

The Office of the Attorney General William Tong

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Press Releases



OFFICE OF THE ATTORNEY GENERAL CONNECTICUT

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Attorney General Tong Announces Coordinated Coast-to-Coast Crackdown on Bootleg, Highly Addictive, Disposable E-Cigarettes Used By Youth

(Hartford, CT) – As part of a coordinated coast-to-coast crackdown on bootleg nicotine products, Attorney General William Tong announced he has served civil investigative demands on 12 Connecticut smoke shops and convenience stores and two wholesalers found selling highly-potent, illegally imported disposable e-cigarettes flavored and designed to appeal to youth. Connecticut's civil investigative demands seek comprehensive information regarding the sale of non-tobacco nicotine products, and the wholesalers and distributors supplying them. Attorneys general from nine states nationwide today announced related enforcement actions, including investigations and litigation.

"This is Joe Camel 2.0. Flavored disposable vapes are highly potent, highly-addictive, and used by kids. Many of these are bootleg illegal imports-- untested and unsafe. We're cracking down. Our investigation is focused on identifying the suppliers and distributors of these illicit products," **said Attorney General Tong**. "Attorneys general first took on Big Tobacco in the 1990s, and we have not stopped. We will continue to use the full weight of our combined enforcement authority to protect kids from a lifetime of addiction and disease."

"The sale of illegal nicotine products that are clearly designed to appeal to young people poses a significant threat to the health of our youth. Working alongside the Attorney General's office, our sister agencies, and local law enforcement, we are enforcing youth tobacco access laws and educating retailers to prevent these harmful products from reaching our young people. Together, we are taking meaningful action to protect our youth from the dangers of these unregulated products," **said Department of Mental Health and Addiction Services Commissioner Nancy Navarretta**.

Flavored nicotine products are largely manufactured and imported illegally into the United States from China. The companies who manufacture and distribute these products have failed to participate in the FDA's mandated marketing order process, and these products are considered adulterated and unlawful for sale. This has not stopped the proliferation of these products. The number of unique disposable products has gone up 1,500 percent since 2020 ([https://urldefense.com/v3/https://apnews.com/article/fda-vapes-vaping-elf-bar-juul-80b2680a874d89b8d651c5e909e39e8f_!!EAPaXxOOW7smCwU!mt7UtkZm4YpdYM51OuLuWN-BivrgRFiZSLeyz3wcgZuKEZj-FoHMju24753g0wAuLrqgOmOrC35jmpiInCpg1tbuimVVMsnN4mc\\$](https://urldefense.com/v3/https://apnews.com/article/fda-vapes-vaping-elf-bar-juul-80b2680a874d89b8d651c5e909e39e8f_!!EAPaXxOOW7smCwU!mt7UtkZm4YpdYM51OuLuWN-BivrgRFiZSLeyz3wcgZuKEZj-FoHMju24753g0wAuLrqgOmOrC35jmpiInCpg1tbuimVVMsnN4mc$)). However, some products have been allowed onto the market while FDA applications are pending. There is therefore no oversight, testing, or regulation of the nicotine levels in these products, and no information regarding their long-term risks and health effects.

Disposable e-cigarettes are designed to appeal to and are marketed to youth. Despite containing dangerously high amounts of nicotine, disposable e-cigarettes come in a myriad of kid-friendly flavors, playful shapes, bright colors, and some even include video games that encourage young consumers to earn virtual coins by vaping. To date, disposable e-cigarettes are the most widely used tobacco product among youth ([https://urldefense.com/v3/https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey_!!EAPaXxOOW7smCwU!mt7UtkZm4YpdYM51OuLuWN-BivrgRFiZSLeyz3wcgZuKEZj-FoHMju24753g0wAuLrqgOmOrC35jmpiInCpg1tbuimVVMsnN4mc\\$](https://urldefense.com/v3/https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey_!!EAPaXxOOW7smCwU!mt7UtkZm4YpdYM51OuLuWN-BivrgRFiZSLeyz3wcgZuKEZj-FoHMju24753g0wAuLrqgOmOrC35jmpiInCpg1tbuimVVMsnN4mc$)), jeopardizing their health and well-being.

