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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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August 3, 2026

David Waterfield
President and Chief Executive Officer
Reynolds American
401 North Main Street
Winston-Salem, NC 27101

Dear Mr. Waterfield,

I write because it appears that Reynolds American has successfully bribed the Trump Administration with a payment of five million dollars in exchange for a regulatory change that will greenlight the retail sale of flavored e-cigarettes and vaping devices across the country. While the Administration claims it wants to “Make America Healthy Again,” flooding convenience stores with flavored nicotine products will pique the curiosity of kids and teens. The policy shift bought and paid for by your company will launch a new generation of children into nicotine addiction and it will create a new generation of customers for Reynolds American.

The reported chronology of this quid-pro-quo is astonishing:

- On **April 30, 2026**, Reynolds American donated \$5 million to MAGA, Inc.¹
- On **May 2, 2026**, Reynolds American Executive Vice President and General Counsel Jeff Raborn had lunch with President Trump at a Trump golf club in Florida.² At lunch with the

¹ Laura Cooper and Merideth McGraw, *Tobacco Giant Donated \$5 Million to MAGA Inc. Shortly Before Vaping Decision*, Wall Street Journal, May 21, 2026, <https://www.wsj.com/business/tobacco-giant-donated-5-million-to-maga-inc-shortly-before-vaping-decision-3318d5db>

² Kenneth P. Vogel and Christina Jewett, *A \$5 Million Donation from Big Tobacco Preceded F.D.A. Vape Decision*, New York Times, May 20, 2026, <https://www.nytimes.com/2026/05/20/us/politics/donation-big-tobacco-vaping.html>. See also, Kenneth P. Vogel and Christina Jewett, *with a Friend in Trump, the Tobacco Industry Secures a Lucrative Win*, New York Times, May 13, 2026, <https://www.nytimes.com/2026/05/13/us/politics/trump-vapes-cigarettes-big-tobacco.html>

President, Raborn and two lobbyists from Ballard Partners complained about FDA regulations that have long prohibited the sale of flavored vapes. President Trump called three of the nation's highest-ranking health officials on the spot: then-FDA Commissioner Marty Makary, Health and Human Services Secretary Robert F. Kennedy, Jr., and CMS Administrator Dr. Mehmet Oz.³

- On **May 8, 2026**, The Trump Administration issued a new policy directive that will shift enforcement priorities and allow Big Tobacco companies to sell flavored e-cigarettes and vaping devices in retail stores across the country.⁴
- On **May 12, 2026**, Dr. Marty Makary resigned from his role as FDA Commissioner after repeatedly arguing against FDA approval of flavored vapes.⁵

The U.S. Senate Finance Committee has jurisdiction over Medicare, Medicaid, the Children's Health Insurance Program, and dozens of health and human services programs that are heavily burdened by nicotine addiction. As the Committee's Ranking Member, I am opening an investigation into what happened at lunch in Florida and what it means for U.S. public health and taxpayer-funded healthcare.

In 1994, I was a member of the U.S. House of Representatives Energy and Commerce Committee, and I asked seven Big Tobacco CEOs in a hearing: "Yes or no, do you believe nicotine is not addictive?" Your predecessor, James Johnston, former Chairman and CEO of R.J. Reynolds, told me: **"Mr. Congressman, cigarettes and nicotine clearly do not meet the classic definition of addiction. There is no intoxication."**⁶ He lied under oath to Congress and to the American people. In that same hearing, Mr. Johnston told the Committee, **"If cigarettes are too dangerous to be sold, then ban them."**⁷ Thirty years later, the FDA had finally taken his advice. Flavored vapes were indeed banned for retail sales because they are too dangerous to be sold—they entice young people to try something fruity and delicious that draws them into a lifelong nicotine addiction. But where I see a fledgling addict, your company sees a new customer.

The May 8 policy directive, hastily posted on the FDA's website without scientific review or formal rule making, is a gift to Big Tobacco. You may have spent \$5 million to get your lunch with the President, but Reynolds will earn far more than \$5 million in profits because of what the

³ Kenneth P. Vogel and Christina Jewett, *A \$5 Million Donation from Big Tobacco Preceded F.D.A. Vape Decision*, New York Times, May 20, 2026, <https://www.nytimes.com/2026/05/20/us/politics/donation-big-tobacco-vaping.html>

⁴ Christina Jewett, *With Commissioner Under Pressure, F.D.A. Opens Door to Flavored Vapes*, New York Times, May 10, 2026, <https://www.nytimes.com/2026/05/10/science/fda-flavored-vapes.html>

