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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

GREGG RICHARD, STAFF DIRECTOR
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August 3, 2026

The Honorable Robert F. Kennedy, Jr.
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Kennedy,

If “Making America Healthy Again” is your north star, it’s time to resign from the Trump Administration. It has come to light in recent weeks that you are paving a yellow brick road to lead kratom and Big Tobacco into more American homes. Both industries will flood gas stations and convenience stores with products that pique the curiosity of kids and teens and launch them into addiction, and both industries obtained the right to do so by paying millions to you and to President Trump. Big Tobacco has been running this playbook for decades, but now they get to do it with the Secretary of Health and Human Services on their side. From kratom and nicotine to pesticides and PFAS, you have yet to draw a line in the sand and buck corporate interests to Make America Healthy Again. Just like President Trump, your door is always open for corporate donors with demands and a checkbook.

The reported chronology of this Administration’s quid-pro-quo with Big Tobacco 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 President, Raborn and two lobbyists from Ballard Partners complained about FDA

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>

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, CMS Administrator Dr. Mehmet Oz, and you.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

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?” James Johnston, the 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 that changed under your leadership.

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. According to this new guidance, the FDA under your leadership 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

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>

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. Hilt, *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.*

children’s toy, phone, or gaming platform.”⁸ Yet the FDA is fooling no one—Big Tobacco knows, just as American parents do—that kids and teens will go looking for the flavored products whether or not they have 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, and among these underage users, 59% had used a fruit-flavored product and 31% had used a product with candy or dessert flavors.⁹ In a memo released just days ago, 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.¹⁰

It seems little has changed since 1994. A previous Reynolds CEO 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.”¹¹ But Big Tobacco’s lies continue. Today’s lie is that flavored vapes won’t entice children and teens into becoming nicotine addicts—that Big Tobacco didn’t just bribe the President with a \$5 million PAC check to keep their dying industry profitable for 60 more years.

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 your industry gets a sweeping deregulatory policy change six days later. Big Tobacco wins, and children lose.

A similar quid-pro-quo seems to be unfolding between the Trump Administration and the kratom industry. It appears that two Cabinet secretaries have abused their government positions to stifle kratom’s competitors, to falsely position it as a product safe for everyday use, and to enrich themselves in the process:

- Secretary of Homeland Security Markwayne Mullin has advocated for restrictions on kratom’s synthetic competitors while holding a massive financial stake in Oklahoma-based Botanic Tonics, worth as much as \$1 million.¹²

⁸ 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>

⁹ Altria 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>

¹⁰ 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/>

¹¹ Reynolds, *Tobacco Harm Reduction*, <https://www.reynoldsscience.com/harm-reduction/>

- **You** have actively intervened to try to stop state-level kratom bans, getting on the phone with governors and acting like another paid lobbyist for the industry. This was after Jerry Ross donated \$162,000 in his personal capacity to your presidential campaign months after you ended it, and his company, Botanic Tonics, has donated \$1 million to the MAHA Political Action Committee; some reports say that Botanic Tonics has pledged to continue giving \$500,000 to MAHA PAC on a recurring monthly basis.¹³

There is a two-pronged fakery at the heart of the MAHA movement: you cast doubt upon safe and effective remedies – like Tylenol, the measles vaccine, or vitamin K for newborns – while cloaking risky and experimental products with a false allure of safety and “wellness.” Both prongs of this strategy are carried out by social media influencers, B-list celebrities, and self-dealing “entrepreneurs” who write big checks and make handshake deals with government officials. With flavored vapes and with kratom, we see the same pattern play out again and again: you shoehorn a dangerous product into the MAHA “wellness” realm, thus lending it a false sense of legitimacy and safety. Each time that happens, someone like Jerry Ross gets richer, and you get more attention on social media to keep promoting your MAHA brand. But Americans suffer as a result.

As you know, 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 addiction. As the Committee’s Ranking Member, I am opening an investigation into what happened at lunch in Florida, what promises Big Tobacco and kratom have managed to purchase from you, and what it all means for U.S. public health and taxpayer-funded healthcare.

