



IOWA DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

The U.S. has a chance to drop the smoking rate below 10% in three years

By Iowa Attorney General Tom Miller

The United States is on the precipice of a major public health breakthrough. The adult smoking rate for 2017 is 13.9% — down from 16.8% three years ago. JUUL is capturing the e-cigarette market and switching combustible smokers. With the introduction of heat-not-burn products, the combustible smoking market in Japan dropped by 27% in two years. These three forces coming together lead me to believe that we can do something that we were not even dreaming about: drive the adult smoking rate in the United States below 10% by 2021. This would be an amazing public health accomplishment. This should be our goal and it can be done.

The U.S. adult smoking rate has declined from 16.8% in 2014 to 13.9% in 2017, a 17% reduction, [according to U.S. Centers for Disease Control and Prevention](#). This is at a rate rarely, if ever, seen and to a level that is lower than in nearly a century. Part of the reason for this decline is comprehensive tobacco control measures — tobacco tax increases, smoke-free statutes, public ad campaigns, restrictions on advertising and promotions, and cessation programs. However, when there is a significantly greater reduction than usual, there is some additional explanation. Here the most plausible explanation is e-cigarettes. E-cigarettes have surpassed NRT as the most used cessation method. [A Truth Initiative survey](#) found that 38% of people who quit combustibles in the last 18 months were using e-cigarettes. JUUL Labs

estimates that approximately 1 million former smokers have switched completely to JUUL. A similar trend has occurred in the United Kingdom, which has fully embraced e-cigarettes as a harm reduction tool. There the combustible smoking rate for adults has dropped 23% in five years.

The use of JUUL is one of the most significant threats to combustible cigarettes. The traditional tobacco companies had dominated the e-cigarette market, but JUUL displaced them in a matter of months. JUUL now controls 70% of the dollar sales of e-cigarettes and 50% of the units sold, according to Nielsen data. The source of its threat to combustibles is that a JUUL delivers nicotine to the user at roughly the same level and rate as in a combustible. As mentioned, JUUL estimates that approximately 1 million American combustible smokers have totally switched to JUUL, a number that is growing every day.

The heat-not-burn product is the other breakthrough on the horizon. Like e-cigarettes, these products are non-combustibles that do not burn tobacco, thereby reducing the amount of harmful chemicals. The most extensive test has been in Japan. Between the 1st quarter 2016 and 1st quarter 2018, combustible sales in Japan dropped 27%, data from Japan Tobacco shows. This happened as Philip Morris International and Japan Tobacco competed with their heat-not-burn products to switch combustible smokers.

Other breakthroughs may develop. We need to embrace them as part of harm reduction. Government should do nothing to prohibit or over-regulate them.

Government can and must effectively inform smokers that if they are unable or unwilling to quit, they should switch to e-cigarettes. That should be done in two ways:

- (1) A public education campaign, including television spots, organized and paid for by the FDA and CDC;

- (2) FDA approval of reduced risk statements by the makers of non-combustibles.

Additionally, FDA must streamline the pre-market clearance process for non-combustibles so that companies that save lives are not put out of business.

I believe that all of this sets us on a course to go under 10% adult smoking in the United States by 2021. We should do all in our power to see this happen.

Two additional measures that would help accomplish and set the stage for a reduction to under 5% are:

- (1) Eliminate menthol use in combustibles when there is a real and publicly perceived alternative to menthol use in combustibles, i.e., non-combustibles with menthol.
We are a democracy, and when the federal government takes an action such as this without a clear alternative, there will be a popular uprising and Congress would reverse the FDA, setting the whole effort back.
- (2) Significantly reduce the amount of nicotine in combustible cigarettes, as long as there is a real and publicly perceived alternative.

Reaching 10% by 2021 and ultimately 5% is heavily promised on the use of non-combustibles as a harm reduction tool. An unintended consequence of non-combustibles is their use by kids. What we know about kids' use of e-cigarettes is somewhat reassuring:

- (1) An estimated 80% of their use is experimental;
- (2) Use by kids has stabilized at a point approximately 30% less than the peak year, 2015, [according to the CDC](#);
- (3) Only 1% of kids use e-cigarettes on a daily basis, according [2016 National Youth Tobacco Survey](#);

- (4) [According to Public Health England](#), e-cigarettes are not a gateway to combustibles.