⁵ Laura Cooper and Merideth McGraw, *Tobacco Giant Donated \$5 Million to MAGA Inc. Shortly Before Vaping Decision*, Wall Street Journal, May 21, 2026, <https://www.wsj.com/business/tobacco-giant-donated-5-million-to-maga-inc-shortly-before-vaping-decision-3318d5db>

⁶ Phillip J. Hiltz, *Tobacco Chiefs Say Cigarettes Aren't Addictive*, New York Times, April 15, 1994, <https://www.nytimes.com/1994/04/15/us/tobacco-chiefs-say-cigarettes-aren-t-addictive.html>

⁷ *Id.*

President did next. This May 8 guidance will allow your company to sell flavored e-cigarettes out in the open—right alongside snacks and candy—in gas stations and convenience stores across the country. Children will grow up seeing these products as normal, and without ever having smoked a cigarette, they will be enticed to try new nicotine products with flavors they recognize and enjoy.

This May 8 guidance also abandons the FDA’s previous approach of approving for sale only those nicotine products proven to help current cigarette smokers transition to vapes.⁸ As recently as 2025, the FDA had prohibited companies like yours from marketing flavored tobacco products for retail sale, and the Supreme Court unanimously upheld this policy, with Justice Alito writing: **“One particular feature of e-cigarette products appears to drive this youth demand: the panoply of e-liquid flavors...including not only flavors that were familiar to cigarette smokers (tobacco and menthol) but also fruit, candy, and dessert flavors that were appealing to non-smokers. The kaleidoscope of flavor options adds to the allure of e-cigarettes and has thus contributed to the booming demand for such products among young Americans.”**⁹ Before May 8, there was limited consensus that vaping can serve as a harm reduction tactic for long time smokers. Americans hope, however, that this demand for vaping products should only ever amount to a small and shrinking market as former smokers quit, pass away, or transition to vaping, and as new smokers become fewer and farther between. But the \$5 million bribe makes clear that Reynolds has no interest in letting this market shrink and die. You are actively working to create new customers. Wall Street sees your game and applauds it—Goldman Sachs projects that the U.S. market for nicotine products will reach \$67 billion in annual revenue by 2035, and that it expects “smoke-free products to become the key driver of industry profit growth.”¹⁰

According to the May 8 guidance, the FDA will now turn a blind eye towards flavored vaping products with a premarket tobacco product application (PMTA) on file unless regulators spot “presumptively underage-appealing elements, such as depicting a cartoon-like fictional character...or resembling a children’s toy, phone, or gaming platform.”¹¹ Yet the FDA is fooling no one—Reynolds American knows, just as American parents do—that kids and teens will go looking for the flavored products with or without a cartoon character on the box. Teens’ preferences for fruit and dessert flavored vapes are well documented. According to a recent study, more than 5% of middle and high school students have used e-cigarettes within the last 30 days,

⁸ Kenneth P. Vogel and Christina Jewett, *With a Friend in Trump, the Tobacco Industry Secures a Lucrative Win*, New York Times, May 13, 2026, <https://www.nytimes.com/2026/05/13/us/politics/trump-vapes-cigarettes-big-tobacco.html>

⁹ *FDA v. Wages and White Lion Investments, L.L.C.*, 604 U.S. 542 (2025); see also Adam Liptak, Abbie VanSickle, and Christina Jewett, *Supreme Court Rules Against Makers of Flavored Vapes Popular with Teens*, New York Times, April 2, 2025, <https://www.nytimes.com/2025/04/02/us/supreme-court-flavored-vapes.html>

¹⁰ Timothy S. Donahue, *Bonnie Herzog: \$67B US Nicotine Market by 2035*, Nicotine Insider: Global Nicotine Industry News, March 4, 2026, <https://nicotineinsider.com/2026/03/04/bonnie-herzog-sees-67b-u-s-nicotine-market-by-2035/>

¹¹ U.S. Food and Drug Administration, *FDA Issues Guidance on Enforcement Priorities for Unauthorized ENDS and Nicotine Pouch Products*, May 8, 2026, <https://www.fda.gov/tobacco-products/ctp-newsroom/fda-issues-guidance-enforcement-priorities-unauthorized-ends-and-nicotine-pouch-products>

and among these underage users, 59% had used a fruit-flavored product and 31% had used a product with candy or dessert flavors.¹² In a memo released just last month, the FDA conceded that advertising and sales restrictions “cannot mitigate the substantial risk to youth,” and that industry data has not shown fruit-flavored vaping products to be more effective than tobacco-flavored vaping products at getting adult cigarette smokers to switch to vaping.¹³ You and I can likely agree on the need to remove unauthorized Chinese vaping products from the U.S. market—these are dangerous to all American consumers, and particularly to children. But no one could credibly argue that the solution for unauthorized Chinese vapes is to flood the market with more fruit-flavored vapes from American companies.

