

HYDEE FELDSTEIN SOTO, City Attorney (SBN 106866)
MICHAEL J. BOSTROM, Sr. Asst. City Attorney (SBN 211778)
LIORA FORMAN-ECHOLS, Asst. City Attorney (SBN 184135)
GITA S. O'NEILL, Asst. City Attorney (SBN 190549)
STEVEN S. SON, Deputy City Attorney (SBN 265921)
OFFICE OF THE LOS ANGELES CITY ATTORNEY
201 N. Figueroa Street, Suite 1300
Los Angeles, California 90012
Telephone: (213) 978-8080 / Facsimile: (213) 482-9549
Email: gita.oneill@lacity.org

Attorneys for Plaintiff,
The People of the State of California

[NO FEE – Cal. Govt. Code § 6103]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v.

JOHN N. CARPENTIERI, an individual,
WEIRD WILLIE'S II, a California
corporation, JNC E-COMMERCE INC., a
California corporation, and DOES 1-25,
inclusive,

Defendants.

Case No.: 24STCV11322

**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES FOR
VIOLATION OF THE UNFAIR
COMPETITION LAW (CAL. BUS. &
PROF. CODE §§ 17200, *ET SEQ.*)**

[Verified Answer Required Under Cal. Code
Civ. Proc. § 446(a)]

INTRODUCTION

1. The People of the State of California (“People”) bring this civil enforcement action against Defendants John N. Carpentieri (“Carpentieri”), Weird Willie’s II (doing business both as Purple Haze Smoke Shop and Wild Side Smoke Shop) (“Weird Willie’s”), and JNC E-Commerce Inc. (doing business as Quick Vapes) (“JNC”) (collectively “Defendants”) for selling flavored tobacco to California and Los Angeles residents—including to minors—in flagrant violation of state and local law.

2. Defendants do not operate a small “mom-and-pop” tobacco retail business. They run an empire of over 20 tobacco stores throughout California. In fact, Defendants are the largest exclusive tobacco retailer¹ in the City of Los Angeles (“City”) holding 10 tobacco retailer licenses- this is more than double the next largest tobacco retailer. They also sell tobacco through an online retail website. As sophisticated retailers, Defendants can fairly be expected to have knowledge of state and local laws adopted since 2022 prohibiting the sale of flavored tobacco. To eliminate any doubt, the Los Angeles Police Department (“LAPD”) delivered written notice of the City’s ban on flavored tobacco to each of Defendants’ ten brick-and-mortar stores located in Los Angeles. When Defendants nonetheless continued to sell flavored tobacco, the Los Angeles City Attorney’s Office sent cease-and-desist letters to each of these stores. Defendants, however, ignored LAPD’s notices, ignored the cease-and-desist letters, and continue to sell flavored tobacco. The People, therefore, have no choice but to file this civil enforcement action under the Unfair Competition Law, Cal. Bus. & Prof. Code §§ 17200, *et seq.* (“UCL”).

3. This civil enforcement action is critical to public health and safety. More than 1,200 Americans die every day as a result of smoking. For each of those deaths, two minors or young adults become regular smokers each day. Nearly 90% of these minors and young adults smoke their first cigarette by age 18. Today, more than 600,000 middle school students and 3 million high school students smoke cigarettes.² According to the Centers for Disease Control

¹ An exclusive tobacco retailer is a tobacco retailer that sells only tobacco products and excludes grocery stores, convenience stores and gas stations.

² See <https://www.hhs.gov/surgeongeneral/reports-and-publications/tobacco/preventing-youth-tobacco-use-factsheet/index.html>.

1 and Prevention, 1 out of 13 children today will die prematurely from a smoking-related illness if
2 smoking continues at current rates.³

3 4. Researchers have concluded that reducing access to flavored tobacco products,
4 such as those that impart a fruity, minty, or sweet taste or smell, reduces overall smoking rates
5 among minors and adults.⁴ In fact, over 80% of minors and young adults who have used tobacco
6 started with a flavored tobacco product, as the flavoring masks the harsh taste of tobacco and
7 commonly initiates a lifelong addiction.⁵

8 5. In response to the rise in e-cigarette and tobacco use by teenagers, in 2020
9 California became the second state in the country to sign into law a ban on flavored tobacco
10 products. That ban took effect after a 2022 ballot measure. Also in 2022, the City amended the
11 Los Angeles Municipal Code (“LAMC”) to ban the local sale (or attempted sale) of flavored
12 tobacco products. The City’s ban took effect in 2023. California law has long prohibited the
13 sale of tobacco products, flavored or unflavored, to anyone under 21 years of age.

