Suorin are the most popular e-cigarette devices among high school students. More than one out of ten high school e-cigarette users report that their preferred brand is Smok or Suorin (7.8% for Smok and 3.1% reported for Suorin).<sup>2</sup> These devices are sold empty and can be filled with any of the thousands of flavored e-liquids, and various nicotine strengths, that will remain on the market. In addition, empty Juul-compatible pods are already being sold and can be filled with any of the thousands of e-liquids that will remain on the market.

#### **4. Juul and other menthol-flavored pods will remain widely available**



The tobacco industry has known for decades that menthol appeals to youth, since half of youth who have ever tried smoking started with menthol flavored cigarettes. There is no reason to believe that menthol e-cigarettes will not be equally appealing to kids – especially if they are the only available flavor for pod products. The Wall Street Journal even reported in September that JUUL was considering rebranding their best-selling mint flavor as menthol to keep it on the market,<sup>3</sup> and other brands are sure to follow suit given the loopholes in the guidance.

#### **5. Flavored e-cigarettes will remain widely accessible**

Between gas stations, convenience stores and vape shops, there are well over a hundred thousand access points where youth can get these products and devices. Kids will be enticed by a wide range of options: flavored disposable e-cigarettes; sleek, open systems with unlimited flavor options; or menthol pods.

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<sup>1</sup> Williams, R, "The Rise of Disposable E-cigarettes," Tobacco Control, doi:10.1136/tobaccocontrol-2019-055379, October 31, 2019

<sup>2</sup> Cullen, KA, et al., "e-Cigarette Use Among Youth in the United States, 2019" JAMA, November 5, 2019

<sup>3</sup> Maloney, J, "Juul Debates Pushing Back on E-Cigarette Ban," Wall Street Journal, September 12, 2019, <https://www.wsj.com/articles/juul-debates-pushing-back-on-e-cigarette-ban-11568327978>