

Good Morning Chairman Krishnamoorthi and distinguished members of the House Oversight Subcommittee on Economics and Consumer Policy. My name is Meredith Berkman and I represent Parents Against Vaping E-cigarettes, “PAVe”, a grassroots group founded over a year ago by three concerned moms.

Thank you so much for inviting us to testify at today’s hearing formally titled, “Examining JUUL’s Role in the Youth Nicotine Epidemic”. Or as we might have called it, “We Got JUULed.” Because that is exactly what has happened to millions of families across this country whose lives have been upended by JUUL’s predatory practices and targeting of kids.

My co-founders Dina Alessi and Dorian Fuhrman are behind me along with members of our families: we have nine kids between us ages 19 to 7. We created PAVe in response to the JUULing epidemic that seemed to come out of nowhere—we are a rapidly growing movement of parents joining together to protect our kids from JUUL, otherwise known as Big Tobacco 2.0. We mean that literally since tobacco giant Altria bought a 35% share of JUUL last December. JUUL is now valued at \$38 billion, much of that made by addicting our kids.

Our PAVe “pods” as we call them, a pun on JUUL’s flavored pods, are sprouting from California to New York and multiple states in between. Joining us today are PAVe parents and supporters, young and old, from places including Washington, D.C., Virginia, Texas, Georgia, North Carolina, New York, and New Jersey.

We have been called bad parents who don’t discipline our kids. We have been called prohibitionists who want to ban JUUL for both kids and adults. We’ve been mocked, trolled, threatened, and harassed. Most of what has been said about us is not true. What is true is that research has proven that flavors hook kids and keep them from perceiving the danger in flavored e-cigarettes, specifically JUUL. And at the core of our advocacy is the belief that flavors must be taken off the market to slow the raging youth epidemic and keep younger kids from starting to JUUL.

I want to back up a bit and share our personal story because I think it illustrates what parents have been experiencing since JUUL launched its market-disruptive product in 2015.

In the fall of 2017, when my son Caleb started high school, I would hear him open the window in his room whenever he had a group of friends over. But when I checked on them, which was often, I didn’t notice anything out of the ordinary: no smoke, no smell, nothing. After a while, Caleb asked for an incense burner, and I naively thought, “He’s so spiritual.” Again, no smoke, no smell (other than the incense), nothing.

Over at Dorian's house, after her son Phillip attended a classmate's party, Dorian detected a faint sweet smell when she leaned in to kiss Phillip good night. Shortly after that, she found what she thought was a flash drive in the pocket of Phillip's pants, but it seemed longer than normal. Then she noticed the word "JUUL" inscribed on the side. And that's when we started to compare notes and our journey from moms to activists began.

At that point, we didn't know what a JUUL was or what it could do to you. We'd heard a little bit about something called vaping, which we figured out is what you do with a JUUL which we figured out was some new kind of e-cigarette.. Remember, our generation had grown up hearing that smoking causes cancer and kills. And we raised our kids with that same message. And it worked. By 2017 youth smoking rates were at record lows of 7.6% (down from 28% in 2000).

So we decided to educate ourselves about JUUL, and began reading everything we could find online. And the more we learned, the more shocked we were to realize that seemingly overnight JUUL had transformed teen culture and become a social norm. JUUL was a noun—like Kleenex or Band-Aids—and JUULing was a verb. (That makes research confusing to interpret since kids often report they do not "vape" because they don't associate that word with JUUL.) Teens were "hitting the JUUL" at home and at school, right under the noses of parents and guardians, teachers, and coaches. They were "ripping the JUUL" in school bathrooms—now called the "JUUL room"—in locker rooms, even in classrooms in front of unsuspecting teachers.

How was it possible that there had been a teen cultural revolution and most adults hadn't even noticed?

We know our job today is not to provide you with numbers and statistics and research about what many experts believe is the most serious adolescent public-health crisis our country has faced for decades. We're here as moms to give voice to the kids and parents who have been harmed by JUUL—the device itself and the company. But we still want to give you a basic outline of just how overwhelming an epidemic all of our families are facing—courtesy of JUUL.

According to the most recent figures reported by the Centers for Disease Control, 3.6 MILLION kids—almost 4 MILLION kids—are vaping, most of them JUULing. How do we know that? Because JUUL commands almost three-quarters of the entire e-cigarette market. Worst of all is the rate of growth: Between 2017-2018, there was a 78% rise in the use of these products by high-school students. And a 48% rise in use by MIDDLE-SCHOOL students. Perhaps that figure is the most frightening of all.

What's even more shocking is that these numbers are already outdated. The CDC's

latest figures are expected in the next couple of months and there are no indications that this crisis has crested; because while the FDA has talked tough it has not yet taken any serious action against JUUL. In fact, JUUL and its copycats remain unregulated. Now, thanks to a recent federal ruling, they have ten months to submit their applications to the FDA.