14 6. Defendants, however, continue to sell flavored tobacco products, including to
15 minors, via their online store and through their brick-and-mortar retail locations. Defendants’
16 brazen disregard of the law necessitates a strong response under the broad and sweeping scope of
17 the UCL. An injunction that enjoins Defendants from selling or attempting to sell flavored
18 tobacco products (or any tobacco product to someone under 21 years of age) is critical to protect
19 California’s youth, one of our most vulnerable populations—particularly because Defendants’
20 retail stores are located in close proximity to elementary, middle, and/or high schools. A
21 substantial civil penalty that punishes Defendants for their wrongdoing and deters Defendants
22 (and others) from exacerbating this public health crisis is also warranted and in the interest of
23 justice.

24 ///

26 ³ See https://www.cdc.gov/tobacco/basic_information/youth/.

27 ⁴ See, e.g., <https://www.federalregister.gov/documents/2022/05/04/2022-08993/tobacco-product-standard-for-characterizing-flavors-in-cigars#p-66>.

28 ⁵ See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5522636/>.

THE PARTIES

7. The People bring this civil enforcement action by and through Los Angeles City Attorney Hydee Feldstein Soto, pursuant to the authority granted under Cal. Bus. & Prof. Code §§ 17204, 17206(a).

8. Carpentieri is a natural person and a resident of the City. Carpentieri is the Chief Executive Officer, Chief Financial Officer, Secretary, and majority/primary shareholder of Weird Willie's and JNC. On information and belief, Carpentieri directs Weird Willie's and JNC's illegal business activities as described below.

9. Weird Willie's is a privately-held California corporation with its principal place of business at 18875 Kirkcolm Lane, Northridge, California 91326. Weird Willie's does business as both "Purple Haze Smoke Shop" and "Wild Side Smoke Shop." There are at least 22 brick-and-mortar Purple Haze Smoke Shops and Wild Side Smoke Shops in California.

10. JNC is a privately-held California corporation with its principal place of business at 3617 Ocean Drive, Oxnard, California 93035. JNC does business as "Quick Vapes," an online retail website.

11. The true names and capacities of Defendants sued herein as Does 1 through 25, inclusive, are unknown to the People, and the People therefore sue these Defendants by such fictitious names. When the true names and capacities of these Doe Defendants have been ascertained, the People will seek leave of this Court to amend this Complaint to insert in lieu of such fictitious names the true names and capacities of the fictitiously-named Defendants.

12. All of the acts and/or omissions described in this Complaint were duly performed by, and attributable to, all Defendants, each acting as the agent, employee, alter ego, and/or under the direction and control of the others, and such acts and omissions are within the scope of such agency, employment, alter ego, and/or direction and control.

13. Each Defendant sued herein also (or in the alternative) aided and abetted all of the other Defendants in violating the letter of, and public policy embodied in, the laws set forth in this Complaint.

///

1 **JURISDICTION AND VENUE**

2 14. The Superior Court has original jurisdiction over this action pursuant to Article
3 VI, section 10 of the California Constitution, which grants the Superior Court original
4 jurisdiction in all causes other than those specifically enumerated therein.

5 15. The Superior Court has personal jurisdiction over Carpentieri because he is a
6 resident of the State of California.

7 16. The Superior Court has personal jurisdiction over Weird Willie's and JNC
8 because both of them are headquartered in the State of California and conduct business in and
9 purposefully avail themselves of the markets of this state.

10 17. Venue is proper in the Los Angeles County Superior Court, pursuant to Cal. Code
11 Civ. Proc. §§ 393(a), 395(a), and 395.5, because (i) Carpentieri is a resident of Los Angeles
12 County, (ii) the cause, or some part of the cause, arose in Los Angeles County, and (iii) the
13 obligation or liability arises in Los Angeles County.

