



BOĞAZIÇIMUN 2026

US CIVIL COURT STUDY GUIDE

Agenda Item:

1) Ethan Rodriguez and Others v JUUL Labs, Inc.

Under Secretary-General: Atanur Duman

Academic Assistants: Metehan Yıldırım, Özge Zorlu



BOĞAZIÇİMUN 2026

LETTER FROM THE SECRETARY-GENERAL

Meritorious Participants,

I am Duru Yavuz, a senior Political Science and Sociology student at Boğaziçi University. As the Secretary-General, I would like to welcome you all to the 8th official session of BoğaziçiMUN, BoğaziçiMUN'26.

Our academic and organizational teams have been working endlessly to ensure the best BoğaziçiMUN experience for our participants. I would like to begin by thanking our Deputy Secretaries-General, Ömer Alp Şiringöz and İpek Şen for their efforts, support and friendship. And the biggest of thank you's goes to our Director-General and Club co-Coordinator Kaan Berker and our Deputy Director-General Ekin Asyalı, this conference would not be what it is without their ambition and hard work. I would also like to thank our Club co-Coordinator İrem Ayber for all her help in both academic and organizational capacities.

BoğaziçiMUN has always been a ground where we aim to achieve academic and organizational excellence, but it has also been a place where old friends get to gather and work towards a common goal, even if it is in the middle of a snowstorm. In our experience as a club and as a conference, we have broken and reshaped barriers, we have learned what it means to be in a close-knit team, we have looked to the past and embraced our legacy, and we have looked to the future to envision an improved BoğaziçiMUN.

Throughout the years, we have gained new experience, knowledge, and strength; and found a sense of community in our members and participants. In each BoğaziçiMUN; we have seen you, our participants, learn and grow with us; expanding your knowledge of international relations, world politics, and history. It was this growth and the chance to witness your dedication and curiosity that have inspired us to continue improving BoğaziçiMUN every single year. And because we get to see your enthusiasm, because we get to engage our participants' minds with the pressing issues of our time, our efforts are made worthwhile. This year, we have prepared for you a wide range of unique committees and agenda items, all thanks to our wonderful Under Secretaries-General who have worked closely with our academic team to bring fresh perspectives and discussions to the conference.



BOĞAZIÇİMUN 2026

After months of preparation on top of our years of foundational experience, BoğaziçiMUN is finally ready to open its doors to you and ‘Bridge the Gap’ once again this February. At the intersection of diplomacy, international relations and creative decision-making, BoğaziçiMUN stands as a chance to take matters into your own hands. Let us embark on this mission together and broaden our horizons as well as our community. It is my utmost honor to welcome you all to BoğaziçiMUN 2026, I hope to meet you soon.

Kind regards,

Duru Yavuz

Secretary-General of Boğaziçi MUN 2026



BOĞAZIÇİMUN 2026

LETTER FROM THE UNDER SECRETARY-GENERAL

Dear Members of the Court,

Welcome to BoğaziçiMUN. As the Under Secretary-General of the United States of America Civil Court, it is a pleasure to have you with us, and I sincerely hope you will find the conference both intellectually demanding and genuinely enjoyable.

Before anything else, I would like to extend my sincere gratitude to the entire Secretariat and Organization Team for the dedication, professionalism, and countless unseen hours that made this conference possible. I am also grateful to BoğaziçiMUN for supporting courts that require a distinctive level of academic preparation and procedural discipline. In that regard, I would like to offer special thanks to our Secretary-General, **Duru YAVUZ**, for actively championing the role of courts within MUN conferences and helping create space for rigorous, law-focused debate.

I would also like to express my heartfelt thanks to two people whose contributions were especially important for this agenda. First, to my Academic Assistant, **Özge ZORLU** and **Metehan YILDIRIM** whose support—particularly in the drafting and refinement of the case materials—has been invaluable.

You will notice that the **Study Guide is intentionally comprehensive**. Please do not let its length intimidate you. It is designed to function as a self-contained foundation so that you will **not need to conduct extensive additional research** in order to participate effectively. If you work through the guide carefully and use it as your reference point, you will already have what you need to build strong arguments, anticipate counter-arguments, and engage in substantive debate.

That said, you are never expected to navigate this agenda alone. **If you have questions**—whether about the legal framework, factual background, terminology, or how to prepare your position—please do not hesitate to reach out. I would much rather answer your questions early than see you struggle unnecessarily.

Contact: hakki.duman@bahcesehir.edu.tr (preferred) +90 546 914 0709 (emergency)



BOĞAZIÇİMUN 2026

I look forward to meeting you all and to witnessing a conference defined by rigorous debate, respectful diplomacy, and memorable collaboration. I wish you the very best of luck, and an outstanding BoğaziçiMUN experience.

Sincerely,

Hakkı Atanur DUMAN

Under-Secretary-General, United States of America Civil Court, BoğaziçiMUN 2026



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LIST OF ABBREVIATIONS

U.S.	United States
FDA	Food and Drug Administration
CDC	Centers for Disease Control and Prevention
FTC	Federal Trade Commission
EVALI	E-cigarette or Vaping Product Use-Associated Lung Injury
THC	Tetrahydrocannabinol
MDL	Multidistrict Litigation
JPML	Judicial Panel on Multidistrict Litigation
RICO	Racketeer Influenced and Corrupt



Organizations Act

N.D. Cal.

United States District Court for the
Northern District of California

SFUSD

San Francisco Unified School District

SDUSD

San Diego Unified School District

pH

potential of hydrogen

mg/mL

milligrams per milliliter

e.g.

exempli gratia

v.

versus



A. INTRODUCTION TO THE COURT

a. Introduction to the United States Court Systems

The US Constitution houses its own unique structure. In this unique structure, there are two main court systems: The Federal Court System and the State Court System. Each of these systems has both similarities and differences. To fully understand the US judicial structure, we should first dig into the US Court System and its procedure.

To begin with, the United States Federal Court System has three main levels: the district courts, the circuit courts and the Supreme Court. There are 94 district courts being the first level of justice. It continues with 13 circuit courts, which are above the district courts. As the final level of justice, there is one Supreme Court throughout the country. Federal courts are courts of limited jurisdiction, meaning they can only hear cases authorized by the United States Constitution or federal statutes. The federal district court is the starting point for any case arising under the Constitution. In some situations, cases that are entirely based on state law may be brought in federal court under the court's "diversity jurisdiction". Federal judges are selected by the President and confirmed "with the advice and consent" of the Senate and "shall hold their Offices during good Behavior".

In order to detail more, the district courts are the general trial courts of the federal court system. District courts handle trials within the federal court system, both civil and criminal. Some tasks of the district court are given to federal magistrate judges. Federal trial courts have also been established for a few subject-specific areas.

Once the federal district court has decided a case, the case can be appealed to a United States court of appeals. Thirteen federal circuits divide the country into different regions. Any case may be appealed to the circuit court once the district court has finalized a decision. Appeals to circuit courts are first heard by a panel, consisting of three circuit court judges.

The Supreme Court of the United States is the highest in the American judicial system and has the power to decide appeals on all cases brought in federal court or those brought in state court but dealing with federal law. Parties may file a "writ of certiorari" to the court, asking it to hear the case. Certiorari is not often granted; less than 1% of appeals to the high court are actually heard by it. There are nine justices on the court, eight associate justices and one chief justice.



State courts are courts of "general jurisdiction," which means they can hear nearly any kind of case, including the great majority of everyday civil and criminal cases, in contrast to federal courts with limited jurisdiction. State judges are chosen by a variety of processes, including public elections or gubernatorial appointment and frequently hold office for set terms rather than "during good behavior." In contrast, federal judges are appointed for life. Starting with trial courts (commonly referred to as superior or circuit courts) and progressing to intermediate appellate courts, where panels of judges review rulings, the organization is similar to the federal system. Lastly, there is the State Supreme Court, which has the authority to select which cases it considers and acts as the final level in the state legislation and the state constitution.

b. Civil Cases and United States Civil Court

There are two primary types of cases: civil cases and criminal cases. Civil law refers to the branch of law that deals with non-criminal matters, including disputes between private individuals or organizations. A civil case begins when a person, business, or government agency claims that another person, business, or government agency failed to meet a legal duty. Its primary concern is the rights and duties of individuals among themselves.

Civil and criminal cases both consider violations of people's rights and who is at fault. However, they differ in structure, burdens of proof and penalties. Civil cases usually involve disputes between people or organizations, while criminal cases allege a violation of a criminal law. Criminal law considers a crime an act against society rather than an individual. Therefore, the government brings legal action against a person for committing a crime. In contrast, a civil case involves a dispute between two people, or parties, on a certain issue. One party sues the other and the jury determines liability and the amount of damages.

The burden of proof is much lighter in a civil case. In civil matters, a preponderance of evidence showing a more than 50 percent chance that one of the parties is at fault is all that's necessary. Instead of the defendant having to prove his or her innocence, the prosecution must prove the defendant's guilt beyond a reasonable doubt. Because the stakes are so much higher for a defendant in a criminal case than between two parties in a civil case, the justice system also includes safeguards to protect a defendant's rights.

Types of Civil Cases

Civil litigation refers to legal proceedings undertaken to resolve a dispute regarding an



alleged civil wrong and seek redress or payment of damages. Within common law systems, civil law encompasses areas such as contracts, torts and property.

Torts and Personal Injury: This happens if someone gets injured because of the other person's negligence. Suppose you have been injured or physically harmed because of someone else's actions; in that case, you can legally hold them responsible for what has happened with the help of personal injury litigation. Car and motorbike accidents and medical malpractice are usually the common causes of these cases. But remember, things will only go in your favor if the other person is directly or indirectly liable for the injury you suffered.

Contract Disputes: When two or more parties agree upon a set of rules and exchange money, assets, or promises, it is called an agreement. A contract is a written version of the agreement. Civil litigation also applies if one of the parties does not follow the terms of the contract. Now, if either party in the contract refuses to obey it, the other party can file a lawsuit against them.

