

Why the Palm Springs school district is suing vaping company Juul



A Juul product display is shown inside US 31 Tobacco on Friday in South Bend.

TOM COULTER AND JONATHAN HORWITZ | PALM SPRINGS DESERT SUN | 19 hours ago

The Palm Springs Unified School District filed a complaint Tuesday against e-cigarette manufacturer Juul Labs, Inc., joining a growing list of school districts that have sued the company and its affiliates for allegedly using false and deceptive statements that have led to a "youth nicotine epidemic of historic proportions."

The school district's complaint, filed in the U.S. District Court for the Northern District of California, also includes cigarette manufacturer Philip Morris USA and its parent company, Altria Group, Inc., as defendants in the suit.

Palm Springs Unified is seeking damages for business expenses related to monitoring and regulating e-cigarettes in schools and dealing with what the district's lawyers claim is a loss of instruction time and drop in school enrollment related to behavioral and health issues associated with vaping.

“Students in Plaintiff’s schools have openly charged e-cigarette devices in classrooms, causing disruption and diverting staff resources away from classroom instruction,” the complaint states. “Other students, addicted to nicotine, have demonstrated anxious, distracted and acting out behaviors, causing disruption and diverting staff resources away from classroom instruction and requiring additional time and attention for addicted students.”

The complaint also says the district “has had to close some bathrooms and Plaintiff’s staff has had to devote staff time and resources to monitoring the bathrooms, including regularly walking through them both during class and between classes.”

“Because many students who do not engage in e-cigarette activities do not wish to use the school restrooms, even to wash their hands, Plaintiff has had to go so far as to rent multiple portable hand-washing stations that have been placed outside of restrooms in an effort to maintain student hygiene and prevent the spread of disease,” the complaint states.

'A multi-multi-billion-dollar lawsuit'

Although it has been filed individually, Palm Springs Unified's suit is part of a “mass action” case against Juul and about 120 co-defendants, with about 100 [school districts across California alleging similar misconduct by the company and its affiliates](#), according to William Shinoff, an attorney whose firm is representing PSUSD and nearly 700 other school districts nationwide in their cases against Juul.

“We believe it’s a multi-multi-billion-dollar lawsuit against Juul and others,” said James Frantz, another attorney representing PSUSD from the same firm.

A school district spokesperson declined to comment given the pending litigation, and Juul representatives did not respond to request for comment.

The San Francisco Unified School District, which filed its suit against Juul in 2019, could be the first to have its case heard, potentially as early as November. [Juul was based in San Francisco before it moved its headquarters to Washington, D.C., in 2020 and also cut one-third of its workforce](#).

The case’s outcome could be “instructive for all the school districts as to what could happen,” according to Frantz and Shinoff.

The allegations in the PSUSD complaint echo many concerns raised by other schools districts, stating Palm Springs' school system “has been hit hard by the youth e-cigarette epidemic.”

The complaint states that the number of 12th-graders nationwide who reported consuming nicotine almost doubled between 2017 and 2018, and in 2018 more than one in four high school students in the United States reported using a tobacco product in the past 30 days.

“Consistent with this national trend, youth e-cigarette consumption rates in Palm Springs Unified School District continue to climb,” the complaint reads. "Defendants’ conduct has created a public health crisis in Plaintiff’s schools and Plaintiff spent significant and unexpected levels of time and resources on addressing the pervasiveness of youth e-cigarette use."

Vape detectors, educational campaign

Frantz and Shinoff would like to see Juul and its associates pay for \$5,000 vape detectors in every middle and high school classroom, a robust educational campaign about the harms of nicotine and additional counseling resources and school resource officers to deter students from using e-cigarettes on school premises.

Furthermore, the district alleges that e-cigarette products are creating a growing hazardous waste problem at Palm Springs Unified schools.

“Defendants’ e-cigarette products contain chemicals that can be toxic or fatal if ingested in their concentrated forms, as well as lithium-ion batteries, which cannot be safely disposed of in the normal stream of trash,” the complaint states.

“The e-cigarette epidemic has led to significant levels of hazardous waste from these e-cigarette products throughout Plaintiff’s schools, either from youth improperly disposing of them by littering or throwing them in the trash or toilets, or because teachers and school staff must confiscate and store them.”

School districts are not the only entities to take legal action against Juul for its products’ effects on children. Several states, including [California in 2019](#), have filed lawsuits against the company, and individuals have sued for Juul for personal injury.

[More: Calif. files lawsuit against e-cigarette maker Juul, saying the company directly sold products to teens](#)

“Defendants’ misconduct alleged herein is not a series of isolated incidents, but instead the result of a sophisticated and complex marketing scheme and related cover-up scheme that has caused a continuing, substantial, and long-term burden on the services provided by Plaintiff,” the district’s complaint states.