MAGA, Inc. is a pro-Trump Super PAC. In April 2026, it raised \$9.6 million, \$5 million of which came from Reynolds American. The American people now know the price of admission in this game of quid-pro-quo—if you provide half of a Trump Super PAC’s monthly funding, you get to have lunch with the President and you get a sweeping deregulatory policy change six days later. You win, and children lose. It seems little has changed since 1994. Your predecessor came before me in the Energy & Commerce hearing room and lied under oath, saying that nicotine was not addictive. Now even the Reynolds website concedes that “[n]o tobacco product is safe and nicotine is addictive.”¹⁴ But Big Tobacco’s lies continue. Today’s lie is that flavored vapes won’t entice children and teens into becoming nicotine addicts—that you didn’t bribe the President with a \$5 million PAC check to keep your dying industry profitable for 60 more years.

As we begin an investigation into flavored vapes, their impacts on U.S. public health, and Big Tobacco’s ties to the Trump administration, we look forward to your timely responses. Please provide written responses to the following questions and inquiries by August 31, 2026:

1. Do you believe that nicotine is addictive?
2. Please provide a comprehensive list of all e-cigarette and vaping products that Reynolds American currently sells at retail locations in the United States.
 - a. *For each of these products*, does this product contain nicotine?
 - b. *For each of these products*, please provide the full list of flavors currently available for retail sale in the United States.
 - c. *For each of these products*, what impact would this product have on a person’s health if s/he began to use the product regularly but had never previously smoked cigarettes?

¹²Altria Client Services, *Trends in Tobacco and Nicotine Product Use Among Middle and High School Students: NYTS 2025 Update*, March 2026, <https://acrobat.adobe.com/id/urn:aaid:sc:EU:f3ae9a2e-0a71-4bb2-a7b5-bbe24127a443?viewer%21megaVerb=group-discover>

¹³ Food and Drug Administration, *Director’s Summary of Glas G2 Electronic Cigarette Products*, June 8, 2026, <https://www.documentcloud.org/documents/28232264-fda-memo-on-flavored-e-cigarettes/>

¹⁴ Reynolds, *Tobacco Harm Reduction*, <https://www.reynoldsscience.com/harm-reduction/>

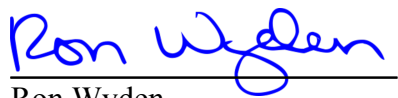
3. Please provide a comprehensive list of all e-cigarette and vaping products for which Reynolds American, or any of its affiliates or subsidiaries, has submitted a premarket tobacco product application (PMTA) that remains pending.
 - a. *For each of these products*, does this product contain nicotine?
 - b. *For each of these products*, please list all flavors for which you have submitted a premarket tobacco product application (PMTA).
 - c. *For each of these products*, what impact would this product have on a person's health if s/he began to use the product regularly but had never previously smoked cigarettes?
4. What is the expected lifetime value (in earned revenue) of a new customer who has never smoked but who begins using vaping products at age 21?
5. What did Jeff Raborn request of President Trump over lunch on May 2, 2026?
6. Before the May 2 lunch meeting with President Trump in Florida, had Reynolds American sent its employees, executives, or outside lobbyists to meet with Trump Administration officials on issues related to the sale and regulation of flavored vaping products?
 - a. *If so*, please provide the dates and locations of these meetings.
 - b. *If so*, please provide the names and job titles of any Reynolds American employees or executives who were present at each meeting.
 - c. *If so*, please provide the names and job titles of any federal government employees who were present at each meeting.
 - d. *If so*, please provide the names and job titles of any registered lobbyists who were present at each meeting.

In addition, please provide the following documents¹⁵ to the Democratic staff of the Senate Finance Committee by August 31:

1. All documents related to Reynolds American's decision to donate \$5 million to MAGA, Inc. on April 30, 2026;
2. All peer-reviewed scientific research studies that Reynolds American has relied on in its assessment that flavored vaping products are safe to market and sell at retail.

Sincerely,

¹⁵ For purposes of this request, "documents" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), direct messages, chats, calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).



Ron Wyden

United States Senator

Ranking Member, Committee
on Finance