



JUUL LITIGATION & SETTLEMENTS

Frequently Asked Questions



Juul Labs, Inc.’s founders claimed their e-cigarettes presented “one of the greatest opportunities for public health in the history of mankind” – products that could assist adults in transitioning from combustible cigarettes.¹

Starting in 2016, Juul rapidly gained dominance in the U.S. e-cigarette market, thanks to the appeal of flavors like mango, mint, and crème brûlée. Unfortunately, Juul’s popularity among teenagers led to a widespread youth vaping crisis, affecting communities, schools, and households across the nation. In response, various government entities, consumers, and

individuals harmed by the use of Juul products filed lawsuits against the e-cigarette giant, seeking accountability for the company's role in this public health epidemic.

This fact sheet provides answers to frequently asked questions about the litigation against Juul, including what led to these lawsuits, the legal claims made, details about recent settlements, and the current status of Juul's application to the U.S. Food and Drug Administration for authorization to continue selling its products.

Q: What led to all these lawsuits filed against Juul?

A: As youth and young adult use of e-cigarettes skyrocketed, Juul quickly emerged as the dominant U.S. e-cigarette brand. Despite claiming that its products were intended to help addicted adults transition away from traditional cigarettes, Juul aggressively targeted non-addicted youth through advertising that glamorized vaping by, for example, showcasing young models enjoying fruity, dessert-like, and mint flavors. In addition, the company directly approached high school students by sending representatives to schools to promote its products. By 2018, the escalating use of Juul and other e-cigarette brands among youth created extensive challenges for schools and communities, including disciplinary issues and health, mental health, and hazardous waste disposal dilemmas. Indeed, by the end of 2018, nearly 40 percent of high school seniors admitted to vaping within the previous year.²

In response, states, cities, counties, school districts, and Native American tribal entities filed lawsuits against Juul. Their aim was to end Juul's aggressive marketing practices toward youth and to obtain compensation for the substantial financial resources spent in combatting this epidemic.

At roughly the same time, in the summer of 2019, a national emergency arose due to sudden spikes in lung injuries and hospitalizations associated with the use of e-cigarettes. This outbreak, known as e-cigarette or vaping product use-associated lung injury (EVALI), led to thousands of personal injury lawsuits also being filed against Juul. For more on the history of Juul's marketing practices and the health effects of youth use, as well as information on federal regulatory action to rein in Juul and other e-cigarette manufacturers, see the Public Health Law Center's resource: [*Juul & the Guinea Pig Generation Revisited: Juul's Spawning of the Youth Vaping Epidemic*](#).

Q: Who sued Juul and what sorts of legal claims were brought against it?

A: Since 2019, Juul has faced numerous lawsuits from states, cities, counties, school districts, and Native American tribes, as well as consumer rights class actions and personal injury

cases. To begin with, State Attorneys General (AG) began investigating the company and subsequently sued Juul in their respective state courts to hold them accountable for their prominent role in the youth vaping epidemic. These legal claims primarily focused on deceptive and misleading marketing practices, misrepresentations about nicotine content and product safety, and the company's negligence in preventing underage sales both in stores and online. Many state and territorial AG offices collaborated in multistate groups, with executive committees from leading states overseeing the investigation, prosecution, and settlements with Juul. These efforts resulted in two major multistate settlements: the first involving 33 states and territories, and the second involving six states and the District of Columbia. A few states settled independently with Juul, while four states (Alaska, Florida, Maine, and Michigan) have yet to reach a settlement or take the company to trial. For more about each AG settlement, please see the Public Health Law Center's [Juul Litigation Settlement Guide & Interactive Map](#).

In addition to the State Attorneys General, numerous other government entities, such as cities, counties, and Native American tribes, also filed lawsuits against Juul. These cases were consolidated into a single federal court in Multidistrict Litigation (MDL) to conserve judicial resources and streamline the adjudication of the legal claims against the company. The claims brought by these entities closely resembled those brought by the attorneys general, focusing on deceptive marketing practices, negligence, and misrepresentation specifically regarding Juul's targeting, accessibility, and use of its products by underage persons.