Property and Real Estate: Civil litigation involves real estate disputes such as fraud in sales or issues with the value of land or property. Some of the cases are conflicts with ownership rights, problems with title claims and property line disputes. Private problems also include personal cases; for example, if your neighbor's dog keeps ruining your property, you can contact your civil attorney.

Family Law: Many family problems fall under civil litigation. These cases include domestic violence, child custody, divorce, probate and separation. Unlike other civil cases, which are purely adversarial, family law often prioritizes the "best interests of the child."

Defamation: If a person spreads false rumors or makes a false statement that can harm the other party's image, then it is called defamation. Defamation can cause a lot of nominal and real damage to the person or organization.

The Process of a Civil Case

To begin a civil lawsuit in federal court, the plaintiff files a complaint with the court and “serves” a copy of the complaint on the defendant (The plaintiff and the defendant are also called "parties" or "litigants"). The complaint describes the plaintiff's damages or injury, explains how the defendant caused the harm, shows that the court has jurisdiction and asks the court to order relief. The complaint, which is the plaintiff's pleading, consists of the



defendant's crime and the outcome they expect. After they place the complaint, the defendant must create an answer to it. It is the response to the accusation and they can also ask for a more precise explanation.

Discovery: Gathering Evidence

There may be “discovery,” where the litigants must provide information to each other about the case, such as the identity of witnesses and copies of any documents related to the case. Discovery allows you to get information and evidence from the other party or other persons that you can use in your lawsuit. The purpose of discovery is to prepare for trial by requiring the litigants to assemble their evidence and prepare to call witnesses. If you are the plaintiff in a case, you have the burden to prove your case by stronger evidence than the other side. Discovery is how you gather the evidence you will need to prove your case as a plaintiff or defeat the plaintiff's case as a defendant.

Tools Used in Discovery:

Interrogatories: To ask the other side to answer a set of questions, you can use Interrogatories. An “Interrogatory” is a legal word meaning “question”. This is useful not only to get general information about the other side, like home and employer address, but also information that supports what the other side claims in their Complaint or Answer.

Depositions: Discovery may include a deposition, requiring a witness to answer questions about the case before the trial. The witness answers questions from the lawyer under oath, in the presence of a court reporter, who produces a word-for-word account called a transcript. Taking a deposition is complicated and expensive; it requires knowledge of the law and rules of evidence.

Requests for Production: A Request for Production (also known as a Demand for Inspection) asks the other side to produce and allow copying or inspection and measuring of a document or thing. The other side also provides a written response stating that all evidence was produced, or explaining what hasn't been produced and why.

Requests for Admission: A Request for Admission asks the other side in your lawsuit to admit that a list of statements are true or that documents are authentic. If the other side admits that something is authentic, you will not need to prove that at trial. This can make your trial faster and less expensive.



Settlement and Trial

To avoid the expense and delay of having a trial, judges encourage the litigants to try to reach an agreement resolving their dispute. As a result, litigants often agree to a “settlement”. In this step, a civil attorney for both parties gets together to negotiate. If they come to an agreeable settlement, the case ends there or goes to trial. Absent a settlement, the court will schedule a trial.

It is the last step, where the judge and jury hear the parties and decide on a verdict. By applying rules of evidence, the judge determines which information may be presented in the courtroom. So that witnesses speak from their own knowledge and do not change their story based on what they hear another witness say, they are kept out of the courtroom until they testify. A plaintiff may seek money to compensate for the damages, or may ask the court to order the defendant to stop the conduct that is causing the harm. The court may also order other types of relief, such as a declaration of the legal rights of the plaintiff in a particular situation.

c. A Comparison Between Class Action and Multidistrict Litigation (MDL)

Multidistrict litigation (MDLs) and class action lawsuits are two devices courts use to promote efficiency by grouping plaintiffs with similar claims against the same defendant(s). However, the similarities stop there. MDLs and class actions are used in vastly different situations and the main differences are briefed to the “three P’s”: place, plaintiffs and procedure.

Place: Jurisdiction and Venue

In life, there is a time and a place for everything and the same holds for MDLs and class actions. Although a class action lawsuit may be filed in either state or federal court, MDL cases exist only in federal court. Congress enacted the MDL Statute in 1968, permitting the Judicial Panel on Multidistrict Litigation (JPML) to transfer cases from multiple federal district courts to a single district. However, the fact that MDLs exist only in federal court does not mean that MDLs exclusively involve claims based on federal law. In fact, many MDLs are based on state law claims and reach the federal courts through diverse jurisdiction.

Plaintiffs: Individual vs. Representative Status



The treatment of plaintiffs differs between MDLs and class actions. In MDLs, plaintiffs maintain their status as “plaintiffs” throughout the litigation because suits are combined only for pretrial purposes and are transferred to their original court for trial.

In contrast, plaintiffs in a class action lose their individual identity as a plaintiff. One or more representative or lead plaintiffs file suit on behalf of a group of injured parties with common claims, known as class members. The lead plaintiff performs the traditional functions of a plaintiff, like filing suit, hiring counsel and negotiating settlements. However, the lead plaintiff is bound by the dreaded class certification process governed by the Federal Rules of Civil Procedure (FRCP) 23, which acts as a gatekeeper to ensure that class members will be adequately represented and defendants are protected from frivolous or harassing suits.

Procedure: Formation and Requirements

Based on the numerous differences between MDLs and class actions, it is unsurprising that each judicial tool has a mandated set of procedural rules that must be followed.

The United States Judicial Panel on Multidistrict Litigation, known informally as the MDL Panel, was created by an Act of Congress in 1968 - 28 U.S.C. §1407. The job of the Panel is to determine whether civil actions pending in different federal districts involve one or more common questions of fact such that the actions should be transferred to one federal district for coordinated or consolidated pretrial proceedings. The purposes of this transfer or “centralization” process are to avoid duplication of discovery, to prevent inconsistent pretrial rulings and to conserve the resources of the parties, their counsel and the judiciary.

An MDL is formed when multiple district court cases sharing a common question of fact are transferred to one district for combined pretrial proceedings. The JPML ultimately decides whether to permit centralization, the location of the transferee court and the presiding judge. Once the transferee court completes all pretrial proceedings, that is the end of the road for the MDL; the transferee court must remand any case not terminated before trial. Transferred actions not terminated in the transferee district are remanded to their originating transferor districts by the Panel at or before the conclusion of centralized pretrial proceedings. In reality, very few cases are remanded. In 2020, fewer than 3 percent of cases were remanded, with 97 percent of cases resolved before trial.



In contrast to MDLs, a party files suit intending to create a class action. One or more members of a class may sue or be sued as representative parties on behalf of all members only if:

1. The class is so numerous that joinder of all members is impracticable;
2. There are questions of law or fact common to the class;
3. The claims or defenses of the representative parties are typical of the claims or defenses of the class; and
4. The representative parties will fairly and adequately protect the interests of the class.

In addition, a class action suit must also fall within a category enumerated in FRCP 23(b), a determination made by the judge. Among other things, class category determines whether members can opt out or whether they are bound by any judgment or settlement. Once a class is certified and class members are provided notice and opportunity to opt out (if applicable), the class action moves forward. Unlike MDLs, the court remains fully involved throughout the life cycle of a class action suit and must approve any proposed settlement agreement. If a settlement agreement is approved or a judgment is entered in favor of the plaintiffs, each class member receives their portion of the award.

d. California Law

The statutory laws of California consist of acts passed by the California legislature and by the California electorate through the initiative process. A statute refers to an arrangement of laws that is subject-based and permanent and statutes and laws are the foundation of society; without them, there would be no order. Once a bill becomes a statute, the Secretary of State assigns it a chapter number and it is placed chronologically in the official Statutes and Amendments to the Codes, which serves as the permanent record of all statutes passed by the California Legislature. California's citizens abide by a unique set of statutes under the California constitution, which protects cities and counties and grants them certain powers that cities and counties and other states might not have.

The Early Era: The Statutes of 1850

Before statehood, California operated under a mix of military rule and Mexican civil law and the first California Constitution was drafted by a group of 48 delegates in 1849. Following



this, the first session of the legislature convened to establish a legal framework for the new state; the "Statutes of 1850" represent the first attempts at legislation in California. These early laws were organized by their date of enactment rather than by subject matter, lacking the integration of modern codes. The legislature passed numerous individual acts to organize the government, including Chapter 14, an Act to organize the Supreme Court of California; Chapter 15, an Act subdividing the State into Counties and establishing the Seats of Justice therein; and Chapter 33, an Act to organize the District Courts of the State of California. Additionally, Chapter 53 established a standard for Weights and Measures, and Chapter 63 established a Municipal Court in the City of San Francisco.

In these early years, the legislature also addressed specific local issues and property rights through acts such as Chapter 62, "An Act concerning Water Craft found Adrift, and Lost Money and Property," and Chapter 70, "An Act concerning Wrecks and Wrecked Property". The legislature also incorporated early cities, such as Sacramento City in Chapter 20, Monterey in Chapter 50 and Santa Barbara in Chapter 68. Because these statutes were published in chronological order, finding specific laws was difficult; for the first 22 years of statehood, lawyers had to search through annual volumes of "Statutes" to find the law, often missing amendments. It was soon discovered that many provisions conflicted with existing California statutes and case law.

The Codes of 1872: The Field Codes

The major turning point in California's legal history occurred in 1872, when California moved to the forefront of American legal reform by becoming one of the first states in the nation to codify its complete body of laws. The legislature enacted the California Code, which included new Civil, Criminal and Political Codes, as well as a revised Code of Civil Procedure. These codes were based largely on the work of the illustrious New York jurist, David Dudley Field II. Field had prepared a civil code for the state of New York in 1865, but it was never enacted in that state. However, his work found a home in the West; Stephen Field, appointed in 1863 to be a United States Supreme Court Associate Justice, brought with him during the 1849 gold rush drafts of the New York Civil Code that were prepared by his brother. The Code enacted in 1872 was essentially the Field Civil Code of 1865, with some changes to adapt it to previous California legislation.