14 **STATUTORY OVERVIEW**

15 **The Los Angeles Municipal Code**

16 18. Under the LAMC, tobacco products may only be sold at locations that have been
17 issued a City permit. Los Angeles Mun. Code § 46.90.1(a). The online sale of tobacco products
18 is prohibited. Los Angeles Mun. Code §§ 46.90.1(a), 46.91(c), 46.90(b).

19 19. Effective January 1, 2023, the LAMC made it unlawful (outside of certain limited
20 exceptions inapplicable here) to sell or offer for sale, or to possess with the intent to sell, any
21 "Flavored Tobacco Product." Los Angeles Mun. Code §§ 46.90.1(a)-(c), 46.90(l).

22 20. A "Flavored Tobacco Product" is defined as any tobacco product "that imparts a
23 taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary
24 consumer either prior to, or during the consumption of," a tobacco product, "including, but not
25 limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa,
26 vanilla, honey, molasses, or any candy, dessert, alcoholic beverage, herb, or spice." Los Angeles
27 Mun. Code § 46.90(d).

28 ///

21. “Flavored Tobacco Products” are defined to include (i) any product containing, made of, or derived from tobacco or nicotine, whether natural or synthetic, that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any means, (ii) any substance intended for smoking in a hookah pipe, (iii) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, and (iv) any ancillary item, component, part, or accessory of the aforementioned products. Los Angeles Mun. Code § 46.90(d), (k)(1)-(4).

The California Health and Safety Code

22. The California Health & Safety Code provides that “[a] tobacco retailer, or any of the tobacco retailer’s agents or employees, shall not sell, offer for sale, or possess with the intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer.” Cal. Health & Safety Code § 104559.5(b)(1).

23. “Tobacco retailer” is defined, in relevant part, as “a person who engages in this state in the sale of tobacco products directly to the public from a retail location.” Cal. Health & Safety Code § 104559.5(a)(18). A “person” includes “any person or entity.” Cal. Health & Safety Code § 104559.5(f)(1), (5).

24. “Retail location” is defined as “[a] building from which tobacco products are sold at retail” and/or “[a]ny vending machine, vehicle, mobile unit, booth, stand, or concession that conducts in-person sales of tobacco products directly to the public.” Cal. Health & Safety Code § 104559.5(a)(13)(A)-(B).

25. “Flavored tobacco product” is defined as “any tobacco product that contains a constituent that imparts a characterizing flavor.” Cal. Health & Safety Code § 104559.5(a)(6). “Characterizing flavor” is defined as the “presence” of “a distinguishable taste or aroma, or both, other than the taste or aroma of tobacco, imparted by a tobacco product or any byproduct produced by the tobacco product,” which include but are not limited to “tastes or aromas relating to any fruit, vanilla, chocolate, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice.” Cal. Health & Safety Code § 104559.5(a)(1). “Constituent” is defined as “any ingredient, substance, chemical, or compound, other than tobacco, water, or

1 reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the
2 processing, manufacture, or packing of the tobacco product.” Cal. Health & Safety Code §
3 104559.5(a)(2).

4 26. “Tobacco product flavor enhancer” is defined as “a product designed,
5 manufactured, produced, marketed, or sold to produce a characterizing flavor when added to a
6 tobacco product.” Cal. Health & Safety Code § 104559.5(a)(17).

7 **The California Penal Code**

8 27. The California Penal Code makes it a crime for any “person, firm, or corporation
9 [to] knowingly or under circumstances in which it has knowledge, or should otherwise have
10 grounds for knowledge, sell[], give[], or in any way furnish[] to another person who is under 21
11 years of age any tobacco, cigarette, or cigarette papers, or blunt wraps, or any other preparation
12 of tobacco, or any other instrument or paraphernalia that is designed for the smoking or ingestion
13 of tobacco, tobacco products, or any controlled substance[.]” Cal. Penal Code § 308(a)(1)(A)(i).

