Attorney General Maura Healey announced today that her office is investigating JUUL Labs, Inc. and other online e-cigarette retailers that sell JUUL and JUUL-compatible products over concerns about the marketing and sale of electronic smoking devices and products to minors.

The AG’s Office also sent [cease and desist demands](https://www.mass.gov/doc/cease-and-desist-letters72318) to two online companies that host three websites, Direct Eliquid LLC, which operates directeliquid.com and buyjuul.com, and Eonsmoke, LLC, which operates eonsmoke.com, ordering the retailers to stop selling JUUL and other electronic smoking products in Massachusetts without an adequate age verification system as required by [state regulations instituted](http://www.mass.gov/ago/news-and-updates/press-releases/2015/2015-09-14-final-e-cigarette-regulations.html) by AG Healey in 2015.

The AG’s Office is investigating JUUL and these companies to determine if they are in violation of state laws and regulations, including the Massachusetts consumer protection statute and the state’s e-cigarette regulations, by failing to prevent minors from purchasing their products.

“Just when teen cigarette use has hit a record low, juuling and vaping have become an epidemic in our schools with products that seem targeted to get young people hooked on nicotine,” said AG Healey. “I am investigating JUUL and online sellers of their products to keep these highly addictive products out of the hands of children.”

“The adolescent brain is uniquely sensitive to nicotine and can become addicted more rapidly and at lower exposure concentrations. The younger a teen starts smoking or vaping, the harder it will be to quit,” said Dr. Jonathan Winickoff, Director of Pediatric Research at the Tobacco Research and Treatment Center at Massachusetts General Hospital, and Harvard Medical School Professor. “As a pediatrician, it’s my responsibility to educate teens and their parents to the dangers of JUULing, but it’s our collective job to protect children and teens in our communities.”

“I’m delighted with the strong stance Attorney General Healey has taken investigating on line sales of e-cigarettes, JUUL and JUULing products,” said Methuen School Superintendent Judith Scannell. “She recognizes the priority of promoting healthy and safe lifestyle choices to support students. Her commitment to raising awareness of the dangers of JUULing speaks to the importance of educating students and families about this serious issue.”

“The tobacco and vaping industries use sweet flavors to make their products appeal to youth,” said Shariel Joseph, a Watertown High School student and activist with The 84 Movement. “When vapes first came out, there were advertisements about vapes being better for you than cigarettes and it made people who would never smoke a regular cigarette now want to try these products. Vapes and JUULs are commonly used around my school and community. To combat this pervasive vaping issue, it’s time to hold the industry accountable.”

The investigation will examine JUUL’s efforts to audit its own website and other online retailers that sell its products to see how effective they are at preventing minors from accessing JUUL or JUUL compatible products. The investigation will also explore what, if anything, JUUL does to stop online retailers that fail to verify a purchaser’s age and prevent minors from purchasing its products or those that are compatible or similar.

The AG’s Office has increasingly heard from school leaders and parents across the state who are concerned about electronic smoking devices, particularly those sold by JUUL, and the increased use of these products by young people. The AG has been reviewing industry practices that are causing harm to minors who can easily obtain these products from retailers.

According to a 2016 report by the U.S. Surgeon General, over the last few years, e-cigarette use has increased 900 percent among high school students in the United States. The 2015 Massachusetts Youth Risk Behavior Survey revealed that in 2015, almost 50 percent of Massachusetts high school students reported having used e-cigarettes at least once, and based on more recent reports, usage rates have only increased since then.

The liquid in vaping devices often contains nicotine, a highly addictive substance that can lead to serious health consequences for young people whose brains and bodies are still developing. The e-liquid contained in JUUL pods has a notably high nicotine concentration of 5 percent. Vaping one pod is equivalent to 200 puffs or one whole pack of traditional combustible cigarettes. E-liquids may also contain other unhealthy chemicals and compounds, including carcinogens.

Young people refer to JUULs as the “iPhone” of vaping devices because of their sleek, technological appearance. In addition, the small size and resemblance to a USB flash drive allow students to easily conceal the device. These devices can be personalized with wraps or “skins” to conceal them as other everyday products, such as Sharpie pens, or to decorate them with an array of designs, colors, images, and even cartoon characters. The AG’s Office has heard from numerous school officials about the prevalence of youth vaping during class, in the hallway, and in school bathrooms. According to those officials, vaping has become a disruption to the school day and educating students.

