Lawmakers Say Puff Bar Used Pandemic to Market to Teens

House lawmakers asked the Food and Drug Administration this week to ban Puff Bar, the fast-growing e-cigarette that has quickly replaced Juul as the vape of choice among young people.

The disposable devices come in more than 20 flavors, among them piña colada, pink lemonade, watermelon and a mysterious blend called O.M.G. Although the Trump administration banned fruit, mint and dessert flavors in refillable cartridge-based e-cigarettes like Juul earlier this year, it carved out an exemption for brands that are used once and thrown away.

Puff Bar, which launched last year, has been the key beneficiary of the loophole. It has built on its early success by adding a line of flavor pods called Puff Krush that are compatible with the Juul device, upsetting that company, whose own business has sunk since it restricted sales in the United States to tobacco and menthol varieties last fall. Based on data used only for tracked channels, which include convenience stores and some other retailers but not online sales or vape shops, Puff Bar sales have consistently been over $3 million a week since April, with volumes now over 300,000 sticks per week.

“Puff Bar is quickly becoming the new Juul,” Rep. Raja Krishnamoorthi, Democrat of Illinois, wrote in a letter to the F.D.A. on Monday. Mr. Krishnamoorthi, the chairman of the House Subcommittee on Economic and Consumer Policy, accused the e-cigarette company of exploiting the coronavirus to sell its products to schoolchildren.

To make his case, the lawmaker included a copy of a Puff Bar advertisement featuring a photograph of a bedroom, with the words: “We know that the inside-vibes have been ... quite a challenge. Stay sane with Puff Bar this solo-break. We know you’ll love it. It’s the perfect escape from the back-to-back zoom calls, parental texts and WFH stress.”

Mr. Krishnamoorthi said that “this advertisement is designed to convince children home from school to vape in their rooms without their parents noticing.”

A second advertisement included in the complaint features an attractive young woman wearing a tight T-shirt and spewing big clouds of vapor. The same picture was used in a separate advertisement that suggested vaping a Puff Bar as a way to relax over spring break.
Todd Eric Gallinger, a lawyer who represented a company called Cool Clouds Distribution in a trademark application for the Puff logo, did not return a call seeking comment. The Puff Bar website does not list the names of any of the company’s executives. Indeed, since it began, the provenance of the Los Angeles-based business has been a secret. Its website states: “Who makes Puff Bar? Everyone wants to know the mastermind team behind the latest craze in the world of electronic cigarettes. Where did the Puff Bar team come from and where do they plan to go from here?”

Wherever it is, the company isn’t telling. The only details revealed indicate that the product is made in China and the flavors are developed in Malaysia.

But the company has not been under the radar. Tobacco-control advocates, including educators, organizations like Parents Against Vaping E-cigarettes and others, have been concerned about Puff Bar since it turned up in schools late last fall. Robin Koval, the chief executive and president of Truth Initiative, which seeks an end to tobacco use, said she supports a Puff Bar ban.

“It is an outrage that during a pandemic that attacks the lungs, Puff Bar is freely targeting our nation’s youth, putting their lives at even greater risk,” Ms. Koval said. “These egregious ads from Puff Bar are the latest example.”

In a recent online survey of 364 current vapers, ages 15 through 24, the Truth Initiative found that 57 percent were worried that vaping put them at risk of serious illness from the coronavirus, and slightly more than half wanted to quit.

The F.D.A. declined to discuss Puff Bar. Still, in an email, Mitchell Zeller, the director of the agency’s Center for Tobacco Products, wrote that the agency intended to take action against any electronic nicotine product “if it is targeted to youths, if its marketing is likely to promote use by minors, or if the manufacturer fails to take adequate measures to prevent minors’ access.”

When the F.D.A. started regulating e-cigarettes, it permitted the continued sale of products that were on the market as of Aug. 8, 2016, pending agency review. Since Puff Bar was introduced after that date, the agency does generally have the authority to remove it, despite the fact that the product is disposable and even if the agency cannot prove the company is targeting youths. The exception would be if Puff Bar had already been on the market before the 2016 deadline, under a different name, or sold by another company.

In recent weeks, the agency has blocked the importing of two e-cigarette products from China: EonSmoke, which sold disposable e-cigarettes in a number of flavors before shutting down, and RELX, available in flavors including Drunk in Mexico, Naked in Iceland and Mango.