Flavored disposable e-cigarettes surged in popularity beginning in 2020, following FDA’s February 2020 policy that prioritized enforcement against flavored cartridge-based e-cigarettes. In response to data showing a significant rise in disposable products used by youth, FDA announced it would prioritize enforcement against flavored disposable e-cigarettes in September 2020. However, these products have remained widely available and disposable sales have continued to increase.

In recent years, many disposable e-cigarette manufacturers shifted to using synthetic nicotine (nicotine not derived from tobacco) to try to evade FDA regulation, but Congress closed this loophole in 2022, giving FDA regulatory authority over synthetic nicotine. As of July 13, 2022, synthetic nicotine tobacco products without an FDA marketing order are illegal. While no synthetic product has received a marketing order, FDA has taken minimal action to clear the market of these products.

Unlike the “first generation” of disposable e-cigarettes that looked like cigarettes and had limited flavors, disposable e-cigarettes are now sleek, easily concealed, pre-charged, cheaper (some for less than $5), available in a wide variety of flavors, and can even have higher nicotine concentrations than JUUL. Large-format disposable e-cigarettes that allow for thousands of “puffs” are also now available.

Disposable e-cigarettes have surged in popularity among kids.

- In 2022, 55.3% of youth e-cigarette users reported using disposable e-cigarettes.
- Puff Bar, a disposable e-cigarette, was the most popular brand among youth in 2022, preferred by 14.5% of youth. More recent data from the International Tobacco Control (ITC) Youth Survey collected in August 2022 found that Elf Bar was the top disposable brand reported among a sample of 16–19-year-olds in the United States.
- While fruit and candy flavors are prohibited in cartridge-based e-cigarettes, kids have turned to using these flavors in disposable products. Among current youth users of flavored disposable e-cigarettes, the most commonly used flavor type is fruit (75.2%), followed by candy, desserts, and other sweets (40.4%), mint (29.6%) and menthol (16.7%).

Disposables hook kids with their variety of flavors, designs, relatively low prices, high nicotine content, and concealability.

- From February 2, 2020, to March 26, 2023, disposable e-cigarette sales in tracked retail channels increased by 196.2% (4.0 million units to 11.9 million units). During this period, the market share of disposable devices increased from 25.8% to 53.4% of total e-cigarette sales. As of December 2022, Elf Bar was the best-selling disposable e-cigarette and the third best-selling e-cigarette overall, after Vuse and Juul.

* Tracked data includes mass channel and convenience stores; does not include online sales or sales from tobacco and vape shops.
The popularity of disposables has been driven primarily by candy and fruit flavors, such as iced apple mango and strawberry. As of March 2023, 80% of disposable sales were of flavors other than tobacco, mint and menthol.\(^\text{10}\)

Disposable e-cigarettes with cooling flavors—often marketed as ice, cool, chill, freeze, or frost and often in combination with fruit flavors—have also increased (e.g., Blueberry Ice, Peach Freeze).\(^\text{11}\) A study in California found that participating young adults who reported using ice flavors were more likely to use disposables than other types of e-cigarette devices, including pod/cartridge products.\(^\text{12}\)

These products are packed with nicotine, with some labeled with 7.0% nicotine (a higher nicotine concentration than JUUL).\(^\text{13}\) Data from NielsenIQ showed that the monthly average nicotine strength of disposables increased from 2.1% nicotine concentration in January 2017 to 4.9% nicotine concentration in March 2022.\(^\text{14}\) Separate retail data from IRI found that disposables with 5% or more nicotine concentration made up over 90% of disposable unit sales by March 2022.\(^\text{15}\) One study found that, in some cases, the nicotine concentration in certain brands of disposables were mislabeled, with the liquid having 1.5 times higher nicotine content than the label.\(^\text{16}\)

Newer disposables can hold a higher volume of e-liquid, and with higher nicotine concentrations, a single disposable device can contain more nicotine than several packs of cigarettes, making them potentially more affordable than cigarettes for price-sensitive youth.

They are relatively small and portable and their sleek designs make them easy to conceal.

Companies are marketing these products as accessible and easy to use. Ready to use right out of the box, manufacturers tout the instant flavor hit and encourage users to try a variety of flavors.

**FDA’s February 2020 e-cigarette policy left kid-friendly, flavored disposable e-cigarettes on the market and widely available.**

- FDA’s policy removed flavored, cartridge-based products from the market, but explicitly excluded disposable e-cigarettes (“An example of products that would not be captured by this definition include completely self-contained, disposable products”).\(^\text{17}\) As previously noted, despite FDA’s announcement that it would prioritize enforcement against flavored disposable e-cigarettes, these products remain widely available.

- Some manufacturers shifted to making disposable e-cigarettes in the same flavors as the pre-filled pods they used to make.

- FDA’s deficient policy fueled the sales of flavored disposable e-cigarettes. A May 2020 industry analyst report noted, “We expect brands in the disposable e-cig segment to continue to gain share as long as they are not covered by the FDA’s restriction on non-tobacco/non-menthol flavor variants.”\(^\text{18}\)

- A convenience store employee similarly attributed the explosion of disposable products to FDA’s policy, “These products for the most part didn’t exist at retail in any consistent manner a year ago,” says Kraig Knudsen, tobacco category manager at Circle K’s Heartland Division, Lisle, Ill. “All those companies said, ‘Here’s a loophole. I’m going to just create a disposable, have any kind of flavor I want and sell a boatload of them.’ It’s worked for them.”\(^\text{19}\)

- Likely the most widely known disposable e-cigarette brand, Puff Bar, skyrocketed in popularity following FDA’s February 2020 policy and spurred copycats in an innumerable array of flavors.\(^\text{20}\) The brand reached more than $170 million in sales in 2020,\(^\text{21}\) and by mid-June 2020, industry analysts declared Puff Bar as one of the “biggest winners in disposables.”\(^\text{22}\) After FDA sent Puff Bar a warning letter in 2020, the company switched to using synthetic nicotine in its products to try to evade regulation because at that time, FDA did not have the authority to regulate synthetic nicotine. By December 2022, after FDA started regulating synthetic nicotine products, Puff Bar was claiming to only sell non-nicotine e-cigarettes.\(^\text{23}\)


19 “Disposable E-Cigarettes: The Darlings of the Vaping Segment,” CSP Magazine, February 2021, https://www.cqdigitalpublishing.com/publication/?m=2085886=91381&n=62&mkt_tok=eyjlijiToBeFiga3OMIJTWpndylIInQlOUYESHeHncWjdzcl0ujRmFoCmlSw50R1aE90C1ZjyZVgAvTJ1i10eFeGWHUUXyZdoWiWDOtDB6Q1No2Z GB0FBeIV5U0MWhqStc5MxdoQWhScH FUN2RUBVMY2U4NZVช0VYaOo1SmvVElQhoMWZYlc2UVTfR7j6Nm1laklO%3D


