

Juul Buys Out 1 Issue of Health Journal for Positive Studies

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STORY AT-A-GLANCE

- › The American Journal of Health Behavior published a special edition dedicated to research funded by or written by Juul Labs as the FDA deliberates on a decision of whether Juul products have public health benefit or should be pulled
- › Three editorial board members resigned in protest and the chief editor resigned not soon after publication amid concerns the journal published papers with significant bias
- › The company is using positive press in the journal while squashing negative press by settling a \$40 million lawsuit with North Carolina and agreeing to stipulations that would curb their business practices
- › Historically Juul has fired employees who sought to bring attention to contaminated products, purposefully developed highly addictive nicotine salts and targeted teens to garner a new generation of consumers

The American Journal of Health Behavior¹ published a special May/June 2021 edition dedicated solely to Juul. In essence, Juul Labs sponsored the entire issue of this national journal and devoted it to research funded or written by the company.

Juul began as a Silicon Valley darling in 2007.² But the history of Juul Labs started two years before that when Stanford graduates James Monsees and Adam Bowen conceived "The Rational Future of Smoking," which was their graduate thesis and prediction of the future.³

After graduation the two founded Ploom Inc. and in 2012,⁴ the company introduced Pax, which became a popular way of consuming cannabis. By 2015 the company was

renamed Pax Labs and they introduced the Juul e-cigarette. In 2017, Pax labs separated from Juul Labs to focus on other products, leaving Juul Labs to manufacture and distribute nicotine e-cigarettes.

By 2018 they were under investigation by the U.S. Food and Drug Administration for sales to underaged users. In 2019, experts across the country recognized a unique lung infection and injury associated with vaping.⁵ By February 18, 2020, there were 2,807 people who had been hospitalized and 68 confirmed deaths.

Investigations for underage sales, **lung injuries** and the sale of contaminated Juul pods⁶ prompted the company to spend 2020 in what The New York Times reported as a “reset” mode.⁷ As the FDA considers the future of the company, Juul is trying prove the product has public health benefit.

JUUL Paid This Journal to Publish Their ‘Science’

The FDA has set September 9, 2021, as a deadline for deciding whether products offered by Juul Labs have enough public health benefit to stay on the market.⁸ Juul has recorded a loss of sales of \$500 million and cut their workforce by 75% since 2019.⁹ The company that was once valued at \$38 billion, is now valued under \$5 billion.

While waiting for the FDA to deliberate, the company teamed with Piney Associates and the Centre for Substance Use Research (CSUR) to develop documentation that purportedly demonstrates the vaping device is a safer alternative to cigarettes.¹⁰

Once the papers were completed, Juul spent \$51,000 with the American Journal of Health Behavior to publish 11 studies they funded or helped write in a special edition publication.¹¹ The company paid an additional \$6,500 so the information would have open access on the internet.

The published works are meant to support the company's premarket tobacco product application, which the company has not made public. Once the Juul issue was published, the journal's editor-in-chief, Elbert D Glover, Ph.D., retired, without announcing his plans.

Before leaving, he said the journal had followed their standard protocol before publishing the studies – but three editorial board members still resigned in protest. The journal published conflict of interest disclosures¹² which showed that all the studies were either written by scientists employed by Juul Labs or the **research was funded** by the company.¹³

The Company Pays to Squash Bad Press

The company is intent on creating positive press and squashing negative press as they wait for the FDA to make its decision. According to The New York Times,¹⁴ if the company survives the end of 2021, they are facing thousands of lawsuits.

Fourteen states and the District of Columbia are seeking money to combat what has become a **vaping crisis in the youth**. The Justice Department has the company under criminal investigation and there is multidistrict litigation in the California Federal Court.

The company's first hurdle was to address the lawsuit in North Carolina filed by the North Carolina attorney general. According to Business Insider, Juul Labs agreed to pay \$40 million and change their business practices to avoid a jury trial over questions of whether the company allegedly marketed their product to teens.¹⁵

In addition to the financial award, CNN reported some of the stipulations that the company must follow as stated by North Carolina Attorney General Josh Stein. These include:¹⁶

Cannot sell any flavored nicotine pods in North Carolina without authorization from the FDA	Cannot use marketing strategies aimed at young people
Cannot use influencer advertising, outdoor ads near schools or sponsor concerts or sporting events	Cannot use most social media advertising
Cannot use anyone under age 35 in	Cannot claim the e-cigarettes are safer

advertising	or better for health than combustible cigarettes
The company must use a barcode age-verification system of identification and the system must be tested using mystery shoppers at 1,000 stores each year	Online sales are restricted to no more than two devices per month and 10 per year

CNN reported Juul stated restrictions are in line with their desire to curb underage smoking. A company spokesperson from Juul Labs spoke with a CNN reporter about how the award would be distributed, saying:¹⁷

"We look forward to working with Attorney General Stein and other manufacturers on the development of potential industry-wide marketing practices based on science and evidence. In addition, we support the Attorney General's desire to deploy funds to generate appropriate science to support North Carolina's public health interventions to reduce underage use."