The Structure of the Four Original Codes



The centerpiece of the California Code was the Civil Code, which consolidated all of the state's statutory and common-law rules governing private relations into one meticulously arranged volume. The Civil Code governs the general obligations and rights of persons within the jurisdiction of California and features the "standard tripartite Gaius system," classifying subject matter of decreasing generality. It was divided into four divisions: "the first relating to persons"; "the second to property"; "the third to obligations"; and "the fourth contains general provisions relating to the three preceding divisions". Although revolutionary for its time, the California Civil Code was actually the third successfully enacted codification of the substance of the common law. Numerous sections of the current Civil Code can be traced directly to this 1872 codification, including Section 2941 and Section 2924.

Alongside the Civil Code, the legislature enacted three other foundational codes. The Code of Civil Procedure, enacted in March 1872, is the general codification of the law of civil procedure in the U.S. state of California and contains most California statutes that govern the filing and litigation of lawsuits in the Superior Courts of California. When originally enacted in 1872, the CCP was divided into four parts: Courts of Justice, Civil Actions, Special Proceedings of a Civil Nature and Evidence. Originally, the CCP was the codification of the Practice Act of 1851, as amended and revised.

The Penal Code forms the basis for the application of most criminal law, criminal procedure and penal institutions in California and was derived from a penal code proposed by the New York code commission in 1865, frequently called the Field Penal Code. Before the enactment of the Penal Code, California relied on common law definitions of crimes as well as the accumulated case law that went back to the British common law of post-colonial times. Finally, the former Political Code pertained to state and municipal governments, their political subdivisions, elections and appointment of public officers, powers and duties of public officers and public institutions such as the University of California. It covered specific administrative topics such as "The Sovereignty of the State," "The Several Funds," and "The Government of Cities".

Despite the success of the 1872 adoption, problems arose because it was soon discovered that many more provisions of the new Civil Code conflicted with existing California statutes and case law. In 1873, Stephen J. Field, Jackson Temple and John W. Dwinelle were appointed to a Board of Code Examiners to investigate such issues. In 1874, the legislature adopted the board's proposed amendments to the Code. Justice Stephen Field praised the California Codes



as "perfect in their analysis, admirable in their arrangement and furnishing a complete code of laws". Since 1872, when these statutes were enacted, California's courts have increasingly relied on legislative intent when interpreting the state's laws.

The Code Commission (1929–1953)

For decades, the 1872 codes served the state well, but as the state grew, the "Political Code" became bloated and unmanageable; by the 1920s, the Political Code had expanded to include numerous excesses and disorganized statutes. The Political Code pertained to state and municipal governments, public police regulations and the duties of public officers, covering "The Sovereignty of the State," "The Several Funds," and "The Government of Cities". However, statutes that did not fit these categories were simply left uncodified in the California Statutes, leading to a fragmented legal system. In its first report, the newly formed commission stated: "The California statutory law is in a deplorable condition; law writers and publishers unite in considering it the worst statutory law in the country". The original California Codes were not a comprehensive codification and as a result, statutes that did not fit these categories were simply left uncodified in the California Statutes.

In response to these issues, the legislature took action and the California Code Commission was engaged from 1929 to 1953 in codifying the statutory law of the State. The Commission was created to examine the common law and statutes of the State and to recommend such changes in the law as it deems necessary to modify or eliminate inequitable rules of law. To staff the new permanent version of the Code Commission, the state Legislature simply appointed the Legislative Counsel as the secretary of the Commission. Thus, as a practical matter, most of the real work was performed by the Legislative Counsel's deputies and then approved by the Code Commissioners. The Commission spent the next 24 years analyzing the massive body of uncodified law in the California Statutes and drafting almost all the other codes.

As the Commission proceeded, the Political Code was gradually dismantled and its provisions were redistributed into new, subject-specific codes. With a few exceptions, most of the 1943 Government Code statutes were derived from California's former Political Code; for example, Section 815.2 and Section 820.2 were derived from former Political Code § 1623, enacted in 1872. The Commission prepared and revised other codes, such as the Education Code, the Labor Code, the Public Resources Code and the Revenue and Taxation Code. Additionally, the Code of Civil Procedure originally governed the legal profession, but those



provisions were later moved to the Business and Professions Code. By 1953, when the Code Commission completed its assigned task and issued its final report on September 1 of that year, 25 Codes were then in existence.

The Modern Era: The California Law Revision Commission

As its work drew to a close, the Code Commission recommended that the Legislature consider the best means for carrying out a program for substantive law revision in California. This led to the enactment of Chapter 1445 of the Statutes of 1953, which abolished the Code Commission and created the California Law Revision Commission. The California Law Revision Commission is an independent state agency created by statute in 1953 that assists the Legislature and Governor by examining California law and recommending needed reforms. The Commission consists of seven members appointed by the Governor with the advice and consent of the Senate, one Senator, one Assembly Member and the Legislative Counsel, who acts as an ex officio member of the Commission.

The Commission assists the Legislature in keeping the law up to date by intensively studying complex and sometimes controversial subjects. The Commission studies the law in order to discover defects, outdated rules and recommends legislation to make needed reforms, but the Commission may only study matters that have been expressly authorized by legislative resolution or statute. The Commission's efforts enable the Legislature to focus on significant policy questions in a recommendation rather than on the technical issues, which can be resolved in the process of preparing background studies. In some cases, the Commission's report demonstrates that no new legislation on a particular topic is needed, thus relieving the Legislature of the need to study the topic.

Once the Commission has made preliminary decisions on how to reform the law, it issues a temporary recommendation demanding public comment on the proposed reform. After the Commission has thoroughly considered public input on the proposal, it will typically make a final recommendation, which is delivered to the Legislature and the Governor and then published. Historically, over 90% of the Commission's recommendations have been enacted into law, affecting more than 22,500 sections of the California statutory codes. Before the Commission, law reform in specific fields was often erratic, but through the commission entire codes can be altered through large, comprehensive statutes.



Today, the statutory laws of California continue to be organized by subject and published in the California codes. Unlike the federal system or states like Virginia that organize laws into Titles, the California statutory system is organized into 29 separate subject-specific codes. The official codes are maintained by the California Office of Legislative Counsel for the legislature. However, the Codes must be read in combination with the federal and state constitutions, federal and state case law, and the California Code of Regulations, in order to understand how they are actually interpreted and enforced in court. Recent revisions continue to shape the law; for instance, Section 128.5 of the Code of Civil Procedure was added in 2017, while Section 128.7 was added in 1994. Through this evolution from the chronological Statutes of 1850, to the revolutionary Field Codes of 1872, to the modern reorganization by the Code Commission, California has developed a unique and heavily regulated statutory system that stands apart from other states.

B. FACTUAL AND PROCEDURAL BACKGROUND (San Francisco Unified School District v. Juul Labs, Inc.)

a. Introduction to the Case

San Francisco Unified School District (SFUSD) v. Juul Labs, Inc. represents one of the most significant and complex mass tort actions in recent American legal history. Consolidated in the United States District Court for the Northern District of California under Judge William H. Orrick, this litigation brings together lawsuits filed by diverse plaintiffs -including school districts, local governments, and consumers- against the e-cigarette giant Juul Labs, Inc. and its major investor, Altria Group.

At the heart of this legal battle lies a fundamental conflict between technological innovation and public health responsibility. Juul Labs entered the market with a stated mission to "improve the lives of the world's one billion adult smokers" by providing a high-potency, non-combustible alternative to traditional cigarettes. However, the plaintiffs allege that this mission was overshadowed by a predatory strategy designed to hook a new generation on nicotine. The central accusation is that Juul engineered a highly addictive product using "nicotine salts," disguised it with sleek, stealthy technology, and marketed it through youth-oriented social media campaigns featuring vibrant colors and sweet flavors.



The litigation characterizes the resulting surge in teenage vaping not as an accidental side effect of innovation, but as a foreseeable "epidemic" fueled by corporate negligence and deceptive business practices. School districts, such as the San Francisco Unified School District (SFUSD), argue that Juul's conduct created a "public nuisance," forcing educational institutions to divert millions of dollars toward counseling, enforcement, and facility modifications. Furthermore, the plaintiffs invoke the Racketeer Influenced and Corrupt Organizations Act (RICO), alleging that Juul and Altria formed an illegal enterprise to fraudulently expand the nicotine market at the expense of public health.

This case is not merely about a single product; it is a landmark examination of corporate liability in the digital age. It questions the boundaries of "harm reduction," the ethics of algorithmic marketing, and the duty of a manufacturer to disclose the addictive nature of its proprietary formulas. Standing as a decisive legal confrontation, this trial serves as the ultimate venue where the evidence will be weighed and accountability determined at the intersection of Silicon Valley disruption, public health crises, and consumer protection laws.

b. Chronology of Events

1. The Stanford Origins: From "Ploom" to Juul

Well ahead of stores ever selling it, the idea behind Juul began at Stanford, where making things meant trying them out, adjusting based on what people said, turning everyday problems into workable fixes. Out of that environment came Adam Bowen and James Monsees, who stopped seeing smoking only as risky behavior but more like a habit woven into movement, feeling, self-image, and routine. What they did first in school wasn't inventing; it was watching closely - asking why quitting tools often failed because people didn't just crave nicotine but also the whole feel of lighting up. Thinking differently led somewhere new - not insisting on giving up entirely, but aiming to reduce harm by keeping nicotine while ditching smoke and flame. Through a designer's view, a broad public concern became narrow: if poisons mostly come from burning tobacco, then delivering nicotine without combustion might give grown-ups a similar experience minus regular cigarettes. Starting out, think of the first phase not as a rigid blueprint but as a chance to tweak thoughts and craft rough versions. Over at Stanford, changing things often felt routine - so features such as gadget form, vapor delivery, or user preferences shifted during tests. Rather than



seeing the move from Ploom to Juul as abrupt, picture it unfolding step by step with purposeful updates. Early drawings and test builds hinted at aiming higher than regular cigarettes. What came next questioned whether that vision held up once real people tried those gadgets daily - ones meant to feel simple, quiet, steady with every use. Looking at it like this, Stanford didn't start things through money or legal rights, yet through thinking differently: valuing clean simplicity instead of mimicking cigarettes, treating user routines and enjoyment as key when designing, while going with closed cartridges not only to earn more but also to ensure consistency. The part that followed is usually told as something personal - a memory brought up by those who built it - which cleared their thoughts and shaped what they would do next.