14 28. “Smoking” is defined as “inhaling, exhaling, burning, or carrying any lighted or
15 heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended
16 for inhalation, whether natural or synthetic, in any manner or in any form” and includes “the use
17 of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form,
18 or the use of any oral smoking device for the purpose of circumventing the prohibition of
19 smoking.” Cal. Penal Code § 308(e); Cal. Bus. & Prof. Code § 22950.5(c).

20 29. “Tobacco product” is defined as: (i) “A product containing, made, or derived from
21 tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed,
22 absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not
23 limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff[.]” (ii) “An
24 electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the
25 device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah[.]” and/or (iii)
26 “Any component, part, or accessory of a tobacco product, whether or not sold separately.” Cal.
27 Penal Code § 308(f); Cal. Bus. & Prof. Code § 22950.5(d)(1)(A)-(C).

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

30. California’s Stop Tobacco Access to Kids Enforcement Act (“STAKE Act”) also requires tobacco retailers to “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.” Cal. Bus. & Prof. Code § 22956.

DEFENDANTS' BUSINESS MODEL

31. As noted above, Carpentieri is the CEO, CFO, Secretary, and majority/primary shareholder of (i) JNC E-Commerce Inc., which does business as “Quick Vapes,” and (ii) Weird Willie’s II, which does business as both “Purple Haze Smoke Shop” and “Wild Side Smoke Shop.”

32. Carpentieri’s business enterprise consists of two components: (i) the Quick Vapes online store and (ii) 22 brick-and-mortar retail stores called “Purple Haze Smoke Shop” or “Wild Side Smoke Shop.” The online store and brick-and-mortar retail stores work in tandem, on information and belief, under Carpentieri’s personal, direct, and complete control, to sell flavored tobacco products to both adults and minors.

Quick Vapes Online Store

33. The Quick Vapes online store (the “Online Store”) is accessible at www.quickvapes.com (“Online Store”). It offers for sale the following types of products: (i) glass water pipes/bongs, (ii) disposable vapes, (iii) “e-juice” (liquids for use inside e-cigarettes), (iv) vaporizers (including ancillary/related parts), (v) kratom,⁶ (vi) cannabinoid cartridges, disposables, and edibles,⁷ (vii) “cream chargers and dispensers,”⁸ and (viii) accessories, such as lighters and hot knives.

⁶ Kratom is a tropical tree native to Southeast Asia. Consumption of its leaves produces both stimulant and sedative effects based on dosage and can lead to psychotic symptoms as well as psychological and physiological dependence. See <https://www.dea.gov/factsheets/kratom>.

The Online Store offers, among other things, a number of products advertised as “Delta 8,” which claims to have a lower tetrahydrocannabinol (a/k/a “THC”) content that supposedly makes them exempt from regulation under California law.

⁸ A cream charger/dispenser is a steel cylinder or cartridge filled with nitrous oxide. Inhaling the nitrous oxide from a cream charger/dispenser can intoxicate users and cause loss of consciousness and/or death. See <https://www.dea.gov/factsheets/inhalants>.

34. The Online Store offers for sale over 200 different disposable vape products, nearly if not all of which contain nicotine with some characterizing flavor, such as “cotton candy,” “sour candy,” and “frozen creamsicle,” to name just a few.

35. The Online Store offers for sale over 75 different “e-juice” products, nearly if not all of which contain nicotine with some characterizing flavor, such as “cola,” “pineapple grapefruit,” and “blackberry lemonade,” to name just a few.

36. The Online Store advertises “fast and convenient vape delivery” to “serve customers in multiple states,” and that “[n]o matter where you are, we’re committed to delivering the products you love right to your doorstep.” On information and belief, Quick Vapes, at Carpentieri’s personal, direct, and complete control, has delivered and continues to deliver flavored tobacco products to customers after they purchase those products through the Online Store and elect (and are eligible) for delivery services.

37. The Online Store also identifies 22 retail locations in California. While the actual names of the retail stores are concealed on the website, each of the addresses identified for pick-up is, in fact, a Purple Haze Smoke Shop or Wild Side Smoke Shop store. Where customers purchase flavored tobacco products through the Online Store but are ineligible for delivery services or elect to pick up the items from a retail store in-person, the entity Defendants, on information and belief at Carpentieri’s personal, direct, and complete control, have provided and continue to provide the purchased products to those customers in-person at Purple Haze Smoke Shop and Wild Side Smoke Shop stores.