12 Kenneth P. Vogel and Christina Jewett, *How an Addictive Gas Station Drug Found Allies in Trump’s Cabinet*, New York Times, June 15, 2026, <https://www.nytimes.com/2026/06/15/us/politics/kratom-trump-administration.html>

13 Mary Jane Gibson, *Why Is the DEA Targeting Kratom, an Opioid Replacement Drug?*, Rolling Stone, July 9, 2026, <https://www.rollingstone.com/culture/culture-features/kratom-dea-ban-opioid-replacement-1235591775/> ; Kenneth P. Vogel and Christina Jewett, *How an Addictive Gas Station Drug Found Allies in Trump’s Cabinet*, New York Times, June 15, 2026, <https://www.nytimes.com/2026/06/15/us/politics/kratom-trump-administration.html>; Will McDuffie and Brandy Zadrozny, *The Louisiana primaries test MAHA’s political power*, MS NOW, May 16, 2026, <https://www.ms.now/news/louisiana-primaries-test-maha-political-power>.

Please provide written responses to the following questions and inquiries by August 31, 2026:

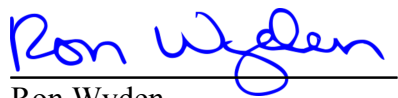
1. Do you believe that nicotine is addictive?
2. Do you believe that selling flavored vapes in convenience stores will help “Make America Healthy Again?”
3. Do you believe that selling kratom products in convenience stores will help “Make America Healthy Again?”
4. When President Trump called you from his lunch with Jeff Raborn on May 2, 2026, what did he ask you to do?
5. When did you first meet Jerry Ross, the CEO of Botanic Tonics?
6. When did you first become aware that he has repeatedly been charged with driving under the influence and that he has served time in prison for financial crimes?
7. What conversations have you had with Jerry Ross about kratom, both before and since you became the U.S. Secretary of Health and Human Services?
8. Why did Jerry Ross continue to make sizable donations to your presidential campaign after you had suspended the campaign?
9. Your personal friend and publisher Tony Lyons runs MAHA PAC, which has to date received \$1 million from Botanic Tonics LLC. Have you ever discussed Botanic Tonics, Jerry Ross, or kratom, with Tony Lyons?
10. Did Jerry Ross ask you to call Ohio Governor Mike DeWine regarding Ohio’s proposed kratom ban?
11. Did Secretary of Homeland Security Markwayne Mullin or anyone else ever speak with you about removing information on kratom from federal government websites?
12. Did Secretary Mullin ever speak with you about restricting access to 7-OH products or regulating them differently from “natural leaf” kratom?
13. When did you become aware that Secretary Mullin held a financial stake in Botanic Tonics, a kratom company that stood to benefit from increased regulation of its synthetic competitors?
14. Have you had, or directed anyone else to have, discussions related to Botanic Tonics or Jerry Ross with any current or prior employees of the U.S. Department of Justice?

Additionally, please provide the following documents¹⁴ to the Democratic staff of the Senate Finance Committee by August 31:

1. All peer-reviewed scientific research studies that HHS has relied on in its assessment that flavored vaping products are safe to market and sell at retail. In the absence of any peer-reviewed research studies, please share the sources of any “gold standard science” that has been used to make this determination.
2. All peer-reviewed scientific research studies that HHS has relied on in its assessment that kratom products are safe to market and sell at retail. In the absence of any peer-reviewed research studies, please share the sources of any “gold standard science” that has been used to make this determination.
3. All documents generated in relation to the May 2, 2026 phone calls between President Trump and then-FDA Commissioner Marty Makary, CMS Administrator Dr. Mehmet Oz, and you.
4. All documents generated in relation to the May 8, 2026 policy directive that shifts enforcement priorities and allows Big Tobacco companies to sell flavored e-cigarettes and vaping devices in retail stores across the country.
5. All documents generated in relation to the July 1, 2026 announcement that the Drug Enforcement Administration (DEA) will schedule kratom’s synthetic competitors and make them unavailable for purchase and sale for two years.

Sincerely,

¹⁴ 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