1.1. The “Smoke Break” Epiphany

Something changed while sitting outside between classes. Smoke breaks were more than a habit. A pattern emerged when two students watched others light up late at night near campus buildings. Papers piled high on desks did not stop the urge. Risk talks in lectures never stuck long enough to matter. One saw it first - actions repeated without thought held power. Not logic, but rhythm kept people returning. What felt automatic might actually follow invisible rules. The way fingers moved, the breath drawn in, even standing together quietly - all part of a structure. Knowing danger existed didn't erase the pull. That gap wasn't a failure. It was meaningful. Solutions couldn't just replace chemicals. They had to mirror timing, gesture, space, silence. Small moments added weight. Completion mattered as much as craving. Looked at one way, the big moment wasn't just about realizing e-cigarettes could work. It came from seeing what really held people to traditional ones - the feelings, the habits, the full experience - and noticing earlier options failed to match that depth. This shift opened up a bold idea: since the worst damage comes from burning tobacco, making something that gives nicotine without smoke might offer a clearer option for those unwilling - or unable - to quit entirely. To stay fair here, it helps to note exactly what was said in the Stanford report: the creators separated nicotine from smoke, pointing blame mostly at the harmful stuff created when tobacco burns. Yet their aim wasn't only safety - they also wanted to keep the physical rhythm of smoking alive. That choice isn't minor background detail. It shapes how lowering risk and keeping pleasure can go together in one approach. From the start, this mix carried hints of future debate. Not because of rumors or later drama - but simply because swapping out real cigarettes means building something appealing enough to actually take its place. A pause for smoke ends up linking what people notice with how designs take shape. When



those starting it called the issue “smoke,” everything shifted. Ideas began to form around building something real. A written argument took root, sometimes named “The Rational Future of Smoking.” This paper laid out what they first believed. Plans turned into working models. Their hopes found structure there.

1.2. The Thesis: “The Rational Future of Smoking”

Ahead of everything stood a clear idea: smoke's ritual mattered just as much as its function. What began as academic thinking at Stanford turned into something tangible, shaped by real human habits. Instead of copying old designs, the team imagined a future where pleasure and safety weren't opposites. Early vapor devices often felt clumsy or tried too hard to look like cigarettes - this path avoided both traps. A sleek form took shape, one meant to blend rather than announce itself. Satisfaction wasn't about mimicry but reliability, moment after moment. Smoke's dangers came from burning, so removing fire became central. Experience stayed important, even if the method changed completely. Thoughtfulness guided each decision, not trends. Tradition influenced it indirectly, through behavior, not appearance. It's wrong to call this look-and-feel decision shallow. When it comes to gadgets people buy, how they fit in hand, what materials they're made of, even their color or shape - these decide if something gets shown off, tucked away, used daily, or tossed aside. Design here wasn't seen as just decoration hiding tech inside. Instead, it became central to replacing smoking with another option for grown-ups who inhale. A major idea woven through was standardizing parts you consume and managing small changes on purpose. Think like coffee machines using pods - one piece snaps in, every time the dose stays consistent, the outcome feels familiar. That kind of setup might fix a flaw common in earlier attempts: uneven results leaving users unsatisfied, pushing them back to regular cigarettes. Taste options and different versions weren't afterthoughts either. They acted like tools - offering new sensations instead of burnt leaf flavors, keeping routines alive while skipping actual smoke. Looking at it plainly, this wasn't about right or wrong - it was how the thing was built inside. The makers wanted something solid, not perfect, just strong enough to pull people away from regular cigarettes. Early on, building models went hand in hand with telling a story around them. To get approval or support, their school project had to feel possible, even if still rough. So actual hands-on work - and others helping shape it - showed it wasn't only theory. Think of the thesis like a starting point: it spelled out their main thought - less harm, no smoke - with attention to how real users would interact. Because of that mix, what came after didn't arrive



all at once. Instead, step by step, through versions like Ploom then Pax Labs, they checked whether those original ideas held up when tested for real.

1.3. Ploom & Pax Labs

Starting out, the journey from idea to market took shape around Ploom - a project that eventually became Pax Labs. Not just a company, it acted like a testing ground where design ideas met real-life demands. Before any legal battles began, Ploom stood as one effort to build a different kind of nicotine experience. Smokeless but still satisfying - that was the aim from the start. Getting there meant raising money, building models, then launching into a world where people weren't sure what they wanted and categories kept shifting. Decisions made back then about how devices worked - whether open or closed, what materials to use, how much uniformity mattered - grew out of trying to make something people would actually stick with. Smooth finishes kept showing up. Founders wanted gadgets to sit beside high-end tech, not look like disposable tools. Later models followed that path - quiet shapes, clean lines, built to blend into pockets and routines without fuss. Moving forward, Pax took those ideas further, stripping away clutter, focusing on how things felt when held or tapped. Even though its purpose differed from future nicotine devices, it taught real lessons about weight, battery habits, ease of carrying, and what makes something feel familiar instead of strange. Looking back, this stretch stands out less for breakthroughs and more for quiet tests - what made people keep using them, what caused frustration, how sturdiness could be built in, why names and looks shaped who tried them at all. Twisty paths led to Juul, not some single-file march. Earlier gadgets set the stage, showing what mattered most when swapping smoke for vapor. A small shape, parts you could swap - those came from learning what past models got wrong. To really stand in for cigarettes, something had to fit real lives: simple, steady, there when needed. Ploom and Pax weren't just warm-up acts. They built the link between a school project obsessed with smokeless tech and the polished thing people later held in their hands. This view stays close to facts, sticks to choices made before lawsuits shaped the story. It follows intent, step by step, without fast-forwarding to courtroom drama.

2. The Chemistry of Addiction

What began as a vague idea about reducing harm slowly turned into a real market option for delivering nicotine. The biggest hurdle? Figuring out how addiction works on a chemical level. It isn't just the amount of substance that matters - timing plays a role too. Fast absorption through the lungs sends sharp spikes of nicotine into the bloodstream, hitting the



brain quickly. That rush links device handling, taste, even surroundings to feelings of satisfaction. Products live or die by these moments - not promises or theory. Inside vapor devices, nicotine shifts forms depending on acidity. Freebase versions tend to evaporate easier yet sting the throat more when strong, which means comfort sets hard limits on dosage per puff. Not so volatile anymore, the altered nicotine - when paired with acid - becomes easier on the throat, lasts longer in solution. That shift means liquids hold more nicotine without tasting unbearable, making frequent draws feel manageable. It isn't just lab talk - it shapes how closely a vape matches smoking, down to throat hit, urge reduction, even if it feels right in hand and effect. Heat changes everything though - the way fluids like glycol break down depends on temperature, varies by device setup. Add ingredients, adjust wattage or coil heat, reactions unfold differently, sometimes unpredictably. The substance inside links tightly to how it gets used: strength and type guide how hard someone inhales, how often they return. Those habits shape intake levels, feedback loops, long-term reliance - all tied back to molecular choices made before the first breath. One truth sits beside another in a fair view. A nicotine tool meant for grown-up smokers needs to get its substance into the body fast enough to match what cigarettes already do well. At the same time, those very traits that make it work better for replacement may also make people reach for it more often. That ease of repeat use could raise chances of reliance, no matter who uses it. What happens inside the mix of salt and vapor matters deeply. So does how acid alters taste signals. Device form and dose strength play roles too. These details ground whether stories about quitting smoking hold up - or whether tales of deeper addiction gain weight. Facts pile up long before courts ever step in.

2.1. The “Nicotine Salt” Patent and Benzoic Acid

What makes nicotine salts work comes down to solving a stubborn problem. Getting strong nicotine into small devices without burning out the hardware means taming how it turns into mist. Freebase nicotine often feels rough on the throat when concentrated. To fix that, makers mix nicotine with certain acids - this changes its behavior in liquid and when heated. It isn't just about picking any acid. The right one must stay stable under heat, not vanish too fast, and keep the mixture predictable over time. Melting point matters. So does what happens when things get hot inside the device. Among options, benzoic acid stands out. It helps create a smoother experience even at higher strengths. Other acids like sorbic or levulinic also fit the pattern - they open different paths toward the same goal. When nicotine links with benzoic acid, the result tends to feel less sharp. That shift hides some of the warning signs your body



gives when nicotine gets intense. As a result, more can enter the system before discomfort kicks in. One reason this sensory control plays a role? It lets each puff carry more nicotine before becoming unpleasant. Another effect shows up in how users judge intensity - what feels strong might not match actual nicotine levels. Tests of pod fluids show benzoic acid appears in large amounts, almost matching nicotine molecule for molecule, suggesting it's used to form a stable salt, not just lower pH. Still, any fair scientific review must note that acids and flavors can break down when heated, depending on the device setup. Research into benzene creation during vaping reveals results tied closely to hardware: high-power devices can generate notable benzene from common solvents, especially if benzoic acid or benzaldehyde are included at certain doses. In contrast, sealed pod units with fixed settings showed no detectable benzene beyond background traces under test runs. That result won't settle arguments about safety, yet makes one thing clearer - chemical reactions depend heavily on device structure. How power is controlled, what coils are built like, and heat patterns all affect byproduct development, shaping opposing views on danger. Altogether, using nicotine salts with benzoic or related acids, within strict physical limits, stands as a logical engineering choice for reliable delivery in compact gadgets, underscoring why concerns over harmful substances hinge on mixtures reacting under heat instead of isolated components alone.