Connecticut's own regulations have not caught up with the evolving market. The Office of the Attorney General is seeking legislative reforms this year to ensure that sales of e-cigarettes and nicotine pouches adhere to Connecticut laws and regulations and that non-tobacco nicotine products are regulated, licensed and taxed in Connecticut in the same way that tobacco products are.

In addition to Connecticut, California, Illinois, Hawaii, Minnesota, New Jersey, New York, Vermont, Ohio, and Washington D.C. joined today's announcement, each enforcing their respective licensing and consumer protection laws to go after the companies responsible for importing, distributing, selling, and marketing flavored disposable e-cigarettes. States today are employing a range of enforcement tools, from sending letters to e-cigarette retailers, to serving subpoenas or civil investigative demands, to filing lawsuits.

- California Attorney General Rob Bonta is filing a lawsuit against importer and seller of popular FLUM flavored vape products. The lawsuit alleges that the company and founder, among other things, unlawfully imported FLUM products from China and distributed them into California, in violation of state and federal laws. The lawsuit alleges that the companies' conduct violates the Unfair Competition Law and seeks an injunctive relief to prevent the companies' from continuing to import, distribute, and sell FLUM products.
- Illinois Attorney General Kwame Raoul is filing a lawsuit against the entities responsible for the distribution of one of Illinois' bestselling disposable vape brands, Posh. Posh products come in countless fruit and candy flavors that are marketed on social media platforms popular with youth. However, Posh products are not currently authorized for sale by the FDA. Raoul alleges violations of Illinois' Youth Preventing Vaping Act, which Raoul's office helped pass to prohibit the marketing of e-cigarettes to youth. Attorney General Raoul is also opened an investigation into Midwest Goods, one of Illinois' largest e-cigarette distributors. Raoul's investigation is related to the company's distribution, sales and marketing of vaping products.
- New Jersey Attorney General Matthew J. Platkin issued warning letters to the nearly 11,000 retailers licensed to sell tobacco and vapor products in the state reminding them that

offering or selling vapor products characterized with a flavor, taste, or aroma other than tobacco – including mint, menthol, and wintergreen – is a violation of New Jersey’s Consumer Fraud Act and punishable by up to \$10,000 for the first violation and \$20,000 for each subsequent violation. The letters follow Attorney General Platkin’s recent enforcement actions assessing civil monetary penalties of \$4,500 each against 19 retailers for alleged CFA violations in the offer or sale of flavored vapor products.

Attorneys General have long been at the forefront of efforts to curb youth addiction. In 1998, attorneys general from 52 states and territories reached a settlement with the four largest tobacco companies, settling suits filed by dozens of states and imposing strong new restrictions on tobacco advertising and marketing practices, including prohibitions on billboards, cartoons, branded merchandise, and sports sponsorships. The companies were forced to eliminate practices that obscured tobacco’s health risks and were required to establish and fund the Truth Initiative, an advocacy organization dedicated to “achieving a culture where all youth and young adults reject tobacco.” The settlement directs payments to the states and territories in perpetuity so long as cigarettes are sold by tobacco companies participating in the agreement. To date, Connecticut has received more than \$3 billion from tobacco companies under the agreement.

In 2022, Attorney General Tong led 34 states and territories in reaching a \$438.5 million agreement with JUUL Labs, resolving a two-year bipartisan investigation into the e-cigarette manufacturer’s marketing and sales practices. In addition to the financial terms, the settlement forced JUUL to comply with a series of strict injunctive terms severely limiting their marketing and sales practices.

Assistant Attorneys General Amor Rosario and Rebecca Quinn, Deputy Associate Attorney General Michael Wertheimer, Chief of the Consumer Protection Section, Deputy Associate Attorney General Phil Miller, Chief of the Finance Section are assisting the Attorney General in this matter.

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