Within the MDL, the court also oversaw class action lawsuits initiated by consumers against Juul. These lawsuits alleged fraud, unfair conduct, unjust enrichment, warranty claims, and an organized scheme under the federal Racketeer Influenced and Corrupt Organizations Act ("RICO"). These claims were also rooted in Juul's marketing campaigns, product flavors, and product labeling decisions aimed at enticing and addicting young people.

School district lawsuits were also consolidated within the MDL. The plaintiffs in these cases alleged violations of RICO, negligence, and public nuisance laws relating to Juul's youth-targeted marketing practices. Native American tribal entities, also part of the MDL, claimed that Juul intentionally targeted vulnerable Native populations, echoing similar claims made by the school districts.

In addition, the remaining plaintiffs involved in the MDL brought individual personal injury claims resulting from EVALI and other addiction-related injuries caused by the use of Juul e-cigarettes.

Q: How much money did the states receive in the AG settlements and how will those funds be spent?

A: As of June 2023, 48 states, territories, and the District of Columbia have reached litigation settlements with Juul, amounting to over \$1.1 billion. Most of the states were part of the two multistate settlement groups, resulting in similar settlement provisions across jurisdictions. The largest geographical settlement, the “33-multistate settlement,” which was announced in September 2022 and involved 32 states and Puerto Rico, totaled \$438.5 million. The largest monetary settlement, the “seven-multistate settlement,” which was announced in April 2023 and included six states and the District of Columbia, amounted to \$462 million. Within each settlement group, the allocated funds to each state are proportional to their population, but the states in the seven-multistate settlement will receive a higher per capita amount than those in the 33-multistate settlement. For instance, Nebraska, with a population of approximately 1.9 million, will receive \$8 million, while New Mexico, with a slightly larger population of just over 2 million, will receive over double that amount at \$17 million. Juul is scheduled to make installment payments under these multistate agreements over the next six to ten years.

In addition to the multistate settlements, eight states (Arizona, Iowa, Louisiana, Minnesota, North Carolina, Pennsylvania, Washington, and West Virginia) reached independent settlements with Juul. The Minnesota Attorney General’s Office, in particular, proceeded to trial, but the parties reached a settlement on the brink of closing arguments. Minnesota’s settlement, totaling \$60.5 million, is the highest per capita settlement among the 48 states and territories that have settled. Unlike other settlements with payments spread over several years, Juul’s payments to Minnesota will be frontloaded, requiring \$22.75 million to be paid within 30 days and an additional \$12.75 million by March 2024. As a result, Minnesota will receive nearly 60 percent of the settlement’s total value within the next year. Further information on the Minnesota litigation and settlement can be found in the Public Health Law Center’s [litigation tracker](#) and [press release](#).

The allocation of these funds varies depending on the jurisdiction. Some states have statutory requirements to deposit monetary recoveries by the attorney general into the state’s general or treasury fund, which can then be used for any state expenditure, such as road construction. In these cases, funds must be legislatively appropriated to be directed toward a specific purpose. Minnesota, for instance, recently passed legislation in the 2023 session explicitly designating the Juul settlement funds to the Department of Health for smoking and vaping prevention and nicotine addiction treatment programs. For states without statutory requirements, settlement agreements may specify the allocation of funds to the state department of health, a consumer

protection enforcement fund, e-cigarette research, education, prevention programming, or for any other purpose within the attorney general's discretion, if authorized under state law. For a state-by-state summary of where settlement funds are being directed, see the Public Health Law Center's [Juul Litigation Settlement Guide and Interactive Map](#).

Q: Besides paying money damages to states, what else is included in the AG settlements?

A: While monetary amounts vary across jurisdictions, the settlement agreements share similarities regarding required changes in Juul's marketing and advertising practices, particularly related to youth targeting and product accessibility.

Each settlement agreement prohibits Juul from engaging in any marketing that directly or indirectly targets youth. This includes refraining from using individuals under the age of 35 in promotional materials or funding, operating youth education and prevention campaigns, sponsoring school-related activities, or using cartoon imagery or paid social media influencers in advertising. Juul is also restricted from selling flavored e-cigarette products that are not authorized by the FDA and must disclose the specific nicotine content of its products when making statements about nicotine content in marketing materials. Additional restrictions include the prohibition of billboard advertising and outdoor advertising near schools or playgrounds. Direct-to-consumer advertising is only allowed if consumers are age-verified. The settlement agreements also impose limitations on free sampling of products, public transportation and social media advertising, product display and accessibility in stores, online sales, and retail compliance check protocols.