2.2. The 5% Potency (59mg/ml) and “Kick”

A tiny vape might surprise you with its punch. What matters most is not size, but how much nicotine fits into each drop. Five percent sounds small - yet translates to nearly sixty milligrams per milliliter. That density means quick hits add up fast, shaped by how hard someone puffs, what mist comes out, and how lungs pull in the chemical. People talk about a rush; really it's layers stacking: brain response, throat feel, muscle memory linking draw to satisfaction. Blood tests show seasoned users get spikes similar to smoking when using strong pods. Some routines push levels past traditional cigarettes. Weaker mixes trail behind, feeding nicotine slower, peaking much lower. What really matters here isn't just extra nicotine - it's how fast levels climb. A steep rise to high concentration often feels more rewarding, easing strong cravings when someone stops smoking. When tested side by side, people report better satisfaction and less urge to smoke if the nicotine hits quicker, even if devices seem identical and usage time matches. That connection shapes early legal insight since two outcomes make sense at once: quick delivery might help adults stay off regular cigarettes by cutting relapse triggers. Yet that same speed - particularly with smoother salts -



may remove natural limits on use, possibly raising addiction risk for those who begin using more often. Pod fluid tests put the 5% number into perspective. Some liquids actually contain nicotine levels near the top limit stated on the package, showing that 5% isn't just a claim - it matches lab results. Still, feeling a strong hit does not happen for everyone. The actual amount taken in changes based on puffing habits, how often someone uses the device, its age, and past experience with nicotine. Any balanced explanation needs to skip broad statements like more nicotine always leads to stronger addiction or better quitting success. It must explain instead how concentrated juice, when paired with smooth inhalation design and steady vapor output, allows tiny gadgets to deliver nicotine fast, much like traditional cigarettes. This delivery method becomes controversial exactly here - where reduced harm goals meet product appeal and the body's response to addictive substances.

3. The “Vaporized” Launch Campaign

A fresh take on nicotine came into view when Juul entered the market, positioning its product less like smoking gear and more like something you'd see at a tech launch. Back in 2015, their "Vaporized" rollout leaned hard into looks and vibes pulled straight from music festivals, streetwear, late-night hangouts, and impromptu meetups. Officially, they said these efforts targeted grown-ups wanting out of traditional cigarettes. Yet what stood out most was how they scrubbed away anything smoky or medical in appearance, swapping those signals for sleek moments meant to feel current and worth posting. Instead of talking about battery life or health stats, ads focused on who you might become while using it - a person surrounded by laughter, motion, light. Faces in the images were always bright-eyed, moving through spaces where connection seemed natural, almost automatic. This idea holds weight since it lines up with how many groups adopt new things - watching others helps people feel okay trying it too. When ads show the gadget being used at gatherings, while dancing, or during moments full of energy, they suggest it fits into real human connection. It becomes part of shared experiences instead of something meant to fill a gap.

What stood out next was how the visuals stressed small size, subtlety, yet clean lines - much like gadgets people already owned. Held loosely in hand, shown almost like art, slipped into routine moments - the gadget looked natural, not forced. Seeing it this way makes something new feel less strange, lowers hesitation before trying. Then came when it launched. Back then, online spaces pushed fast-scrolling habits, drawn to bold colors, quick videos, sharp symbols. The brand fit right in: posts didn't just sell, they doubled as shareable images that



felt at home in feeds. People passed them along without thinking twice, mistaking ads for personal taste.

What matters most in a fair review? Seeing past one clear reason. Each decision links to outcomes that follow a pattern. Blending lively hangouts, sleek styles, sometimes viral images - it pulls more people than expected. Why? Because shared posts travel across varied groups, boosted by how platforms work. So the rollout wasn't random. It used methods likely to spread fast when first entering a market. This holds especially true where trying something new ties closely to fitting in, standing out, or copying others.

3.1. Use of Youth-Oriented Models and Colors

Young adults show up a lot in early Juul ads, dressed in ways that feel fresh, relaxed, because they match trends you might see on city streets. Look closer - clothes, how they stand, their expressions, even where they seem to be - all these speak without words. In the "Vaporized" series, people grin mid-leap, twist while dancing, lean close in laughter, the vape held like it belongs, not shown off. Movement, joy, ease - that's what sticks. Belonging matters when trying something new around others, especially if using it ties someone to a crowd they want near.

Not just for looks, color played a key role in how things were branded. Often, sharp shapes stood out alongside intense hues - echoes of pop art, festival visuals, and modern digital design. When users scroll fast, strong tones and stark differences catch eyes more easily. These flashes of visibility matter, since online focus is thin and fleeting. Winning those brief glances often counts more than sharing deep messages. So color shifts function - it helps posts stand still in motion, stick in memory, show up clearly no matter where they appear.

Bright colors and young-looking styles mix oddly with who actually sees them. Though meant for grown-ups, pictures tied to youth spread beyond plan. Online platforms do not limit posts by age groups only; they follow actions that show curiosity, pushing shares between friends. When ads feel like music videos or trends teens follow, moving across ages gets easier. Not about what creators want, but how images act when shared where clicks matter most.

What makes certain visuals stick? Marketers lean on them because they catch eyes fast. When companies rush into crowded spaces, sleek looks promise instant connection - freshness, appeal, culture coded in color and shape. Young vibes plus bold hues act like quick



keys to attention. The real issue isn't if these methods show up - they always do - but how they shift meaning when selling something only adults should buy. Think of early Juul: clean shots, everyday cool, images built for sharing far beyond planned audiences. These choices travel well online, slipping past intended limits.

3.2. The “Launch Parties” and Sampling Events

Getting noticed fast, Juul leaned into real-life encounters where people could touch and try the device themselves. Not just handing things out, but crafting moments - like evening gatherings - that shaped how the product felt and looked. These get-togethers weren't random; they popped up in big cities, tied loosely to club culture, matching a sleek and connected image. Instead of framing vaping as about quitting smoking, the vibe said this was something different - a fit for certain lifestyles. Experience became the story itself, showing who might belong and what the product stood near. Through these settings, messaging wasn't spoken outright - it showed up in music, lighting, clothes, even body language. What mattered most? The event didn't sell the item directly - it made trying it feel like stepping into a version of yourself.

Trying something new helps when people are unsure how it will feel. With nicotine items, liking them often comes down to how they hit the throat, their taste, how strong they seem, and how fast they work. Giving samples lowers hesitation because trying becomes casual and shared among others. When people test a product together, they might link it to good moments with friends. That bond between the product and pleasant company can lead some back to using it again, then telling more people later. This isn't proof of anything wrong - it just shows how things work. A business might hand out free samples when launching something people can consume, simply because it gets customers fast.

Pictures show up later. Videos follow close behind. Hashtags start popping in feeds. People talk about what they saw. These come out of gatherings where folks meet and try things firsthand. Real moments caught on camera often hit harder than polished ads ever could. A friend smiling with something new feels different than a billboard saying it's great. Seeing someone actually use a gadget at a lively evening event makes it seem real. That kind of clip spreads quietly across networks like everyday life snapshots. Yet each one carries the name without shouting it. Promotion slips into personal stories so smoothly that most won't notice the difference. Being there suddenly means knowing before others do. Guests walk away



feeling selected, not just invited. This works best when the thing being shown looks sharp, futuristic even - not another shelf item but something worth waiting for.

A fresh look at study guides shows launch gatherings aren't just sidelines in promotion. These moments pass on what a product means - they turn items into shared experiences, tie them to real-life scenes, one moment at a time. Content born here often travels online in new forms. If an item has age limits, though, the way these events frame culture stirs debate - how people see the brand shifts depending on who's watching. The clearest view focuses on structure: faster try-outs happen, stories spread easier, belonging grows stronger - all without guessing motives or rules.

3.3. Exploitation of Social Media Algorithms

Something big shaped how Juul grew at first - the way online platforms started using algorithms to decide what people see. Instead of just showing posts to followers, apps began pushing content toward anyone likely to interact. What grabs attention? Things like how long someone watches, whether they react, reshare, or comment. These actions steer who sees what. When stuff gets high response rates, it spreads wider, even beyond the usual audience. That setup helped certain brands more than others. Juul's approach fits perfectly into this world. Bold colors caught eyes quickly. Short videos moved fast. Scenes often showed parties, cool lighting, familiar symbols. Everything felt smooth to view, simple to pass along. What spreads online isn't random. It's built into the system on purpose. Stuff that feels positive, looks clean, and makes people want to be seen with it - those pieces move fast. They spark instant clicks. People share them to show where they stand.

What people call "using algorithms" is really just how things work behind the scenes, not a judgment on right or wrong. Most brands shape their posts to fit how platforms function because those platforms tend to boost certain types of material. A campaign that repeats visuals, sticks to familiar hashtags, and keeps a uniform look raises its chances of showing up more often - picked up by automated systems and noticed by viewers used to that format. Because users follow patterns, consistency helps visibility. Hashtags do double duty: they help others find content while signaling belonging. Searchability comes first, then grouping follows. A sense of belonging shows up when people tag who they are. When that group takes shape, what users create begins shaping how others see the name. Paid posts matter less once momentum builds on its own.



Here comes another way algorithms work: they let things spread across networks. When someone interacts with a post, friends might see it too. Once those friends react, more people notice - and fast. Picture this: everyday scenes showing a product act like whispers passing between people. They move around not because anyone wants details about the item but because the vibe feels right - like being in step with what's current or accepted. Think spaces online where younger crowds hang out. Trends jump from one person to the next there quicker than elsewhere. Freshness gets attention. In these places, how slim the gadget looks or how bold the colors appear makes them stick in memory. Snapshots pop up everywhere. People start using them without even naming the brand.

What matters most in a balanced review? Look at how tools work versus what we guess they do. Systems built on clicks push material where people react, not just where intended. When messages spread fast in circles packed with young people, those faces often aren't the target - yet still show up. Structure drives this pattern: designs chasing attention grow quickly across groups. Growth like that doesn't stop neatly at age lines. Watching these patterns lets learners see how site layouts, ad styles, and shares between users mix long before legal fights start. No blame needed. Just tracing paths.

