

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

_____)	
In the Matter of)	
)	
Altria Group, Inc.,)	
a corporation,)	Docket No. 9393
)	
and)	
)	
JUUL Labs, Inc.)	
a corporation,)	
)	
Respondents.)	
_____)	

ORDER GRANTING RESPONDENT JUUL LABS, INC.’S
SECOND MOTION FOR *IN CAMERA* TREATMENT

I.

By Order issued May 19, 2021, the first motion for *in camera* treatment filed by Respondent JUUL Labs, Inc. (“JLI”) was granted in part and denied without prejudice in part (“May 19 Order”). Pursuant to that Order, JLI filed a second motion for *in camera* treatment for materials that the parties have listed on their exhibit lists as materials that might be introduced at trial in this matter. Federal Trade Commission (“FTC” or “Commission”) Complaint Counsel filed an opposition. For the reasons set forth below, JLI’s motion is GRANTED.

II.

The standards by which JLI’s motion is evaluated are set forth in the May 19 Order. JLI has significantly narrowed the number of documents for which it seeks *in camera* treatment. JLI’s motion seeks *in camera* treatment for fifteen of the exhibits for which JLI’s first request was denied without prejudice. JLI asserts that the public disclosure of the information in the fifteen exhibits will likely result in a clearly defined, serious competitive injury to JLI or the release of sensitive personal information. To support this assertion, JLI relies on a declaration from its chief growth officer.

JLI states that the information in the exhibits falls into one of the following categories: (1) competitively sensitive pricing and margin information; (2) strategic priorities and product development work; (3) materials discussing pricing and pricing strategy; (4) information regarding the calculation of dividends and specific compensation to investors and employees; and (5) a collection of JLI board of directors minutes that contain sensitive information that is

unrelated to this case. The declaration provides details regarding each of the documents for which JLI seeks *in camera* treatment and the significant steps JLI takes to protect the documents from disclosure and maintain their confidentiality.

Complaint Counsel objects to *in camera* treatment for five of the documents at issue. Complaint Counsel objects to *in camera* treatment for: RX1991, RX1993, PX2486, and PX2142/RX1565 at page 46. Complaint Counsel also objects to full *in camera* designation of PX2117/RX1497 at page 32. Complaint Counsel states that JLI should be ordered to redact the limited *in camera* material the page contains and argues that the remainder of the document, other than page 9, should be public. Complaint Counsel argues that the information sought to be protected is stale information and no longer sensitive.

Upon review of the motion, declaration, opposition, and exhibits, JLI has met the strict standards required for *in camera* treatment, and therefore JLI's second motion for *in camera* treatment is GRANTED, and it is further ORDERED:

For documents where JLI has sought partial *in camera* treatment, *in camera* treatment is extended only to the designated pages of exhibits listed on Exhibit 1 to JLI's second motion, for a period of either five years, to expire June 1, 2026, or ten years, to expire June 1, 2031, as identified on Exhibit 1 to JLI's second motion.

For PX2558, JLI shall redact pages 13 and 14 which contain sensitive personal information. The remainder of the document need not be withheld from the public record.

For the exhibits listed on Exhibit 1 to JLI's second motion for which JLI sought *in camera* treatment for full documents, the period of *in camera* treatment will be five years, to expire June 1, 2026.

III.

By June 4, 2021, JLI shall prepare a proposed order listing, by exhibit number, the documents that have been granted *in camera* treatment by the May 19 Order and this Order. The proposed order shall list only the exhibit numbers and those portions of exhibits that have been granted *in camera* treatment and the length of time for which *in camera* treatment has been granted. The proposed order need not include a description of the documents or the document category.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: May 28, 2021