Purple Haze Smoke Shops

38. Carpentieri currently operates and manages at least ten Purple Haze Smoke Shop stores within the City, all of which are located near elementary, middle, and/or high schools, as reflected in the following table:

#	Store Address	School Distance
1.	4358 Laurel Canyon Blvd. Studio City, CA 91604	0.1 miles from Campbell Hall (K-12)
2.	10323 Zelzah Ave. Porter Ranch, CA 91326	0.1 miles from Granada Preparatory School (K-8) 0.2 miles from Granada Hills Charter School (K-12)
3.	7576 Winnetka Ave.	0.5 miles from Stanley Mosk Elementary School

	Winnetka, CA 91306	0.3 miles from John A. Sutter Middle School 2.0 miles from Cleveland High School
4.	12910 Magnolia Blvd. Sherman Oaks, CA 91423	0.7 miles from Riverside Drive Charter School (K-5) 0.8 miles from Louis Armstrong Middle School 1.0 miles from Ulysses S. Grant High School
5.	9857 Topanga Canyon Blvd. Chatsworth, CA 91311	0.6 miles from Chatsworth Park Elementary School 1.0 miles from Ernest Lawrence Middle School 1.5 miles from Chatsworth High School
6.	10670 Balboa Blvd. Granada Hills, CA 91344	0.5 miles from Granada Elementary School 0.9 miles from Patrick Henry Middle School 1.5 miles from John F. Kennedy High School
7.	8678 Lindley Ave. Northridge, CA 91325	0.8 miles from Cantara Street Elementary School 0.3 miles from Northridge Middle School 1.3 miles from Northridge Academy High School
8.	16851 Victory Blvd. Van Nuys, CA 91406	1.0 miles from Gault Street Elementary School 0.7 miles from Mulholland Middle School 0.3 miles from Daniel Pearl Magnet High School
9.	11279 Santa Monica Blvd. Los Angeles, CA 90025	0.3 miles from Nora Sterry Elementary School 1.1 miles from Emerson Charter Middle School 0.9 miles from University High School
10.	3101 Overland Blvd. Los Angeles, CA 90034	0.3 miles from Lycée Français de Los Angeles (K-12)

39. After the City ban against all flavored tobacco products went into effect on January 1, 2023, the City issued written warnings, citations, and/or cease-and-desist letters to each of these ten Purple Haze Smoke Shop stores, upon discovering that each of them was selling or offering for sale flavored tobacco products in violation of the LAMC.

40. However, each of these ten Purple Haze Smoke Shop stores—on information and belief at Carpentieri’s personal, direct, and complete control—continued to sell flavored tobacco products, including to minors, in some cases just days/weeks after receiving a warning from the City.

41. As recently as March of 2024, LAPD detectives ordered a flavored tobacco product from the Online Store and picked it up from the Purple Haze Smoke Shop located at 7576 Winnetka Avenue. This was after LAPD warned Defendants against selling flavored tobacco at the location in 2022, after LAPD warned them twice again in December of 2023, and after the Los Angeles City Attorney’s Office issued a cease-and-desist letter in December of 2023.

42. In February of 2024, LAPD detectives ordered flavored tobacco products from the Online Store and picked them up from the Purple Haze Smoke Shop located at 12910 Magnolia

1 Boulevard and the Purple Haze Smoke Shop located at 4358 Laurel Canyon Boulevard. This
2 was after the City Attorney's Office sent cease-and-desist letters to both of these locations on
3 December 12, 2023.

4 43. In January of 2024, LAPD cited the Purple Haze Smoke Shop at 11279 Santa
5 Monica Boulevard for selling flavored tobacco. This is after LAPD issued warnings in August
6 and October of 2022, and yet more warnings in November and December of 2023. It is also after
7 the Los Angeles City Attorney's Office issued a cease-and-desist letter in December of 2023.

8 44. In October of 2023, LAPD cited the Purple Haze Smoke Shop at 9857 Topanga
9 Canyon Boulevard for selling flavored tobacco. This was after LAPD issued warnings in
10 February and March of 2023, and after the Los Angeles City Attorney's Office issued a cease-
11 and-desist letter in May of 2023.