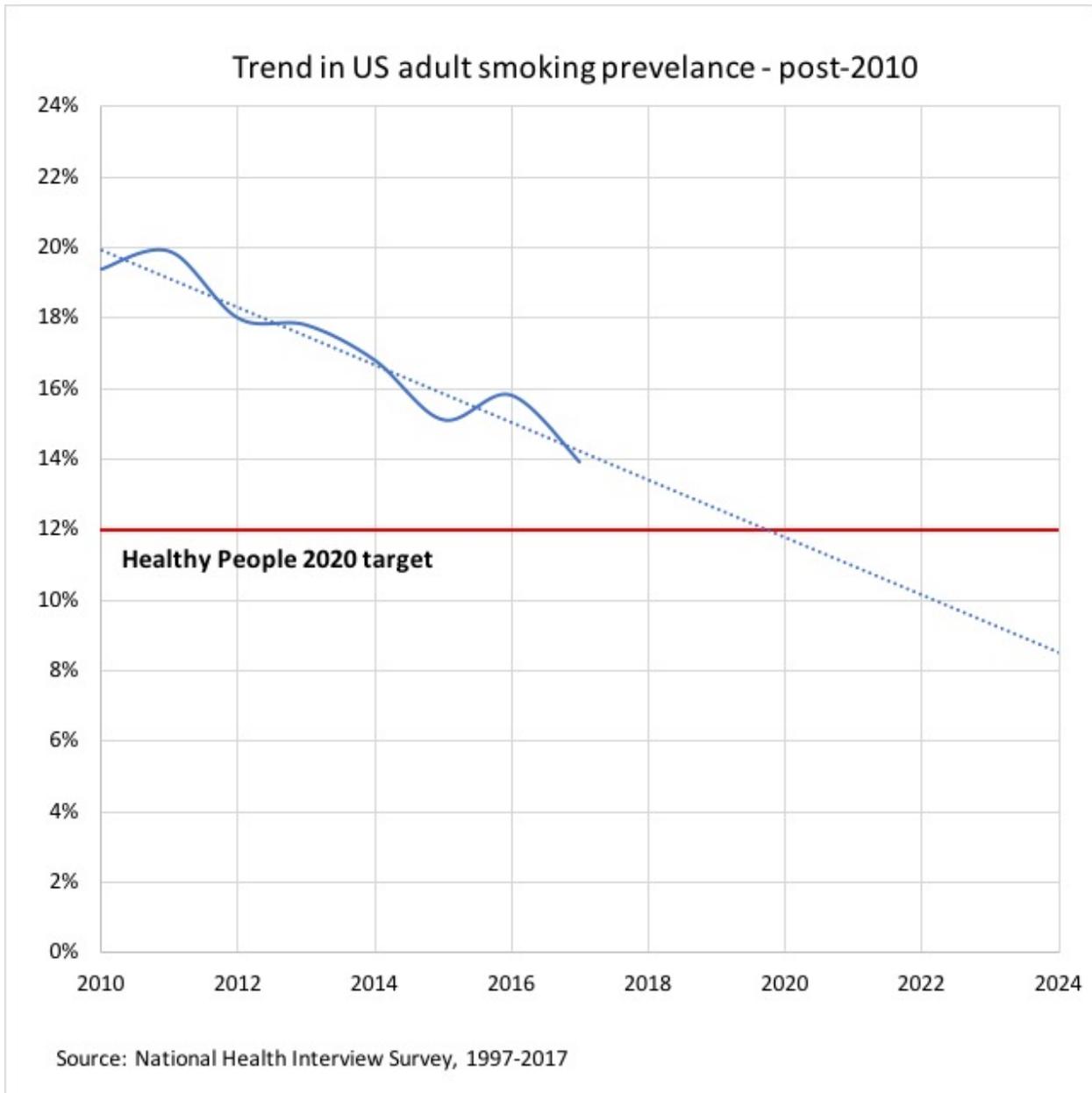
While no one wants kids to get addicted to nicotine, e-cigarettes represent a benefit to overall public health. [Researchers from the University of Michigan School of Public Health](#) have concluded that under any plausible scenarios, the benefits of vaping in helping smokers quit outweigh the risks of kids switching from e-cigarettes to combustibles.