As part of the settlement agreements, Juul is required to make its marketing and advertising documents, produced over the course of litigation, available to the public. These industry documents are expected to be housed at the University of California-San Francisco, as outlined in the seven-multistate settlement agreements. The documents will be made freely and electronically accessible to the public. The exact timeline for the availability of these documents is uncertain, but the process could take at least two years to complete.

For a comprehensive overview of the state AG settlements, check out the Public Health Law Center's [webinar](#), "The Universe of Juul Litigation: What State Attorney General Action and Multidistrict Litigation Settlements Mean for Public Health" (April 27, 2023). Or, to review a particular state's settlement agreement, see the Public Health Law Center's [Juul Litigation Settlement Guide and Interactive Map](#).



Q: What is Multidistrict Litigation (MDL) and how was Juul held accountable in this forum?

A: Multidistrict litigation (MDL) is a legal process where individual and/or class action lawsuits with similar claims, filed in various federal courts across the country, are consolidated and transferred to a single federal court. MDLs are commonly used for mass tort or consumer protection cases involving issues like defective medical devices, hazardous prescription drugs, product liability, securities fraud, or deceptive marketing practices.

In October 2019, the many individual and class action cases filed against Juul (along with other defendants, notably Altria) were consolidated into one forum: the United States District Court for the Northern District of California, under the case titled *In Re: Juul Labs, Inc., Marketing,*

Sales Practices, and Products Liability Litigation (2019). In December 2022, after several years of contentious litigation, the parties involved announced four global settlements in all the cases within the MDL where Juul was named as a defendant. For more information on the Juul MDL, see the Public Health Law Center's [litigation tracker](#).

On May 10, 2023, Altria, which divested its 35 percent ownership stake in Juul earlier that year, announced a \$235 million settlement deal. This settlement resolves claims against Altria for its role in contributing to the youth vaping epidemic caused by Juul. It encompasses personal injury, consumer class action, and government entity cases filed against Altria, but does not settle the claims brought by Native American tribal entities. This settlement announcement was made the day after the San Francisco Unified School District concluded its arguments in the MDL bellwether trial against Altria.

Q: How are the Juul settlements in the MDL different from the AG settlements?

A: In the AG settlements, Juul will pay over \$1.1 billion to participating states and territories to address claims related to the company's marketing and sales practices, consumer fraud, negligence, and nuisance. These settlements, except for Minnesota's, will provide monetary relief to states and territories over a period of six to ten years. Minnesota's settlement proceeds will be largely disbursed within the next year. Additionally, the AG settlements will require changes in Juul's marketing practices, including the prohibition of youth marketing and the sale of unauthorized flavored products. Note that the AG settlements will not directly compensate individuals, but instead payments will be made to participating states and territories based on each jurisdiction's settlement provisions.

Conversely, the MDL settlements with Juul, totaling approximately \$255 million, will directly compensate the thousands of plaintiffs and plaintiff entities involved in the cases, along with the \$235 million settlements with Altria announced in May 2023. The MDL settlements, announced in December 2022, resolve personal injury, consumer class action, government entity, and tribal entity cases consolidated within the Juul MDL in a federal district court in California. The settlements include:

- The Personal Injury settlements, which encompass more than 8,500 cases, will provide compensation to individuals experiencing nicotine addiction and other associated injuries.
- The Consumer/Purchaser Class Action settlement will compensate consumers who purchased Juul products.

- The Government Entities settlements, involving over 1,600 entities such as school districts, cities, and counties, will provide monetary damages to mitigate youth nicotine addiction in their communities.
- The Native American Tribal Entities settlements involve 32 tribes and will offer much-needed funding for Native American tribes facing similar issues.

Note: The court hearing for final approval of these settlements is scheduled for August 9, 2023, and if approved, the settling plaintiffs can expect to receive their funds in the fall of 2023.

Q: How will school districts benefit from the Juul MDL settlements?