It could still be a long time before PSUSD reaches a compromise, but the first case set for trial later this year will be key, according to Shinoff. "What I can tell you, based on the size of Palm Springs Unified and the future relief we're asking for, I could tell you it will be a significant amount of damages is what we're seeking."

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Calif. files lawsuit against e-cigarette maker Juul, saying the company directly sold products to teens

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California Attorney General Xavier Becerra said Monday the state is suing Juul Labs Inc., the e-cigarette company based in San Francisco, alleging the company markets its products to teenagers and fails to give warnings about the product's potential health risks.

The product was originally marketed to those addicted to cigarettes as a healthier alternative. However, research has shown that "many Juul users continue to smoke cigarettes and that teenagers who were not likely at risk to start smoking cigarettes have done so as a result of their use of nicotine-containing e-cigarettes," according to the Attorney General's news release.

This announcement comes on the heels of the federal Center for Disease Control and Prevention's latest vaping-related illness numbers showing that of the 2,172 vaping-related illnesses in the country, [14% have impacted people 18 years old or younger](#). Additionally, 42 people have died from vaping-related illnesses as of Thursday.

One Juul pod provides 200 puffs, or the approximate equivalent to a pack of cigarettes, the lawsuit says.

"We've worked too hard, committed our hard-earned money for too long combating harmful tobacco use to stand idly by as we now lose Californians to vaping and nicotine addiction," Becerra said in a statement. "Juul adopted the tobacco industry's infamous playbook, employing advertisements that had no regard for public health and searching out vulnerable targets."

The lawsuit alleges that Juul illegally:

- Failed to include required warnings about exposure to chemicals linked to cancer, birth defects, or other reproductive harm.
- Sold tobacco products directly to underage persons.
- Sold tobacco products directly to consumers without properly verifying their age.
- Violated the privacy rights of minors by sending marketing material to the email addresses of underage individuals who failed age verification on Juul's website.
- Created a public health epidemic, particularly among young people, with an addictive and harmful product

Austin Finan, a spokesperson for Juul, said the company hasn't yet received the complaint, but remains "focused on resetting the vapor category in the U.S. and earning the trust of society by working cooperatively with attorneys general, regulators, public health officials, and other stakeholders to combat underage use and convert adult smokers from combustible cigarettes."

This isn't the first lawsuit filed against the company, which was founded in 2015. Juul also is being sued by multiple states, with North Carolina the first to file in May, and faces a federal

investigation into whether the company’s early advertising campaigns helped initiate the teen vaping epidemic.



“Nearly 1 in 10 high school students in LA County report using e-cigarettes. That is not by chance,” Los Angeles County Supervisor Janice Hahn said in a statement. “Juul has systematically targeted the teen market with everything from the design of their products to their advertisements.

Juul also hosted promotional events across California to distribute free samples of Juul devices and their flavor pods to a “young, trend-setting audience,” according to the state’s news release.

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The campaign marketed flavors such as mango, cool mint, crème brulee and cucumber. Since the launch of the products, Juul has changed flavors to be less appealing to youth, the company has said. For example, the company changed the “crème brulee” flavor to “crème.” In October, the company suspended sales of all flavors.

According to the National Institute of Drug Abuse, 66% of teens reported that they believed only flavoring ingredients were in their e-cigarette.

Finan, Juul spokesman, said the company has stopped accepting orders for Mint JUULpods in the U.S., suspended all broadcast, print, and digital product advertising in the U.S. and are investing in scientific research to ensure the quality of our FDA Premarket Tobacco Product Application application and expanding our commitment to develop new technology to reduce youth use.

"Our customer base is the world's 1 billion adult smokers and we do not intend to attract underage users," Finan said.

However, the company's advertising techniques had a direct impact on youth. The American Medical Association reported that 25% of high school students and 10% of middle school students have vaped in the past year. Most underage e-cigarette users report that Juul is their usual brand, according to the state's announcement.

Since the company's launch in 2015, youth vaping in the United States almost doubled. In the past two years, e-cigarette use among high school students rose by 135%.

"These early marketing techniques paid off," the suit claims. "Millions of American youth started 'Juuling' and posted images and videos of themselves and others 'Juuling' on their social media sites. Others created Juul memes and the marketing campaign became viral," according to the lawsuit.

Juul sales currently make up 64% of the country's e-cigarette market — in just 2018, U.S.-based sales of the devices surpassed \$1 billion.

"It has become so popular that 'Juuling' has become a verb," the suit says.