These remarkable goals are dependent on market forces and the FDA. The JUUL experience is a good indication of how the market can and should function in this context of harm reduction.

The FDA check list for driving the adult smoking rate below 10% by 2021 and ultimately below 5% is:

- (1) Streamline the pre-market clearance process for non-combustibles so that companies selling e-cigarettes are not put out of business.
- (2) Do a public information campaign, including paid television spots, that informs combustible smokers that if they are unable or unwilling to quit they should switch to e-cigarettes.
- (3) Approve reduced risk statements by makers of non-combustibles.
- (4) Approve heat-not-burn applications.
- (5) Prohibit menthol flavoring in combustibles.
- (6) Significantly lower the amount of nicotine in combustibles.

Appendix A

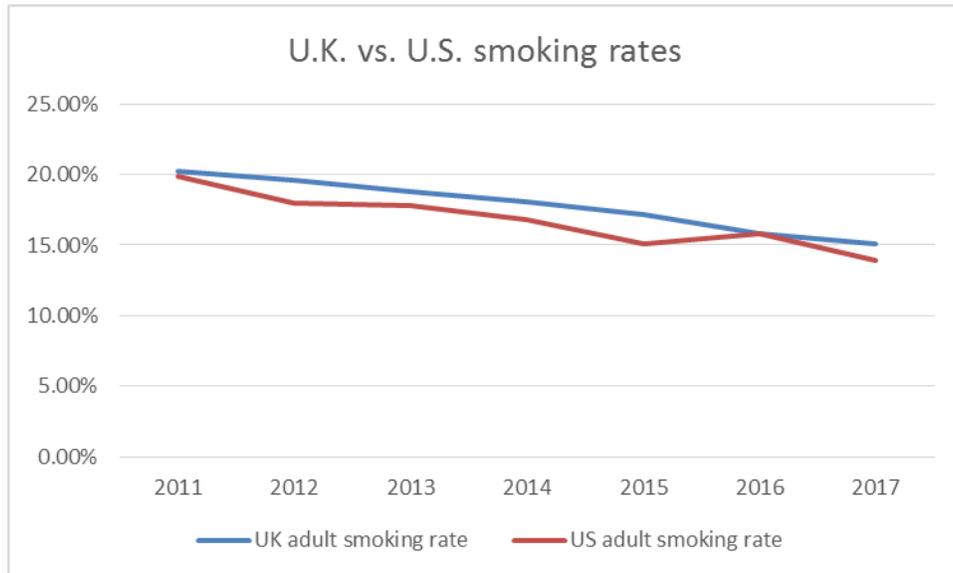


One's initial reaction is likely that getting under 10% by 2021 is impossible. It was mine. But when one considers the current trend and other steps to be taken, it is quite possible. The current trend is for the rate to go under 10% in early 2023.

Appendix B

Information concerning progress (or lack thereof) will be provided as often as possible. A special attempt will be made to quantify the number of people switching from combustibles to non-combustibles. For example, JUUL believes it may be possible for JUUL to account for a 2.0-2.5 percentage point reduction of the 13.9% adult smoking rate during this time.

Appendix C



	U.K.	U.S.
2011	20.20%	19.9%
2012	19.60%	18.0%
2013	18.80%	17.8%
2014	18.10%	16.8%
2015	17.20%	15.1%
2016	15.80%	15.8%
2017	15.10%	13.9%

At the E-cigarette Summit in Washington, DC, of this year, we issued a challenge to our tobacco control colleagues in the United Kingdom to get under 10% before we do. We will chart the progress of the two countries.