Former FDA Commissioner Scott Gottlieb recently stated that he expects the new youth use numbers will be even more staggering.

So how did JUUL seduce our kids? We believe that Dr. Robert Jackler will share with you in great detail his archive of evidence showing that JUUL's founders literally copied the marketing and advertising playbooks of the original Big Tobacco companies. We can tell you from personal experience that kids were seduced by JUUL's enormous social-media presence on Snapchat and Instagram and by the use of influencers who were paid to promote and give away the product. JUUL even created tutorials using young-looking models who demonstrate how to JUUL and included this and online.

The device was stealth-by-design, its techno-chic style patented to resemble a flash drive (as Dorian thought) or a phone charger so that kids could use it 24/7 without detection and so that we adults would have no idea.

But in the end, the biggest appeal was the use of kid-friendly flavors that tricked teens into believing JUUL contained nothing more than water vapor and flavoring. JUUL's colorful plastic pods tasted like mango, fruit medley, cool cucumber, crème brulee, and mint. In fact, the NIH reports that 66% of teens believed that flavored e-cigarettes like JUUL do not contain nicotine. And researchers like PAVE advisory board member Dr. Bonnie Halpern Felsher of Stanford Medical School have shown that JUUL's flavors not only hook kids but keep them from perceiving any harm.

But JUUL has caused terrible harm to kids. With its patented nicotine-salt technology sending huge amounts of nicotine more effectively to the brain, JUUL's nicotine delivery system is more potent, addictive, and damaging to teen's developing brains. We've known for years that nicotine causes permanent cognitive change in adolescents, rewiring their brains for further addiction, which is why nicotine is called a gateway drug. It's important to note here that the amount of nicotine in JUUL is almost twice what is legally allowed in Europe and that JUUL's high levels have led to what's been popularly called a "nicotine arms race".

And that's just the harm we know about so far. As the CEO of JUUL Kevin Burns himself stated last week in the CNBC documentary "Vaporized", in which PAVE was also featured, he said, "...(W)e have not done the long-term longitudinal clinical testing we need to do."

Every day more scientific evidence emerges that JUULing causes harm to the heart and lungs, the cardiovascular system. And that means we're in a race against time to protect our kids from becoming not only an entire generation of nicotine addicts but human guinea pigs for the JUUL experiment overall.

We hear from desperate parents from all across the country every day who contact us through our website and through social media. They are desperately seeking resources, information, and treatment for their JUUL-dependent nicotine-addicted kids. The truth is that currently there is no FDA-approved treatment for this kind of teen nicotine addiction. I want to share just a couple of these stories with you now that are representative of what we hear. And they're heartbreaking.

The following statement was sent to me by Kristin Beauparlant, our PAVE advocate in Massachusetts. Kristin works full-time as a nurse and couldn't be here today. She and her son Cade have spoken publicly about Cade's JUUL addiction, its effect on their family, how Dr. Winnickoff ultimately helped him. The story bears repeating here because while the details may be specific to this family, the struggle over a severe nicotine addiction caused by JUUL use is representative of what we're here to talk about. Kristin writes,

"Cade was in 8th grade when he asked his grandmother for a JUUL for Christmas. He said there was no nicotine in it and nothing harmful, that it had fun flavors and it tasted good. He did not receive it, and I, as a nurse, started researching JUUL... (When Cade was in) 9th grade, I stated to find the pod lying around and would confront Cade and always get the same answer... 'They aren't mine.' ... He made the varsity hockey team and was a promising player with hopes and aspirations to play in college. During the season, I noticed (he had) a cough and was complaining that he was not able to breathe when skating... As time went on, I began to see drastic changes in Cade's behavior. He was distant, moody, irritable, and had extreme bouts of anger. We tried therapy with no success... Anything could ignite him. He had torn apart our family. His siblings were afraid of his outbursts. Our home environment was TOXIC. His cough was becoming worse... so bad that I could hear it from the basement when I was on the second floor. He could barely skate a full shift during a game and his play significantly suffered. His grades were problematic and he did not care about anything... Then this winter he got caught JUULing in school. And that was when I realized he had a problem. If you can't go the school day without needing a puff you have an addiction. He lost his captainship on the hockey team and he missed 1/4 of the season, one that he had hoped would allow coaches and scouts to watch him play and give him the opportunity to play after high school..."

As it turned out, Cade had been smoking a pod a day since 9th grade, the equivalent of at least one pack of cigarettes a day for almost four years. Tests revealed that Cade had restrictive lung disease at the age of 17-years-old and would need inhalers and oral steroids. He was started on nicotine gum and talk therapy.

Kristin says, “There is a significant decrease in (Cade’s) JUUL use. I now have a different son...one I am no longer afraid of. (But) I lost four years of my son to this addiction. That is something no parent should ever have to say.”

