



Five county school districts join vaping suit

E-cigarette use rising for teens

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Five school districts in Butler County have joined 90 districts across the country in a federal lawsuit aimed at stopping vaping and tobacco companies from allegedly marketing products to children and recovering costs districts incurred battling a growing youth smoking “epidemic.”

The Butler Area, Karns City Area, South Butler County, Mars Area and Moniteau school districts have joined the suit against Juul Labs and Altria Group, and its subsidiaries — Philip Morris USA and Nu Mark LLC.

The Frantz Law Group of San Diego initiated the suit and is consolidating suits from the school districts in the U.S. District Court in San Francisco.

The vaping and tobacco companies named in the suit have targeted children with marketing campaigns for their products, contributing to a reversal of youth tobacco-use rates that came from previous federal litigation against tobacco companies, said William Shinoff, an attorney with the Frantz Law Group, who was in Pittsburgh this week speaking with school districts about the suit.

“There was clearly marketing to youth,” Shinoff said. “I believe they did. We’ll show they did.”

Federal litigation against tobacco companies resulted in rules against targeting youth with marketing, and youth smoking declined as a result, he said. Juul and Altria modernized their marketing using social media to target youth, and tobacco use and youth vaping with e-cigarettes has increased, he said.

Juul's response

Juul spokesman Austin Finan responded to the suit.

He said Juul stopped the sale of flavored products other than tobacco and menthol in November and has halted TV, print and digital product advertising.

"We will continue to reset the vapor category in the U.S. and seek to earn the trust of society by working cooperatively with attorneys general, legislators, regulators, public health officials, and other stakeholders to combat underage use and transition adult smokers from combustible cigarettes," Finan said.

Citing 2019 testimony from a U.S. House Committee on Oversight and Reform, a 2018 U.S. Surgeon General's report and a 2018 report from the U.S. Food and Drug Administration, the suit includes revealing statistics.

Youth smoking rates decreased from 28 percent in 2000 to 7.6 percent in 2017, but between 2011 and 2015, e-cigarette use among high school and middle school students increased 900 percent.

Between 2017 and 2018, e-cigarette use increased 78 percent among high school students, from 11.7 percent of high school students in 2017 to 20.8 percent of high schoolers in 2018.

Among middle school students, e-cigarette use increased 48 percent in 2017-18. In 2018, 4.9 million middle and high school students used tobacco products, with 3.6 million of those students using e-cigarettes. In 2017-18, the number of youth e-cigarette users increased by 1.5 million.

"All the years of effort that were made are down the drain," Shinoff said.

Third-graders vaping

Some of the school districts that joined the suit have told him that third-grade students have been caught with e-cigarettes.

"Children don't understand the harm of those products," Shinoff said.

Districts can teach children about the health impacts of vaping and purchase devices that detect the water vapor emitted from vaping, which smoke detectors cannot, but they don't have the money for it, he said.

Damages sought by school districts can vary based on student population, but even a small district could incur \$1 million in expenses dealing with the issue, he said.

In the Karns City Area School District, where the school board approved joining the suit last week, anonymous reports about students vaping in restrooms are received at least once a week in the junior/senior high school, said Superintendent Eric Ritzert.

Reports are made through the Safe2Say app and school officials respond quickly, but often find nothing – most likely because vaping odor dissipates quickly, he said.

“It has caused a minor disruption. It's easy to conceal and hard to detect because the odor doesn't last long,” Ritzert said.

The Moniteau School District approved joining the suit Monday night.

“First and foremost, we want to ensure our children's safety. Vaping is an epidemic across the country,” Superintendent Thomas Samosky said Tuesday. “Any time you have a disruption, it takes away from the educational process.”

He said the district wants to impose discipline on students caught vaping with the least disruption possible.

“We do believe some of that funding can be put toward interventions for kids. We can educate students about the dangers of this. We want to put those funds to effective interventions and educating them on the dangers of these devices,” Samosky said.

Finan said Juul will respond to the allegations in the complaint through appropriate legal channels.

Altria did not respond to a request for reaction to the lawsuit.