4. The Public Health Crisis

Toward the end of the 2010s, vaping among young people in the U.S. stopped being just a minor issue and grew into something much larger - a recognized threat to public well-being. What stood out wasn't mere curiosity; it was how fast so many teens began using these devices. Reports showed e-cigarettes had overtaken all other forms of tobacco as the top choice for youth. That shift came almost entirely from rising vape use - not more kids lighting up traditional cigarettes. A steep climb in usage numbers over twelve months led officials to call it an epidemic, especially after surveys found millions of middle and high schoolers were actively vaping. Scientists stress teen brains are still forming past age twenty, making them vulnerable. During this phase, nicotine can disrupt development, possibly altering focus, emotional balance, decision-making, and memory - effects far from harmless. Not just a personal concern, this issue reaches further. Officials pointed out the vapor isn't safe by any means; it can carry nicotine along with things like volatile chemicals, tiny particles, even metal traces. That opens more ways damage might happen. Long-term data on recent models was still missing back then.



Something shifted when it came to who got drawn into nicotine use. Flavored options started showing up everywhere, catching attention among younger users even as officials grew concerned. Devices shrank over time, designed to vanish in a hand or pocket without notice. A wave of sleek models emerged - slim like memory sticks - making stealth simpler during class or under family roofs. Less vapor, less smell, meant fewer signs something was happening. Health messages began stressing how potent these gadgets had become, packing strong hits per pod. Nicotine inside often took smoother forms, such as salts, easing the burn so deeper doses slipped down with little resistance. A look from the outside shows how teen susceptibility to nicotine plays into what happened. Product changes made devices easier to carry, hide, less harsh to use - so they fit quietly into daily life. Online channels helped them move fast through youth circles, making vaping seem common, even normal. The situation was never about one single trigger. Instead, multiple signs pointed the way: sharp jumps in usage over just months, heavier patterns forming in some young people, growing unease that early contact with nicotine might lock in addiction, possibly opening doors to other substances down the line.

4.1. The “Epidemic” Declaration by the Surgeon General

Public health work in the United States leans on visible warnings from top officials. When the Surgeon General issued a notice in December 2018 about teens using e-cigarettes, it marked a turning point. That alert labeled youth vaping an epidemic - not just a trend under watch anymore. Behind this move lay several clear points. A sudden jump in teen usage showed how fast things had changed. Young people face unique dangers when exposed to nicotine, especially while their brains are still developing. Newer devices made trying them easier through strong flavors, compact size, powerful doses, and many styles to choose from. Numbers backed up the alarm: more high schoolers reported recent use than ever before, even some younger kids were affected. This rise undid years of gains made by cutting down cigarette habits among adolescents.

What stood out was how the advice framed shifting product designs into clear risks for adults guiding young people. Devices are evolving fast, becoming smaller, quieter, with little smell - harder to spot when used by teens. Because they hide so easily, their appeal grows. Not just design matters, but what's inside counts too. High nicotine levels mixed with salt-based formulas mean smoother hits, making frequent use more likely without harshness getting in the way. This ease might nudge habit formation faster than expected. Another point cut



deeper: many young users didn't know nicotine was always present in some gadgets. If true, as research suggests, then thinking choices are fully informed starts to unravel. Belief and reality drift apart.

Ahead of everything else, the guidance didn't just sound an alarm - it laid out clear choices in policy and behavior. Not limited to one group, its push reached families, educators, medical workers, and officials at every level, stressing proven methods used against smoking now applied to vapes. When it comes to classrooms, the message leaned on banning all forms of tobacco without exception, pulling in teaching plans kept separate from corporate interests, opening guided talks with students using reviewed materials. From neighborhood groups to rule makers, attention turned to actions like bringing e-cigs under clean-air rules, blocking underage buyers at stores, requiring seller permits, adjusting costs strategically, limiting ads that grab teens' attention - especially those built around sweet flavors. Seen through a learning lens, labeling the trend an "epidemic" marks the point where teen vape use became more than personal choice - a shared crisis shaped by how devices are made and sold, how habits spread, settings kids move through daily, and what laws can do.

4.2. The School District Response and Costs

The public health crisis of youth vaping became operationally visible in schools because schools are the social infrastructure where adolescent behavior patterns are observed, managed, and, when necessary, disciplined. As youth e-cigarette use increased, school districts reported a range of practical disruptions that extended beyond individual health concerns to the governance of learning environments. A distinctive challenge was the combination of discreet device design and adolescent social dynamics: small, low-odor products could be used covertly, making detection difficult and increasing the likelihood that use would occur in semi-private school spaces such as bathrooms, hallways, and -according to public health summaries- sometimes even classrooms. This concealability altered enforcement economics. Traditional tobacco control on campuses historically relied on visible smoke, odor, or bulky paraphernalia; by contrast, discreet e-cigarette devices reduced the effectiveness of those cues, requiring schools to rely more heavily on supervision, reporting, and, in some cases, technology-assisted monitoring. The resulting shift mattered because enforcement intensity competes directly with educational priorities: time spent investigating incidents, supervising hotspots, and processing disciplinary actions is time diverted from instruction and student support.



School responses can be grouped into three broad categories: governance (rules and policy), prevention (education and health promotion), and enforcement (detection and discipline). On governance, schools were encouraged to update tobacco-free campus rules to explicitly include e-cigarettes and to ensure that policies apply across school property and school-sponsored activities. On prevention, public health guidance emphasized the value of school-based prevention curricula and classroom discussion, coupled with parent outreach and referral pathways to health professionals when nicotine dependence was suspected. This prevention orientation reflects a core tension in adolescent health policy: punitive approaches may deter some use but can also displace behavior into less visible spaces, whereas prevention and cessation support aim to reduce demand but require sustained resources and staff capacity. On enforcement, schools faced a balancing problem between maintaining a safe environment and avoiding disproportionate punishment for behaviors that may be driven by dependence. Even when schools emphasized education and support, they still incurred costs associated with staff training, program development, and coordination with community partners.

Financially, districts described the vaping surge as generating “significant costs,” a claim that can be understood at minimum through opportunity costs and resource reallocation. Schools often needed additional staff time to monitor campus areas where vaping was suspected, to supervise bathrooms or implement sign-in procedures, and to conduct investigations when devices were found. They also faced increased burdens on counseling and student support services, especially when nicotine dependence was suspected or when students experienced academic or behavioral consequences associated with frequent use. Beyond staff time, there were plausible direct expenditures: educational materials, teacher training modules, communication campaigns, and the administrative infrastructure needed to document and respond to incidents. Even when districts did not quantify these costs in a uniform way, the general pattern was clear: the vaping phenomenon imposed operational demands that were not part of normal school functioning, and these demands were experienced as competing with core educational missions. For a study guide focused on the pre-litigation landscape, the significance of the school district response lies in how the crisis translated into institutional strain—policy revision, prevention programming, enforcement adaptations, and resource diversion—thereby providing a concrete pathway through which a public health trend became a governance and budgeting issue for public educational institutions.



5. Regulatory Investigation and The EVALI Outbreak

Out front, U.S. oversight of e-cigarettes tightened when more teens started vaping and new devices hit shelves quicker than rules could keep up. Come 2018, officials put youth availability at the center of their checks, turning to old-school tactics - store visits, secret buys, notices - to stop underage sales. The thinking behind this? While peer influence and ads may spark first tries, blocking easy reach slows down steady use taking hold. At the same time, questions grew about product messages floating around - some suggesting less danger or help quitting - that lacked proper approval. That line of inquiry stands apart from policing who gets the products. What matters here is truth in information plus keeping users safe. That includes looking at whether a product seems to promise less danger than regular cigarettes, even without proof. In this setting, inquiries started popping up - ways to track where and how these items came up: classrooms, websites, community talks. The goal was clear: see if what people heard matched the rules around claiming lower-risk tobacco effects.

That fall, government officials sent a notice to Juul Labs about how they promoted certain tobacco items without proper approval. Because of some messages and documents, authorities believed the company might have suggested lower harm without permission - something rules do not allow. Officials saw those actions as breaking laws tied to risk-modified product claims. Selling these kinds of goods without clearance makes them legally tainted, according to current regulations. At the same time, a statement made public revealed investigators wanted more details on advertising methods being used. What mattered most was whether claims - direct or indirect - had been made without green light. One reason this moment matters goes beyond one business. What stood out was how rules started taking shape back then. With teen vaping already called a serious health issue, officials watched closely - not just actions that made it easier for young people to get products, but also talk implying they were safer without solid proof. Another thing stands clear: the system for claiming reduced harm requires strict conditions. Its purpose? To stop people from assuming one option is clearly better in a field full of shifting data tied to individual items. So scrutiny focused sharply on exact phrases, surrounding details, and hints within messages - especially if those stories reached younger listeners.

That year things got harder for regulators when a strange new illness showed up. Summer brought scattered cases of serious breathing problems in people who vaped. Health teams scrambled to piece together what was happening. Doctors noticed patterns - damaged lungs,



sudden shortness of breath - all tied to inhaling vapor from various gadgets. Yet those gadgets worked differently, filled with different fluids, bought through different routes. Some held nicotine, others carried marijuana oil, many came from unregulated sellers or homemade mixes. Pinpointing cause turned messy fast. Messages about danger stumbled because the risks weren't uniform. Enforcement wobbled under uncertainty. What seemed like one issue split into many moving parts. At first, health warnings focused on being careful since the cause wasn't known, also due to many people having used multiple types of products. That time brought extra confusion, during which communities, officials and classrooms saw vaping as just one broad danger, while experts tried to find if harm came from certain ingredients, mixtures or where they were bought.

Little by little, the probe began revealing a clear trend through various information channels. Most people admitted to hospitals had been using vape fluids laced with THC, often getting them from unofficial places - like acquaintances, relatives, or sellers they met directly or online. Lab results plus medical checks started pointing toward vitamin E acetate, a substance added to thicken certain marijuana-based e-liquids. Health officials highlighted this ingredient as central to the issue, since it showed up repeatedly - in vapes analyzed by government labs, in lung secretions taken from sick individuals, and across regions far apart from one another. Still, researchers noted the proof fell short of clearing other suspect chemicals - whether in THC or non-THC items - in certain instances. That mix of clarity and caution matters for staying balanced. Outbreak probes work this way: they chase the likeliest cause without pretending the answer is cut-and-dried, especially when people's usage patterns twist through legal and underground markets alike. The ripple effect showed up fast - EVALI altered how officials talked about vape rules across the board. Although illegal THC cartridges laced with vitamin E acetate bore the brunt of blame, the crisis hit amid rising alarm over teens using nicotine vapes. So responses didn't target just one corner - they reached into every part of the vaping world.