As the company publicly agrees with the restrictions to their marketing and sales, their federal lobbying has remained robust. According to the Center for Responsive Politics,¹⁸ which tracks giving in the political arena, Juul spent \$3.9 million in 2020, down \$400,000 from 2019. Altria, the tobacco company that bought 35% of Juul in 2018¹⁹ spent \$10.6 million in 2020, which is \$150,000 more than they spent in 2019.²⁰

The Marlboro Man Wants the FDA to Trust JUUL

In September 2019, the CEO of Juul Labs stepped down and KC Crosthwaite, longtime tobacco executive, stepped into the role.²¹ Once installed, Crosthwaite stopped some of the controversial lobbying campaigns, closed many of Juul's foreign markets, took mint flavored pods off the market and suspended U.S. advertising.²²

In a company email he alluded to the fact that Juul must place earning the trust of the consumer at the center of what they do. However, as The New York Times²³ points out, each of these changes was made at gunpoint. And the gun was pointed by the FDA, which threatened to shut down their business.

Matthew L Myers, president of the Campaign for Tobacco-Free Kids, characterized the business [relationship between Altria and Juul Labs](#) this way: “The Marlboro man rode into Juul and now wants us to trust them.”²⁴

At the end of Monsees’ and Bowen’s thesis presentation at Stanford, they played a video during which a user of the new product said, “This product is the greatest thing I have ever encountered in my life. I will smoke this with enthusiasm and develop a nicotine habit that will follow me to my grave.”²⁵

A journalist from the Verge summarized the situation after an interview with the author of “The Devil’s Playbook: Big Tobacco, Juul, and the Addiction of a New Generation,” writing that the podcast listeners would recognize other industry themes:²⁶

“There’s a big industry that’s slow to adapt, there’s a startup that’s moving fast and breaking things, there are regulators around the world who don’t quite know what to do, and at the center of it all, there’s a big question about our society’s relationship with a product that might be bad for people – and that people still want.”

JUUL Purposely Sold Tainted Product and Marketed It to Kids

Siddharth Breja, formerly Juul’s senior vice president for global finance, claims in a lawsuit he filed in the U.S. District Court for the Northern District of California that he was fired in 2019 in retaliation for criticizing the sale of at least 1 million contaminated and expired mint-flavored [nicotine pods by Juul](#).²⁷

The type of contamination or its source was not revealed in the lawsuit. Breja was quoted in The New York Times saying Juul “has jeopardized and continues to jeopardize

public health and safety and the lives of millions of consumers, many of them children and teens.”²⁸ The reporter wrote:²⁹

“Mr. Breja detailed a culture of indifference to safety and quality-control issues among top executives at the company and quoted the then-chief executive Kevin Burns saying at a meeting in February: 'Half our customers are drunk and vaping' and wouldn't 'notice the quality of our pods.'”

Breja’s lawsuit alleged the contaminated mint-flavored pods were the result of decisions at Juul Labs to fill a huge demand for that flavor. This happened after the FDA pulled all other flavored pods in retail stores but continued to allow Juul to sell mint and menthol.

It wasn't long before the demand outstripped the supply. In the complaint, Breja said then-chief executive Kevin Burns told employees, “You need to have an IQ of 5 to know that when customers don’t find mango, they buy mint.”³⁰

Once Breja learned of the contaminated pods, and that they could not be recovered, he urged the company to issue a recall or a warning. One week later, Breja was fired. Despite the proximate action, Juul spokesperson Ted Kwong dismissed the claims and said he was fired “because [Breja] failed to demonstrate the leadership qualities needed in his role.”³¹

Can Super-Addictive Nicotine Reduce Your Desire to Smoke?

David Kessler was head of the FDA from 1990 to 1997 during the tobacco investigation. The Los Angeles Times quotes him saying, “Addiction is central to the business model. With their nicotine salts, Juul has found the Holy Grail.”³²

The Los Angeles Times reviewed more than 3,000 pages of internal company records released through the Freedom of Information Act showing Juul used research done by Reynolds Laboratories more than four decades before the release of [JuulSalts](#).

Myers told the Los Angeles Times reporter, “Reynolds succeeded in developing the technology, but never really succeeded in turning it into a transformative breakthrough.

Juul did that.”³³

The data from the Freedom of Information Act release also showed Juul collected information on how to maximize nicotine delivery and literature collected by Reynold’s laboratory on how the drug impacts adolescent brains. The idea was to develop a new generation of nicotine addicts. Robert Jackler, Stanford University researcher, focused on teen e-cig use, commenting:³⁴

“Reynolds successfully engineered this formula, but it was Juul that ultimately vaporized it – and achieved what Big Tobacco never could. They studied Reynold’s literature, took advantage of it, and addicted a new generation of American youth.”

At a 2018 tech startup conference, Monsees said on stage, “Certainly, the nicotine salt chemistry was one of the big breakthroughs.”³⁵

The premise behind any good business model is to acquire and then keep customers. The food processed industry does this by ascertaining the “bliss point” in their product, which is the exact amount of sugar, salt and fat to optimize taste and make the product so perfectly engineered that you want more and more.³⁶

Despite Juul Labs’ public assertion that their product is designed to be self-limited as a means of getting people to stop smoking combustible cigarettes, this model would soon put them out of business. Instead, you only have to look at the product itself and the history of the company’s push toward addiction to know the objective is to garner more customers and make more money – not to lose customers.

Sources and References

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