A: The settlement funds for school districts are expected to be paid out over a period of four years and will be allocated proportionally based on the number of enrolled students in each district. The districts themselves will have the authority to determine how these funds will be used. Some districts have publicly expressed their intention to use the funds to hire staff dedicated to developing anti-vaping curricula and implementing prevention and cessation programs. In addition, certain districts have indicated their plans to invest in vape detectors on school premises. However, it is important to note that the effectiveness of vape detection devices remains uncertain, and their use can potentially contribute to a culture of surveillance, leading to punitive disciplinary actions against students who are grappling with addiction. For additional information on this topic, see the Public Health Law Center's [guide on alternative measures](#) to address student tobacco use in schools, as well as the Center's [guide for school districts](#) on how to best use Juul settlement funds.

Q: What is the status of Juul's products on the market? Can it still sell its products after all these lawsuits?

A: On June 23, 2022, the U.S. Food and Drug Administration (FDA) denied Juul authorization to continue selling its products and issued a Marketing Denial Order, immediately prohibiting the company from further marketing or selling its products.³ However, Juul promptly appealed the decision, leading the U.S. Court of Appeals for the District of Columbia to grant a temporary administrative stay of the FDA's order while further review by the court took place.⁴ Subsequently, on July 5, 2022, the FDA administratively suspended its marketing denial order, pending additional study and review into "the scientific issues unique to the Juul application" for authorization.⁵

In July 2023, Juul submitted another application to the FDA for a new e-cigarette product that it claims has age verification capabilities and tamper-resistant nicotine vapor pods. The product,



The FDA's
stay on its
marketing
denial order
allows Juul to
continue to
legally market
and sell its
products in
the U.S.

known as JUUL2 and already available in the United Kingdom, contains an app and Pod ID chip that, the company claims, can prevent underage access and use of illicit or counterfeit pods. In its application, Juul also indicated it is not seeking approval for any flavors other than tobacco. Meanwhile, the FDA's stay on its marketing denial order remains in effect, allowing Juul to continue to legally market and sell its products in the United States.

Q: Where can I find the Public Health Law Center's other Juul resources?

A: The Public Health Law Center has monitored Juul's marketing tactics, FDA oversight, congressional investigations, and the company's litigation activities over several years. We have developed a large number of resources, including webinars, publications, and blog posts, that cover various topics related to Juul.

Juul resources from the Public Health Law Center

Interactive [Juul Litigation Settlement Guide & Interactive Map](#)

Webinars [The Universe of Juul Litigation: What State Attorney General Action and Multidistrict Litigation Settlements Mean for Public Health](#) (April 27, 2023)

[The FDA Tools to Tackle the Juul Epidemic](#) (Feb. 26, 2019)

[Unanswered Questions about the FDA's Juul Enforcement Blitz](#) (Jan. 23, 2019)

[What Can We Do to Rein in Juul: A Policy Discussion](#) (July 11, 2018)

[What's the Hype?: Juul Electronic Cigarette's Popularity with Youth & Young Adults](#) (April 26, 2018)

Litigation tracker [State of Minnesota v. Juul Labs, Inc.](#) (Updated May 17, 2023)

[In re: Juul Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation](#) (Updated Jan. 20, 2023)

Blog posts [How to Spend Juul Settlement Funds: Champion Our Children, Target Commercial Tobacco](#) (July 27, 2023)

[Bait and "Switch": How Juul is Profiting from the Tobacco Industry Playbook](#) (June 19, 2019)

[Public Health Concerns about Youth & Young Adult Use of Juul](#) (April 30, 2018)

Other [Juul & the Guinea Pig Generation Revisited: Juul's Spawning of the Youth Vaping Epidemic](#) (July 2020)

[Juul & the Guinea Pig Generation: Public Health Concerns about Use by Young People](#) (May 2018)

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Endnotes

- 1 Jamie Ducharme, ["Pulling Flavored E-Cigs Hurt Sales in a 'Very Meaningful' Way, Juul Founders Say,"](#) TIME MAG., April 24, 2019.
- 2 Nat'l Inst. Health, [Teens Using Vaping Device in Record Numbers](#) (Dec. 17, 2018).
- 3 U.S. Food & Drug Admin., [FDA Denies Authorization to Market JUUL Products](#) (June 23, 2022).
- 4 Reuters, [Federal Appeals Court Puts FDA Ban of Juul E-cigarette Sales on Hold](#) (June 24, 2022).
- 5 See U.S. Food & Drug Admin., *supra* note 3.