When EVALI emerged, it changed how officials monitored products. Not just normal use caused issues - cutting substances, fake versions, and underground selling played big roles. These problems showed weak spots in standard safety checks. Oversight began focusing more on where things come from and who handles them along the way. Old regulatory lines started blurring as agencies dealing with tobacco, public health data, local marijuana laws, and illegal trade found themselves needing to work together. What once stayed separate now demanded shared responses. Still, the event showed how fast people's views shift once



dangers are seen clearly. Nicotine addiction usually takes years to show harm, yet EVALI hits like a sudden lung emergency demanding quick care. That difference in timing drove news cycles and public worry, pushing leaders to act fast even without full answers. Facing rising teen vaping, schools and towns felt backed into a corner by fear, leaning harder on rules at school gates, warnings in health classes, or anxious talks at home.

Looking back, the timing of the government probe overlapped with the lung illness crisis, creating pressure on officials to act fast. Because teens kept using vapes, authorities zeroed in on shops selling to minors plus online access. At the same time, companies making unapproved health statements drew scrutiny over how they framed their products in ads and social media. When the breathing illnesses hit, agencies had to team up, digging into which chemicals - and where they came from - were behind the damage. The full picture isn't neat; it resists one clear storyline. What we see here is how rules shifted amid tangled issues - teen access to nicotine, rapid spread through ads and peer habits, tight limits on health claims, plus a surge tied mostly to illegal THC items using a risky ingredient, though some causes still aren't clear. Grasping this mix matters when tracing the roots of court battles that followed, steering clear of later lawsuits or favoring any single view on who was at fault.

6. The Corporate Conspiracy (The Altria Transaction)

When Altria stepped into Juul's world, eyes turned. A twelve point eight billion dollar move in late 2018 wasn't just cash changing hands - it was a statement. That sum placed Juul on a pedestal, whispering promises of explosive growth, hinting that smoke free options might define what comes next for big tobacco. Behind the numbers, something else stirred. Agreements tied to the deal carried weight, whether seen as smart alliance building or quiet coordination easing rivalry for one dominant player. Meanwhile, alarms were rising. Kids and vapes were making headlines, regulators sharpening their gaze beyond broad rules toward ads, packaging, who could buy what. Timing gave meaning. What looked like strategy to some felt like shielding to others. All at once, money flowed, partnerships formed, defenses braced. Moments like these rarely carry one truth. This one bent light in several directions. A chance to join a growing smoke-free trend came into view when Altria, weighed down by shrinking cigarette sales, took a major position in a top vaping firm. Moving beyond traditional tobacco, this move opened doors previously closed. With fresh funds flowing in, Juul gained room to grow its production and logistics setup. Support also emerged through tighter control over how products appear on shelves. Storefront presence often shapes who



buys what, especially where quick decisions happen at checkout lanes. The partnership brought shelf space advantages that didn't exist before. Reaching more customers became easier under this arrangement. Not every collaboration reshapes markets, but this one shifted ground quietly. Growth once slowed now found new pathways forward.

Ownership tied to market position drew sharp scrutiny. Not everyone saw the deal as just another quiet investment - some argued it shifted how companies act toward each other. With Altria holding a big stake in Juul, questions arose about whether it would still push hard against Juul using its own vaping lines. The way stores carried products and ran promotions might tilt unfairly, some believed. What stood out was that Altria already sold similar items before buying into Juul. Promises made alongside the purchase added fuel, seen by observers as taking one competitor out of the game. A fresh look at competition rules shows how things can tilt quickly. When a major player in one area pours money, muscle, and influence into another company while stepping back from its own rivalry, the field gets narrower - harder to challenge, even without full ownership changing hands. Think of it like stepping aside while handing your opponent a head start. Since Altria long held sway over store shelves, retail deals, and behind-the-scenes promotions, their backing gave Juul a boost others couldn't match. That kind of edge doesn't just speed growth; it builds walls newcomers struggle to climb.

Still, some see things differently. Not every joint effort breaks rules - sometimes they just make sense when industries change fast. Think of it as two players fitting together: one builds quickly but needs guidance, the other knows how systems work at scale. One brings speed, the other brings reach. Rivals weren't only those two; others sold similar items, kept improving, stayed visible. Owning a piece doesn't always mean shutting down competition, especially if new ideas keep coming. What matters is context - people swapping old habits for newer ones might choose less harmful options. That switch, real or hoped for, shapes how moves get explained later. A deal isn't just about control - it can signal direction, even if questions linger.

Something called "corporate conspiracy" comes up when people disagree on what really happened. One view sees the deal as a joint move, merging Juul's strong name with Altria's wide reach, possibly making it harder for others to compete and giving buyers fewer options. That angle focuses on how stores can tilt things their way - like where items sit on shelves, prices shaped by behind-the-scenes deals, or getting seen in lots of shops at once. It suggests



that when a top product teams up with a company already deep in the system, newcomers might struggle - even if their offerings work just fine. A different view sees the deal as aiming to add structure where chaos often rules. By pooling extra funds and steady operations, enforcing age checks might become easier. Working alongside a known company may boost how fast responses come when officials ask questions. Retailers following new rules could stick to them better under such conditions. When politicians push harder on keeping products from young people, having solid systems already in place helps. Pressure from communities tends to grow - so does the need for clear oversight. Smoother control over who gets what might follow from all this effort.

6.1. The \$12.8 Billion Investment

One winter day in 2018, Altria handed over nearly thirteen billion dollars to gain a slice of Juul Labs - thirty-five percent, to be exact - with no say in how things were run. That deal set Juul's worth near thirty-eight billion, a number drawn from bold bets on dominance in its market niche. Alongside cash, there were handshake-style pacts linking Altria's know-how in stores, shipping lanes, and rule navigation directly into Juul's daily grind, even though Juul kept calling its own shots. What drove buyers here wasn't just excitement - it was a cold belief that leading a fast-growing space had real weight. Seen through boardroom logic, Altria wasn't backing smoke anymore; it was betting vapor might carry the future as old-school cigarettes faded. Money poured into Juul just when questions about teens and vaping were growing fast. This helped pay for bigger production lines, wider delivery networks, one set of safety rules. Later, regulators looked close at special terms tied to the agreement. One condition stopped Altria from acting alone in the vape space. Another reshaped what it could do with earlier nicotine vapor products. Doubts arose over less competition between companies because of their tie up. Shelves in stores favored Juul thanks to backing behind scenes. Smaller players found it harder to get noticed or break in. Without taking sides before any trial started, observers saw two things clearly. The deal was major financially speaking. It also marked a shift toward tighter watch by trust busters.

6.2. Shelf Space Dominance and Marketing Support

Ahead of everything else, how things sit on store shelves decides what sells in fast-paced nicotine shops. Not just about being there, location hits sight lines right when buyers hesitate, nudged by memory, chance picks, or someone behind the counter saying a name. With Altria's setup, sharing shelf room and pushing products tied into ongoing deals, along with



money put into partner ventures. Power shows up here - those already deep in with shop owners bend how items show up using layout maps, stands built for attention, special deal cash, and price moves that feel worth it to stores. If one company brings lower prices, fees to grab space, help paying for displays, they tilt odds toward their item landing in the front row, hiding others, making sure people see theirs before anything else.

One way to look at this help is how it shifts competition even when the product stays the same. When companies fight over tight shelf room with discounts and perks, shifting those perks to an ally might ease head-to-head clashes - yet still keep key positioning gains. Help with ads or selling tasks adds force, syncing up store efforts, keeping shelves full, sharpening in-store signs, speeding spread to more outlets. Before courts weigh in, empty of bias, the shelf struggle makes most sense seen as a path where company ties become edge in market - not clearly proven fair, needed, or truly harmful yet.

7. The Litigation Phase

7.1. Consolidation of Cases in N.D. Cal.

As the public health crisis deepened and regulatory scrutiny intensified, a wave of lawsuits was filed against Juul Labs, Inc. across the United States. These complaints came from diverse plaintiffs, including individual consumers claiming personal injury and addiction, school districts burdened by the costs of managing student vaping, and local government entities seeking public nuisance abatement. While the plaintiffs varied, the core allegations were strikingly similar: that Juul had deceptively marketed its products to youth, concealed the addictiveness and potency of its nicotine formulation, and created a public health hazard.

To manage the rapidly growing volume of litigation and prevent inconsistent rulings in different courts, the United States Judicial Panel on Multidistrict Litigation (JPML) intervened. The Panel centralized federal cases in the United States District Court for the Northern District of California, located in San Francisco - Juul's corporate backyard. The consolidation was based on the finding that the actions involved "common questions of fact," particularly regarding Juul's marketing strategies and product design. This procedural move streamlined the discovery process, allowing millions of documents to be produced once rather than thousands of times.



7.2. The RICO Ruling and Preemption Denials

Once consolidated, the litigation moved into a critical phase of pre-trial motions, where Juul and Altria attempted to have the cases thrown out before reaching a jury. The most significant legal battleground centered on the Racketeer Influenced and Corrupt Organizations Act (RICO), a federal law originally designed to combat organized crime but applicable to corporate conspiracies. The plaintiffs alleged that Juul and Altria had not merely conducted business but had formed an illegal “enterprise” to fraudulently expand the e-cigarette market by targeting youth and maximizing nicotine addiction for profit.

In a landmark ruling in October 2020 (*In re Juul Labs, Inc. Marketing, Sales Practices, and Products Liability Litigation*, 497 F. Supp. 3d 552), Judge Orrick denied the defendants' motions to dismiss the RICO claims. The court found that the plaintiffs had plausibly alleged that Juul and Altria engaged in a pattern of racketeering activity to deceive the public.