As a part of the investigation, the AG’s Office has inquired of JUUL regarding:

* The number of individuals under the age of 21 who use JUUL or similar products;
* JUUL’s efforts to monitor the effectiveness of its online age verification system for purchasing JUUL products;
* Whether and how JUUL monitors websites that sell JUUL products or JUUL compatible and similar products;
* Any requirements that JUUL imposes on retailers affiliated with JUUL to have an age verification system and the signature of a person aged 21 years or older to deliver products;
* Information about an “educational” program that JUUL marketed to Massachusetts schools.

Last month, [the AG’s Office sent a letter](https://www.mass.gov/files/documents/2018/06/18/AGO%20Vaping%20Letter.pdf) to Massachusetts school districts about JUUL’s “prevention education program” in which they offer schools a monetary incentive to pilot this program. Noting the long history of tobacco companies attempting to sponsor and promote

education programming in schools, the AG’s Office urged school officials to consider using free prevention resources or purchasing evidence-based curricula instead of using this program. As a part of the investigation into JUUL, the AG’s Office is seeking more information from the company about this program, its efficacy, and how it was developed.

The AG’s Office also sent cease and desist letters to Direct Eliquid LLC and Eonsmoke, LLC demanding that both companies stop accepting orders or making deliveries until they comply with Massachusetts e-cigarette regulations that require them to verify the age of buyers and the age of the person accepting delivery of any e-cigarettes. These companies are among the top retailers that sell JUUL compatible products and offer additional flavors that are more appealing to minors including pineapple, watermelon, strawberry milk, and blueberry.

            In September 2015, AG Healey [issued final regulations](http://www.mass.gov/ago/news-and-updates/press-releases/2015/2015-09-14-final-e-cigarette-regulations.html) to help prevent the sale of electronic smoking devices (e-cigarettes) to children. The regulations established a minimum sales age of at least 18 for electronic smoking devices and require mail-order or internet sellers to verify that the buyer is at least the minimum legal sales age. Specifically, sellers must verify age through a commercially available database and use a method of mailing, shipping, or delivery that requires the signature of a person who is 18 or older before the shipping package is released.

The AG’s Office believes that Direct Eliquid LLC and Eonsmoke, LLC are in violation of these regulations. The AG’s Office is further investigating the companies for providing minors with an easy way to obtain JUUL or JUUL compatible products. The office has asked both companies for information about transactions, shipping and delivery procedures, age verification procedures, communications with JUUL, and complaints from Massachusetts consumers.

            These matters are being handled by Assistant Attorney General Daniel Less and Division Chief Max Weinstein, both of the AG’s Consumer Protection Division, Policy Coordinator Elise Yannett and Senior Policy Advisor Gabrielle Viator, both of the AG’s Policy and Government Division, and Director of the AG’s Child & Youth Protection Unit Abigail Taylor, with assistance from Ciara Tran, Kristen Salera, and Marlee Greer of the AG’s Civil Investigations Division.

**Statements of Support**

**Marc Hymovitz, Massachusetts Director of Government Relations for the American Cancer Society Cancer Action Network (ACS CAN):**“We know that Big Tobacco continues to target our kids to the tune of more than $9 billion on marketing each year – pouring a whopping $125.1 million into Massachusetts. Our lawmakers have already taken steps to combat the tobacco industry’s influence on Massachusetts’ youth and protect future generations of our children from becoming addicted to this deadly product by recently passing legislation that would increase the age of sale of tobacco – including e-cigarettes – in the state to 21. However, we must also be vigilant in ensuring current laws are being followed. The actions announced by Attorney General Healey today are another step in the right direction when it comes to ensuring Massachusetts remains a leader in the fight against Big Tobacco, and brings us closer to a healthy, tobaccofree generation here in the Commonwealth.”

**Senator Jason Lewis (D-Winchester), Senate Chairman of the Committee on Public Health** **and a primary sponsor of legislation currently on the Governor’s desk that will raise the legal age to sell tobacco products to 21:**
“The tobacco industry is up to its same old tricks: marketing vaping products to young people using appealing flavors, attractive packaging, low prices and celebrity endorsements. I applaud Attorney General Healey for taking strong action to curtail these predatory practices.”

**Representative Paul McMurtry (D-Dedham), a primary sponsor of legislation currently on the Governor’s desk that will raise the legal age to sell tobacco products to 21:**“I applaud Attorney General Healey’s effort to prevent the illegal sale of these highly addictive and harmful products to minors. The AG’s swift and impressive action complements the work done in the House and Senate this session and will no doubt save lives.”