

# Juul Gets Temporary Reprieve: Appeals Court Halts FDA's Sales Ban

The recent decision by the Food and Drug Administration (FDA) to ban the sales of Juul Labs' [e-cigarette products](#) has been temporarily halted by a federal appeals court. The United States Court of Appeals for the District of Columbia granted Juul Labs a temporary reprieve, allowing the company to continue selling its e-cigarettes while further review of the FDA's decision takes place. This article will delve into the details of this development and explore what it means for Juul and its customers.

## The Temporary Stay Granted by the Appeals Court

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The temporary stay issued by the appeals court provides Juul Labs with a temporary reprieve, allowing them to keep their e-cigarettes on the market. However, it's important to note that the court order does not indicate a ruling on the merits of the case. This stay was sought by Juul Labs in response to the FDA's decision to ban the company's products based on conflicting and insufficient data provided by Juul that hindered the assessment of potential health risks.

## The Next Steps for Juul Labs

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The next crucial step in this legal battle is for the appeals court to determine whether Juul should be allowed to continue selling its products while the company appeals the FDA's decision. The court has set a deadline for Juul Labs to file an additional motion, giving them until Monday at noon. The FDA has been given until July 7 to file a motion in response. These filings and subsequent court proceedings will shape the future of Juul's ability to sell their e-cigarettes.

## Juul's Arguments and FDA's Rationale

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Juul Labs, in their emergency filing for a stay, asserted that the FDA's decision to ban sales was driven by political forces aiming to hold the [vape company](#) accountable for the youth vaping crisis. However, the FDA's ruling did not cite underage use as the reason for the ban. Instead, the agency emphasized that Juul had failed to provide sufficient evidence that their product prevents chemicals from leaching into the nicotine vapor inhaled by users.

## Consumer Access to Juul Products During the Stay

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As long as the temporary stay is in effect, consumers will still be able to purchase Juul cartridges, as well as the company's tobacco and menthol-flavored pods. The FDA had previously cautioned that retailers selling Juul products would face enforcement action at some point, but the stay temporarily prevents such action from being taken.

## Availability of Other E-Cigarette Products

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It's important to note that the FDA is not seeking a blanket ban on all vape products. The agency has been reviewing applications for millions of electronic nicotine delivery systems (ENDS), and it has already granted approval to 23 of them, including products manufactured by R. J. Reynolds, NJoy, and Logic. The FDA's review process evaluates whether a product can serve as a viable alternative to combustible tobacco, aiding cigarette smokers in quitting while ensuring that the benefits to public health outweigh the potential harm.

## Top-Selling E-Cigarette Brands in the Market

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Nielsen data reveals that the leading vaping brand in the United States over the past 12 weeks was a Vuse product, generating \$414 million in sales and commanding 33.4 percent of the overall e-cigarette market. Juul followed closely behind with a 33-percent market share. None of the other brands came close to these two industry leaders, with NJoy Ace, the next best-selling brand, accounting for just 2.4 percent of the market.

## Tobacco Industry vs. Vaping Industry

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The cigarette industry in the United States generated approximately \$99 billion in revenue last year, compared to \$7.8 billion for vaping products like Juul, according to Euromonitor, a data research firm. However, tobacco sales are on the decline, with an estimated 13 percent decrease expected through 2026. On the other hand, vaping products are projected to experience a 22 percent growth. Altria, the tobacco giant that acquired a 35-percent stake in Juul in 2018, reported a slight decrease in sales last year, according to regulatory filings. The number of traditional cigarette smokers in the U.S., which has been steadily declining for decades, is estimated to be around 30 million.

# FAQs

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## **1. What is the next step for Juul after the temporary reprieve?**

Juul Labs must await the appeals court's decision on whether they can continue selling their products while they appeal the FDA's ban.

## **2. Did the FDA ban Juul due to underage use?**

No, the FDA's decision to ban Juul's products was based on Juul's failure to provide sufficient evidence of preventing chemicals from leaching into the nicotine vapor, not underage use.

## **3. Can consumers still purchase Juul products during the temporary stay?**

Yes, as long as the temporary stay is in effect, consumers can still buy Juul cartridges and tobacco and menthol-flavored pods.

## **4. Are all e-cigarette products facing a ban by the FDA?**

No, the FDA is reviewing applications for electronic nicotine delivery systems and has already approved several products, considering their potential as alternatives to combustible tobacco.

## **5. Which e-cigarette brands dominate the market?**

According to Nielsen, the top-selling brands in the U.S. over the past 12 weeks were Vuse and Juul, with Vuse leading the market. Other brands have significantly lower market shares.