

FACT SHEET

JUUL Settlement in Wisconsin

Overview

The State of Wisconsin was part of a multi-state settlement agreement with JUUL Labs after a two-year investigation into JUUL's marketing and sales practices of their e-cigarette products. The settlement addresses the harm caused by JUUL's practices, including marketing their products to underage consumers.

The settlement outlines various requirements including:

- **Making payments to Wisconsin to fund prevention and cessation (quit) efforts related to electronic nicotine delivery systems (ENDS), or e-cigarettes, for people up to age 24.**
- **Restricting some advertising, marketing, and sales practices.**
- **Maintaining a retail-compliance program to verify tobacco retailers' compliance with measures meant to limit underage access to JUUL products.**



Funding for prevention and cessation efforts

JUUL is required to make payments of at least \$14.7 million* to Wisconsin to fund prevention and cessation efforts related to ENDS. The payments can be made over five to 10 years.

Allowable activities outlined by the settlement include:

- **Cessation programs for those exposed to ENDS while under the age of 24.**
- **Education or prevention programs to prevent or reduce use of ENDS by those under the age of 24.**
- **Research about preventing ENDS use by those under the age of 24.**
- **Programs or equipment to decrease the impact that ENDS and other nicotine products have had in schools and to prevent further impact.**
- **Efforts to decrease the impact of ENDS and synthetic nicotine products.** This includes enforcement of current federal tobacco sales laws and activities to limit access to or usage of those products.

*News reports in 2022 said that JUUL was close to filing for bankruptcy before securing new financing. A bankruptcy filing by JUUL could affect the amount of money the state receives.



Retail compliance check program

JUUL must run a retail compliance check program for two years in Wisconsin.

There will be 113 retail checks each year. Visits will check for compliance with age verification and product limits.

Results will be shared with the Wisconsin Department of Health Services Tobacco Prevention and Control Program (TPCP).

For questions about the JUUL settlement in Wisconsin, please contact:

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Advertising, marketing, and sales practices

The settlement contains a list of advertising, marketing, and sales restrictions that JUUL must follow. Some of the restrictions never expire, while others expire at the end of 2028. Restrictions that are permanent, unless a FDA authorization supersedes the settlement restrictions, are indicated with an asterisk (*) below.

JUUL is prohibited from the following activities:

Youth Targeting

- Targeting youth with direct or indirect marketing*
- Using cartoons or persons under age 35 in advertisements*
- Giving away or selling brand name merchandise
- Using paid product placement in media
- Funding education programs and materials*
- Selling flavored products, unless approved by FDA*

Advertising and Marketing

- Advertising in media or retail outlets, unless 85% of audience is adult
- Using billboards to advertise*
- Advertising on/in public transportation
- Using outdoor advertising within 1,000 feet of school or playgrounds
- Sending direct ads to consumers, unless they are age-verified*
- Making claims that the products are cessation devices or that they are safer than other products, unless authorized by FDA

Nicotine Content

- Using representations about nicotine that are not approved by FDA*

Samples

- Giving out free product samples

Sponsorship and Naming Rights

- Sponsoring events, unless it is a 21+ event

Social media

- Using social media or hashtags to advertise
- Using paid influencers to market product*



Sales and distribution restrictions

JUUL's sales and distribution practices must follow the restrictions below:

- No self-service displays are allowed at retailers.
- JUUL cannot permit retailers to engage in any activity that is prohibited in the agreement.*
- JUUL to limit amount of products for online sales and in-person sales through retailers.
- JUUL must use reliable and independent age-verification services for all online sales, autoship sales, and warranty claims.



Planning for the use of JUUL funds

The first year of funds from the settlement will be used to build and expand on existing programs, infrastructure, partnerships, and campaigns currently in place to address the ENDS epidemic.

TPCP will be holding listening sessions to hear from the public and partners about how they would like to see these funds used to address prevention and cessation of ENDS for those up to age 24. Feedback from these sessions will help inform the planning of future payments from the settlement.

For more information: The Public Health Law Center created an interactive map and guide with details about JUUL settlements by state. Visit publichealthlawcenter.org/resources/juul-settlement-state-map.