12 45. In October of 2023, LAPD cited the Purple Haze Smoke Shop at 10323 Zelzah
13 Avenue for selling flavored tobacco. This was after LAPD issued a warning in June of 2023,
14 and after the Los Angeles City Attorney's Office issued a cease-and-desist letter in July of 2023.

15 46. Defendants also have a history of selling flavored tobacco products to people
16 under the age of 21.

- 17 • In January of 2024, the Purple Haze Smoke Shop at 3103 Overland Boulevard
18 sold flavored tobacco to a person under the age of 21. The store clerk sold the
19 purchaser the flavored tobacco product despite the fact that the purchaser
20 reasonably appeared to be under 21 years of age and presented a valid California
21 driver's license that clearly showed the purchaser was under 21. This was after
22 the Los Angeles City Attorney's Office issued a cease-and-desist letter in
23 December of 2023.
- 24 • In December of 2023, the Purple Haze Smoke Shop at 10670 Balboa Boulevard
25 sold flavored tobacco to a person under 21 years of age. The store clerk sold the
26 purchaser the flavored tobacco product despite the fact the purchaser reasonably
27 appeared to be under 21 years of age and presented a valid California driver's
28 license that clearly showed the purchaser was under 21. This was after LAPD

issued warnings in 2022 and 2023 and after the Los Angeles City Attorney’s Office issued a cease-and-desist letter on December 12, 2023.

- In August of 2023, the Purple Haze Smoke Shop located at 8678 Lindley Avenue sold flavored tobacco to a person under the age of 21. The store clerk sold the purchaser the flavored tobacco product despite the fact the purchaser reasonably appeared to be under 21; additionally, the store clerk never asked for the purchaser’s identification. This was after LAPD issued warnings in October 2021, August 2022, and August 2023, and after the Los Angeles City Attorney’s Office issued a cease-and-desist letter in December of 2023.

47. There are three additional Purple Haze Smoke Shop stores located in California but outside the City—in Costa Mesa, Hermosa Beach, and Huntington Beach. On information and belief, each of these stores, at Carpentieri’s direction, continue to allow customers to pick up flavored tobacco products ordered through the Online Store.

Wild Side Smoke Shops

48. Carpentieri currently operates and manages at least nine Wild Side Smoke Shop stores within California, all of which are a short distance from nearby elementary, middle, and/or high schools, as reflected in the following table:

#	Store Address	School Distance
1.	608 E. Main St. Ventura, CA 93001	0.6 miles from Lincoln Elementary School 0.8 miles from Cabrillo Middle School 1.4 miles from Ventura High School
2.	2850 Johnson Dr. Ventura, CA 93003	1.2 miles from Montalvo Elementary School 2.2 miles from Rio Vista Middle School 2.7 miles from Buena High School
3.	776 E. Thousand Oaks Blvd. Thousand Oaks, CA 91360	1.3 miles from Glenwood Elementary School 0.9 miles from Colina Middle School 2.9 miles from Thousand Oaks High School
4.	888 New Los Angeles Ave. Moorpark, CA 93021	1.2 miles from Flory Academy (K-5) 1.1 miles from Mesa Verde Middle School 1.9 miles from Union High School
5.	1877 E. Daily Dr. Camarillo, CA 93010	2.0 miles from Las Posas Elementary School 1.1 miles from Monte Vista Middle School 3.0 miles from Rancho Campana High School
6.	1750 E. Los Angeles Ave. Simi Valley, CA 93065	1.0 miles from Park View Elementary School 1.6 miles from Hillside Middle School 1.3 miles from Royal High School
7.	6547 Pardall Rd.	1.0 miles from Isla Vista Elementary School

	Isla Vista, CA 93117	4.1 miles from Goleta Valley Junior High School 3.0 miles from Dos Pueblos High School
8.	637 Spring St. Paso Robles, CA 93446	0.9 miles from Bauer Speck Elementary School 1.3 miles from George H. Flamson Middle School 1.5 miles from Liberty High School
9.	871 Santa Rosa St. San Luis Obispo, CA 93401	1.2 miles from Hawthorne Elementary School 3.4 miles from Laguna Middle School 1.5 miles from San Luis Obispo High School

49. On information and belief, all of these stores—at Carpentieri’s direction—allow customers to pick-up flavored tobacco products ordered through the Online Store.

