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# E-Cigarette Maker JUUL Sued for Allegedly Targeting Young Users

The complaint alleges the e-cigarette company and Altria Group knowingly withheld information from consumers, specifically teenage users, about the addictive nature of JUULs.

By Zach Schlein | April 15, 2019

A federal class action suit has accused electronic-cigarette manufacturer JUUL Labs Inc. of illegally underplaying the dangers of its product to expand its appeal among underage users.

The lawsuit was filed Monday in the U.S. District Court for the Middle District of Florida and names JUUL as a defendant alongside its parent company Altria Group Inc. and Philip Morris USA Inc., a separate subsidiary under the Altria umbrella. The complaint was



**Juul electronic cigarette and packaging with nicotine warning. Photo: MaryCaroline/Shutterstock.com**

brought by the parents of a 15 year-old Sarasota girl, who purportedly became addicted to nicotine through JUUL usage. The plaintiffs list seven causes for action against the defendants, including fraud and deceptive trade practices.

Media representatives with JUUL and Altria did not respond to emailed and telephoned requests for comment by press time.

Jonathan Gdanski, an attorney with Fort Lauderdale law firm Schlesinger Law Offices, is representing the plaintiffs. The lawyer said his clients filed their suit as a putative class action on behalf other children and parents facing similar circumstances. He cites a Centers for Disease Control and Prevention statistic showing nearly 5 million middle and high school students were current users of a tobacco product in 2018 (<https://www.cdc.gov/vitalsigns/youth-tobacco-use/index.html>). Gdanski claims that number has grown in recent years, in large part due to the proliferation of JUULs among younger consumers, “creating an entire new generation of nicotine addiction” in the process.

“It really is tragic,” Gdanski said. “For decades the public health community worked against the powerful tobacco industry to reduce youth smoking. ... That entire trend is now being reversed. ... For the first time in decades youth smoking of regular combustive cigarettes are up.”

Gdanski attributed the rise to the differences in marketing for e-cigarettes and adult tobacco users. Whereas JUUL ad campaigns encourage adults to begin vaping as a safer alternative to traditional cigarettes, the company’s marketing allegedly serve to introduce nicotine to young people through an entirely new avenue.

“What [tobacco companies] are doing is reintroducing an entire epidemic of youth nicotine addiction to this generation,” Gdanski said. “What we had hoped was on its way out is on its way back in, ... and it’s because the manufacturers of nicotine addiction hadn’t left.”

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## Read the class action lawsuit:

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**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA**

ERIN NESSMITH and JARED NESSMITH,  
individually, and as guardians of their minor child,  
A.N., on behalf of themselves and  
on behalf of those similarly  
situated,

CLASS ACTION COMPLAINT  
CLASS REPRESENTATION

Plaintiffs,

DEMAND FOR JURY TRIAL

JUUL LABS INC., ALTRIA GROUP,  
INC., and PHILIP MORRIS USA, INC.,

Defendants.

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**COMPLAINT AND DEMAND FOR JURY TRIAL**

1. Plaintiffs, Erin NesSmith and Jared NesSmith, individually, and as legal guardians of their minor child, A.N., by and through their undersigned counsel, bring this class action complaint against Defendants JUUL Labs, Inc., Altria Group, Inc., and Philip Morris USA, Inc., on behalf of themselves and those similarly situated, and allege as follows:

**INTRODUCTION**

Altria purchased JUUL with a 35% stake in the company in December— a move Gdanski described as a maneuver by the company to “reposition itself as the leader in youth nicotine addiction.”

The fraud charge outlined in the complaint alleges the defendants “deceptively sold or partnered to sell JUUL products to plaintiffs as non-addictive nicotine delivery systems, or less addictive nicotine products than cigarettes, when defendants knew it to be untrue.”

The suit also alleges the companies are liable for failure to warn about nicotine addiction from JUULs.

“Defendant JUUL has intentionally downplayed, misrepresented, concealed, and failed to warn of heightened risks of nicotine exposure and addiction,” the suit said. “Since the Altria Defendants partnered with JUUL, they too intentionally downplayed, misrepresented, concealed, and failed to warn of the heightened risks of nicotine exposure and addiction.”

The potential class outlined in the complaint would include all people in the U.S. who’ve purchased JUUL products, as well as the legal guardians of JUUL users under 18.

Gdanski compared electronic cigarettes to Big Tobacco, which has been subject to multimillion-dollar verdicts for misleading customers about the dangers associated with smoking.

“I know people will say e-cigarettes may be safer than combustible cigarettes,” he said. “The benchmark is being safer than the deadliest product ever created. Do we want people using the product for 20, 30 years, ... only to learn what the true dangers are?”

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