We have heard literally hundreds of stories like this. Dorian and her son Phillip, right behind me, have spoken about Phillip’s struggles with JUUL and nicotine so that other kids will understand that they’re not alone and will turn to their parents for help. Our Texas PAVE advocate Samantha Boy, also here, has publicly testified in Houston about her daughter’s JUUL addiction that ultimately led to more serious drugs and long-term rehabilitation. Kelly Kinard, our PAVE mom from North Carolina, who’s also with us, and her son Luka, speak all over the country about Luka’s severe nicotine addiction that led him to rehab in California because there were no other options. As Luka proudly posted over the weekend on social media, “Nine months sober.”

These stories may sound extreme but we assure you THEY ARE NOT. If you are the parent or guardian of a teenager and are convinced that your kid is not JUULing, I have a serious question for you: Are you sure? Are you really sure?

My 17-year-old son Caleb, whom I mentioned earlier, started doing his own research about JUUL and got angry when he realized the company’s founders were essentially getting rich off addicting his friends. So he stopped JUULing. using it. That’s what he says. And I believe him. But do I really know?

As I said earlier, that is the point: JUUL is stealth by design. The company now claims that JUUL is intended for adult smokers to “make the switch” as its ubiquitous ads declare. (These ads appear in print, on TV, and constantly on youth-focused media like I Heart Radio that kids hear every morning when their parents drive them to school. These campaigns are technically illegal based on the FDA’s own rules about tobacco products’ making “modified risk” claims) .

But in 2015, one of JUUL’s original research engineers, when asked about the company’s goals for its product stated:

"We don’t think a lot about addiction here because we’re not trying to design a cessation product at all," he said, later noting "anything about health is not on our mind."

What JUUL SAYS and what it DOES are two very different things. In November 2018, just a few days before the FDA announced its proposed “guideline” to combat youth use, the company declared it would no longer restock retail orders of flavored pods —excluding menthol and mint, one of the most popular among youth. Yet you can do this basic research yourself. Go into any gas station, bodega, a vape shop, smoke shop,

anywhere that sells JUUL and other flavored tobacco products. At least one of them if not more are still selling these forbidden flavors. JUUL says on its site it has “improved retailer compliance. “ Really?

Also on its website, JUUL crows about its “youth prevention” efforts. Until very recently, those posts included mention of JUUL’s youth prevention guidelines created by Iowa Attorney General Tom Miller and a small Miller-selected advisory group. (This was announced by JUUL April, 2018 along with the promise of a \$30 million investment in research and education and a JUUL-created anti-vaping curriculum. The company has since abandoned the curriculum and there has been no mention of what they did with the promised \$30 million. Yet the guidelines that JUUL claimed it had adopted, never publicly posted, included the following recommendation, one that was the opposite of JUUL’s marketing, and one that might in fact have made a difference:

- “Invest in a public service campaign, created and executed by an independent third party, to educate youth and parents on the potential harm of youth vaping. The campaign should include multiple media platforms with generous use of social media platforms. We prefer that the independent party has a proven track record with educating youth on high-risk behaviors. Any campaign should contain accurate scientific claims about vaping dangers and avoid singling out any e-cigarette company. The campaign will also include an ongoing evaluation process to determine effectiveness.

JUUL will tell you tomorrow that the youth vaping epidemic is merely an “unintended consequence” of its enormous success. That its product was never intended for kids. And that this \$38 billion unregulated behemoth is doing everything it can to make sure that kids don’t JUUL. See? Now we support Tobacco 21! Yes, we all agree that Tobacco 21 is a great first step, but JUUL is using this issue as a smokescreen.

JUUL is Big Tobacco 2.0 JUUL and its partner Altria know, as we do, that flavors continue to hook kids and initiate them into tobacco use that after so many years of anti-tobacco health education they would not otherwise have started. (Don’t forget, the FDA banned flavored combustible cigarettes in 2009). Let me leave you with this final statistic: A study recently published in JAMA, the Journal of the American Medical Association, shows that kids who vape are four times more likely to begin smoking combustible cigarettes. And that’s why tobacco researchers fear that youth smoking rates will soon begin to rise.

JUUL’s empty apologies are too little, too late. If JUUL really wanted to keep young people away from a highly-addictive nicotine-delivery device that is harming so many kids and families, the company would remove all flavors from the market including mint and menthol, including online, something the FDA could do today. Further, JUUL would

stop spending millions of dollars on lobbyists to oppose sensible legislation that parents like us and our many partners are fighting in towns, cities, and states all across the country that would remove flavors and restrict youth access.

We hope that today's hearing will lead activate all members of Congress on both sides of the aisle to join together to hold JUUL accountable for its deceptive practices towards our children. This is not a political issue but a moral one.