ENFORCEMENT AUTHORITY

50. Section 17200 of the UCL, in relevant part, states: “As used in this chapter, unfair competition shall mean and include any unlawful, unfair or fraudulent business act or practice[.]”

51. Section 17203 of the UCL, in relevant part, states: “Any person who engages, has engaged, or proposes to engage in unfair competition may be enjoined in any court of competent jurisdiction” and “[t]he 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[.]”

52. Section 17201 of the UCL states: “As used in this chapter, the term person shall mean and include natural persons, corporations, firms, partnerships, joint stock companies, associations and other organizations of persons.”

53. Section 17204 of the UCL, in relevant part, states: “Actions for relief pursuant to this chapter shall be prosecuted exclusively in a court of competent jurisdiction by . . . a city attorney of a city having a population in excess of 750,000 . . . in the name of the people of the State of California[.]”

54. Section 17206(a) of the UCL, in relevant part, states: “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 . . . any city attorney of a city having a population in excess of 750,000 . . . in any court of competent jurisdiction.”

1 55. Section 17205 of the UCL states: “Unless otherwise expressly provided, the
2 remedies or penalties provided by this chapter are cumulative to each other and to the remedies
3 or penalties available under all other laws of this state.”

4 **CAUSE OF ACTION**

5 **VIOLATION OF UNFAIR COMPETITION LAW**

6 **AGAINST ALL DEFENDANTS**

7 (Cal. Bus. & Prof. Code §§ 17200, *et seq.*)

8 56. The People incorporate herein by reference all preceding allegations as through
9 fully set forth herein.

10 57. Defendants have violated and continue to violate the UCL by having engaged and
11 continuing to engage in one or more of the following “unlawful” business acts and practices:

12 a. Selling, offering for sale, and/or possessing with the intent to sell flavored
13 tobacco products, either in-person or online, to adults and/or minors in the City in violation of
14 LAMC § 46.90.1(a);

15 b. Selling, offering for sale, and/or possessing with the intent to sell flavored
16 tobacco products and/or tobacco product flavor enhancers to adults and/or minors in the State of
17 California in violation of Cal. Health & Safety Code § 104559.5(b)(1);

18 c. Selling, giving, and/or furnishing tobacco products to minors in the State
19 of California in violation of Cal. Penal Code § 308(a)(1)(A)(i); and

20 d. Selling and/or distributing tobacco products in the State of California to
21 persons reasonably appearing to be under 21 years of age without first checking identification
22 and establishing that the individual is 21 years of age in violation of Cal. Bus. & Prof. Code §
23 22956.

24 58. Defendants have violated and continue to violate the UCL by having engaged and
25 continuing to engage in one or more of the following “unfair” business acts and practices:

26 a. Selling, offering for sale, and/or possessing with the intent to sell flavored
27 tobacco products to adults and/or minors in the State of California; and
28

b. Selling, giving, and/or furnishing tobacco products to minors in the State of California.

PRAYER FOR RELIEF

Wherefore, the People pray that:

1. Defendants be enjoined from engaging in any of the unlawful and unfair business acts and practices described in this Complaint, pursuant to Cal. Bus. & Prof. Code § 17203;

2. Defendants be assessed a civil penalty of up to \$2,500 for each violation of the UCL described in the Complaint, pursuant to Cal. Bus. & Prof. Code § 17206(a);

3. The People recover the costs of this action; and

The People be granted such other and further relief as this Court may deem to be just and proper.

Dated: May 3, 2024

HYDEE FELDSTEIN SOTO, City Attorney
MICHAEL J. BOSTROM, Sr. Asst. City Attorney
LIORA FORMAN-ECHOLS, Asst. City Attorney
STEVEN S. SON, Deputy City Attorney
OFFICE OF THE LOS ANGELES CITY ATTORNEY

By: Gita S. O'Neill
Gita S. O'Neill
Attorneys for Plaintiff,
The People of the State of California