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GENERAL MEMORANDUM 20-009

Tribes and Tribal Schools Sue E-cigarette Makers

Eight tribes have sued e-cigarette maker JUUL and associated companies this week, claiming they have engaged in a deceptive marketing scheme that has targeted Native youth and cost these tribes millions to combat vaping. The complaints allege that JUUL has aggressively and deceptively marketed its products as a safe alternative to ordinary cigarettes, without disclosing the dangers they knew of addiction and the vaping-related illnesses that these products create or aggravate. The tribes assert that JUUL's design, marketing, and distribution of its products to minors—specifically targeting tribal youth, despite knowing that they are more susceptible to addiction than non-Native Americans—has resulted in a youth vaping epidemic in tribal communities. The tribes also allege that JUUL and its affiliates have carried out a marketing scheme that concealed from tribal youth the dangers posed by nicotine use and JUUL products.

The lawsuits, filed in the U.S. District Court for the Northern District of California, seek injunctive relief and abatement to combat the e-cigarette epidemic, as well as compensatory damages to recoup the resources tribes have expended and will need to continue to expend to address the youth vaping epidemic created by JUUL's misconduct. The suits will be processed as part of the Multidistrict Litigation pending against JUUL and its affiliates brought by many non-tribal plaintiffs in the same federal court. The tribes who have already filed suit are: [Jamestown S'Klallam Tribe](#), [Port Gamble S'Klallam Tribe](#), [Saint Regis Mohawk Tribe](#), [Pala Band of Mission Indians](#), [Klamath Tribes](#), [Fond du Lac Band of Lake Superior Chippewa](#), [Oglala Sioux Tribe](#), and [Suquamish Tribe](#) (the full complaints can be found at these links). These are the first tribal governments seeking to join the Multidistrict Litigation against the e-cigarette industry.

JUUL's deceptive sales and marketing campaigns have disproportionately harmed Native youth. National Youth Tobacco Survey data has revealed that 16.1% of American Indian/Alaska Natives (AI/AN) middle school students and 40.4% of AI/AN high school students currently use e-cigarette products—much higher than the general population rate of 10.5% of middle school students and 27.5% of high school students. Widespread vaping by young tribal members has reversed the positive trend of decreasing cigarette and nicotine use within the tribes. Tactics used by JUUL to promote use of, and addiction to, its products include implementing "switching programs" and sales partnerships with numerous tribes and other deceptive and misleading sales and marketing practices.

As a result, tribes have been forced to expend scarce resources on public health, law enforcement, and education programs. The court actions seek to recoup these expenses and stop the deceptive marketing practices moving forward.

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