Simultaneously, the court addressed the defense of “preemption.” Juul argued that because tobacco products are regulated by the FDA under the Family Smoking Prevention and Tobacco Control Act, state-level lawsuits alleging fraud or negligence were preempted by federal authority. Judge Orrick largely rejected this argument, ruling that federal regulations did not shield the company from state law claims regarding deceptive conduct, failure to warn, and design defects. By stripping away these legal shields and allowing the RICO claims to proceed, the court cleared the path for the bellwether trials, placing immense pressure on Juul and Altria to seek a resolution.

8. The Trial Structure: A Consolidated Showdown

Due to the sheer volume of plaintiffs involved in the Multidistrict Litigation, the Court has selected the case of the San Francisco Unified School District (SFUSD) v. Juul Labs, Inc. to serve as the primary vehicle for this trial. While SFUSD is the named plaintiff appearing in court, the outcome of this trial will effectively determine the liability of Juul Labs and Altria Group for the broader crisis.

The trial will focus on two major legal theories that will be argued before the jury:

Public Nuisance: The Plaintiff argues that Juul’s conduct created an “epidemic” of vaping on school campuses, interfering with the public right to a safe educational environment. SFUSD alleges that this nuisance forced schools to divert millions of dollars toward installing vape



detectors, monitoring bathrooms, and providing addiction counseling, disrupting the educational mission.

Civil RICO & Fraud: The Plaintiff alleges that Juul and Altria conspired to fraudulently market a highly addictive product to minors. The jury must decide if the defendants intentionally designed the product to be addictive and marketed it to youth to maximize profits, thereby committing a "pattern of racketeering activity."

This is not a preliminary hearing; it is a full trial on the merits. A verdict against the defendants could result in billions of dollars in damages and fundamentally alter the regulation of the vaping industry. Conversely, a verdict for the defense would validate Juul's argument that it is a legitimate harm-reduction technology company that cannot be held responsible for the illegal acts of third parties or the social dynamics of teenagers.

9. Pre-Trial Posture: No Settlement Reached

Leading up to the trial date, intense speculation surrounded the possibility of a "global settlement." Industry analysts predicted that the pressure of public opinion might force Juul Labs and Altria Group to pay a massive sum to avoid the spotlight. However, the defendants have unilaterally terminated all settlement discussions. Juul and Altria have adopted an aggressive litigation posture, arguing that they have "nothing to hide" and refusing to pay for lawful business conduct. They maintain that they have strictly adhered to regulatory guidelines and are eager to present their exculpatory evidence in open court, rejecting the idea of a payout as an admission of guilt they do not accept.

As a result, both parties are entering the courtroom with everything on the line.

For the Plaintiffs: They must prove, by a preponderance of the evidence, that Juul's marketing and product design were the direct cause of the vaping crisis, overcoming the defense's argument that teens obtained the products illegally.

For the Defense: Juul must convince the jury that their mission was solely to help adult smokers and that the rise in youth usage was an unintended consequence driven by social media trends outside their control.



10. Current Status of the Parties

Juul Labs - The Defendant Under Siege: Entering this trial, Juul Labs maintains that it is a mission-driven technology company dedicated to eliminating combustible cigarettes. The company argues that its product is a legal, regulated alternative for adults and that it has taken voluntary steps to restrict flavors and suspend advertising. However, the company is fighting for its corporate survival; a massive jury verdict could lead to bankruptcy and the total cessation of its operations.

Altria Group - The Shadow of Big Tobacco: Although Altria Group (the maker of Marlboro and a 35% stakeholder in Juul) is not a named defendant in this specific trial, its presence looms large over the proceedings. The Plaintiffs will use Altria's \$12.8 billion investment and its provision of prime retail shelf space as key evidence to prove that Juul was not a naive tech startup, but a willing partner of "Big Tobacco." Juul Labs must defend this partnership in court, arguing that Altria was merely a passive financial investor that provided capital for growth, while the Plaintiffs contend it is proof of Juul's profit-over-safety mindset.

The Court's Directive: Judge has issued a final order: Discovery is closed, motions have been ruled upon, and the jury has been empaneled. The time for negotiation is over. *The Court is now in session to hear the case of San Francisco Unified School District (SFUSD) v. Juul Labs, Inc.*

C. APPLICABLE LAW

United States Code (Federal Law)

Title 18. Crimes and Criminal Procedure

Part 1 - Crimes

Chapter 96. Racketeer Influenced and Corrupt Organizations (RICO)

1962. Prohibited activities

"(...) (c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.



(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.”

California Business and Professions Code (BPC)

Division 7. General Business Regulations

Part 2. Preservation and Regulation of Competition

Chapter 5. Enforcement

17200. *“As used in this chapter, unfair competition shall mean and include any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and Professions Code.”*

17203. Injunctive Relief - Court Orders

“Any person who engages, has engaged, or proposes to engage in unfair competition may be enjoined in any court of competent jurisdiction. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person of any practice which constitutes unfair competition, as defined in this chapter, or as may be necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of such unfair competition. (...)”

17206. Civil Penalty for Violation of Chapter

“(a) Any person who engages, has engaged, or proposes to engage in unfair competition shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, (...)”

Part 3. Representations to the Public

Chapter 1. Advertising

Article 1. False Advertising in General



17500. *“It is unlawful for any person, firm, corporation or association, or any employee thereof with intent directly or indirectly to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature whatsoever or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause to be made or disseminated before the public in this state, or to make or disseminate or cause to be made or disseminated from this state before the public in any state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever; including over the Internet, any statement, concerning that real or personal property or those services, professional or otherwise, or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading, (...). Any violation of the provisions of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that imprisonment and fine.”*

Division 8.5. Stop Tobacco Access to Kids Enforcement Act

22956. *“All persons engaging in the retail sale of tobacco products shall check the identification of tobacco purchasers, to establish the age of the purchaser; if the purchaser reasonably appears to be under 21 years of age.”*

22962. *“(a) For purposes of this section, the following terms have the following meanings:*

(1) “Self-service display” means the open display of tobacco products or tobacco paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer.

(2) “Tobacco paraphernalia” means cigarette papers or wrappers, blunt wraps as defined in Section 308 of the Penal Code, pipes, holders of smoking materials of all types, cigarette rolling machines, or other instruments or things designed for the smoking or ingestion of tobacco products.

(3) “Tobacco product” means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

(4) “Tobacco store” means a retail business that meets all of the following requirements:



(A) Primarily sells tobacco products.

(B) Generates more than 60 percent of its gross revenues annually from the sale of tobacco products and tobacco paraphernalia.

(C) Does not permit any person under 18 years of age to be present or enter the premises at any time, unless accompanied by the person's parent or legal guardian, as defined in Section 6903 of the Family Code.

(D) Does not sell alcoholic beverages or food for consumption on the premises.

(b) (1) (A) Except as permitted in subdivision (b) of Section 22960, it is unlawful for a person engaged in the retail sale of tobacco products to sell, offer for sale, or display for sale any tobacco product or tobacco paraphernalia by self-service display. A person who violates this section is subject to those civil penalties specified in the schedule in subdivision (a) of Section 22958. (...)"

California Civil Code (CIV)

Division 3. Obligations

Part 3. Obligations Imposed by Law

1714. *"(a) Everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself or herself. (...)"*

Part 4. Obligations Arising from Particular Transactions

Title 1.5. Consumers Legal Remedies Act (CLRA)

Chapter 3. Deceptive Practices

1770. *"(a) The unfair methods of competition and unfair or deceptive acts or practices listed in this subdivision undertaken by any person in a transaction intended to result or that results in the sale or lease of goods or services to any consumer are unlawful:*

(...)



(5) *Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have.*

(...)

(7) *Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.*

(...)

(9) *Advertising goods or services with intent not to sell them as advertised. (...)*”

Division 4. General Provisions

Part 3. Nuisance

Title 1. General Principles

3479. *“Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.”*

3480. *“A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.”*

California Common Law (Judicial Precedent)

Strict Product Liability - Greenman v. Yuba Power Products, Inc., 59 Cal. 2d 57 (1963)

“A manufacturer is strictly liable in tort when an article he places on the market, knowing that it is to be used without inspection for defects, proves to have a defect that causes injury to a human being. (...) The purpose of such liability is to insure that the costs of injuries resulting from defective products are borne by the manufacturers that put such products on the market rather than by the injured persons who are powerless to protect themselves.”



Fraudulent Concealment - Marketing West, Inc. v. Sanyo Fisher, 6 Cal.App.4th 603 (1992)

“However, the elements of an action for fraud and deceit based on concealment are: (1) the defendant must have concealed or suppressed a material fact, (2) the defendant must have been under a duty to disclose the fact to the plaintiff, (3) the defendant must have intentionally concealed or suppressed the fact with the intent to defraud the plaintiff, (4) the plaintiff must have been unaware of the fact and would not have acted as he did if he had known of the concealed or suppressed fact, and (5) as a result of the concealment or suppression of the fact, the plaintiff must have sustained damage.”

Unfair Competition (Likelihood of Deception) - In re Tobacco II Cases, 46 Cal.4th 298 (2009)

“To state a claim under either the Unfair Competition Law (UCL) or the False Advertising Law (FAL) based on false advertising or promotional practices, it is necessary only to show that members of the public are likely to be deceived. (...) This distinction reflects the UCL’s focus on the defendant’s conduct, rather than the plaintiff’s damages, in service of the statute’s larger purpose of protecting the general public against unscrupulous business practices.”

D. MERITS OF THE CASE

- Does engineering nicotine for rapid absorption constitute a "design defect" under Strict Product Liability, or is it a legitimate innovation for harm reduction?
- Can marketing be deemed "deceptive" under Unfair Competition Law *solely* due to its vibrant visual style, despite explicit statements targeting adult smokers?
- Does the enhanced addictiveness of the nicotine salt formula create a "duty to disclose," or does general public knowledge of risks shield the manufacturer from liability?
- Can widespread illicit youth use constitute a "Public Nuisance" attributable to the manufacturer, or do illegal third-party sales break the chain of causation?
- Where is the boundary between Negligence and legitimate innovation when a harm-reduction product gains youth popularity due to external social factors?



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