

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**      **Lina M. Khan, Chair**  
                                 **Rebecca Kelly Slaughter**  
                                 **Christine S. Wilson**  
                                 **Alvaro M. Bedoya**

**In the Matter of**

**Altria Group, Inc.,  
a corporation;**

**and**

**JUUL Labs, Inc.,  
a corporation.**

**Docket No. 9393**

**ORDER DENYING STAY AND EXTENDING DEADLINE  
FOR COMMISSION RULING**

This matter is before the Commission on Complaint Counsel’s appeal of the Chief Administrative Law Judge’s Initial Decision that recommended dismissing the Complaint in this proceeding. The Commission’s deadline to rule on the appeal is currently March 30, 2023.

Respondents recently filed two motions that could, if granted, affect the course of the appeal. On March 6, 2023, Respondents filed a Motion to Take Official Notice and to Dismiss this Litigation as Moot, or in the Alternative, to Stay the Litigation (“March 6 Motion”). The March 6 Motion asserts that Respondent Altria Group, Inc. (“Altria”) has fully unwound its 2018 investment in Respondent Juul Labs, Inc. (“JLI”) and has terminated certain agreements it entered into with JLI in 2018. March 6 Motion at 1. Thus, Respondents say, the Commission should dismiss the proceeding as moot and no longer in the public interest. *Id.* at 1, 3. In the alternative, Respondents assert that “there is good cause to stay this action to permit the parties to respond to any Complaint Counsel inquiries in light of these fundamentally changed circumstances.” *Id.* at 3. Complaint Counsel have opposed the requests to dismiss and to stay. *See* Complaint Counsel’s Opposition to Respondents’ Motion to Dismiss this Litigation as Moot, or in the Alternative, to Stay the Litigation, and Response to Respondents’ Motion to Take Official Notice (Mar. 16, 2023) (“Opposition”). Complaint Counsel argue that a respondent’s voluntary cessation of unlawful conduct does not moot an enforcement proceeding, Opposition at 2-4, and that meaningful relief remains to be ordered in this case. *Id.* at 4-7. As to a stay, Complaint Counsel state that “there are no inquiries [from Complaint Counsel] that would justify” a stay. *Id.* at 2 n.1. The Commission’s deadline for ruling on the March 6 Motion is May 5, 2023.

On March 21, 2023, Respondents filed a Motion to Withdraw Matter from Adjudication to Discuss Settlement (“March 21 Motion”). Respondents argue that the transaction and relationship that gave rise to the Commission’s Complaint no longer exist and assert that they are prepared to enter a consent order giving the Commission the remaining relief it sought in this proceeding. *Id.* at 5. Complaint Counsel have filed an opposition.

Commission Rule 4.3(b), 16 C.F.R. § 4.3(b), authorizes the Commission, for good cause, to extend the deadline for issuing the final decision addressing Complaint Counsel’s appeal. Respondents’ March 6 and March 21 Motions raise issues regarding the appropriate future course of this proceeding. To facilitate our consideration of the matters raised by the Motions, while ensuring that our disposition of Complaint Counsel’s appeal proceeds in an orderly fashion, we find good cause to extend the deadline for issuance of our final decision to May 5, 2023.

We have, however, determined to deny Respondents’ request for a stay. Respondents’ support is a single sentence asserting that a stay would permit the parties to respond to “any Complaint Counsel inquiries in light of the[] fundamentally changed circumstances.” March 6 Motion at 3. Given that Complaint Counsel deny the existence of any inquiries that would justify a stay, Opposition at 2 n.1, Respondents’ unsupported assertion does not establish the need for a stay. In any event, our extension of time for a ruling on the appeal provides additional time for any response.

Accordingly,

**IT IS HEREBY ORDERED THAT** the Commission’s deadline to rule on Complaint Counsel’s appeal from the Initial Decision in this proceeding is extended to May 5, 2023; and

**IT IS FURTHER ORDERED THAT** Respondents’ March 6, 2023 request to stay the proceeding is hereby **DENIED**.

By the Commission, Commissioner Wilson not participating.



April J. Tabor  
Secretary



SEAL:  
ISSUED: March 30, 2023