

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Formaldehyde Exposures Resulting From Use Of Liquids Used With Electronic Cigarette Devices

September 2, 2015

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Charlie Pizarro is the Associate Director of and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are identified in the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least September 2, 2012, and are continuing to this day.
- Provision of Proposition 65: This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The name of the listed chemical involved in these violations is formaldehyde. Exposures to formaldehyde occur from use of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is liquids used with electronic cigarette devices, also known as "tanks" and "vape pens." Such liquids include both nicotine containing and non-nicotine containing liquids. Non-exclusive examples of this specific type of product are identified in the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to formaldehyde. Use of the products identified in this Notice results in human exposures to formaldehyde. Formaldehyde is produced when electronic cigarette devices utilizing such products are used in the intended manner. The primary routes of exposure for the violations are inhalation and direct ingestion when consumers inhale the aerosol emitted from electronic cigarette devices utilizing the products. These exposures occur in homes, workplaces and everywhere else throughout California where the products are used. No clear and reasonable warning is provided with these products regarding the carcinogenic hazards of formaldehyde.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each alleged violator unless such violator agrees in a binding written instrument to: (1) recall products already sold; (2) provide clear and reasonable warnings for products sold in the future; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any alleged violator is interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Preservation of Relevant Evidence:

This Notice also serves as a demand that each alleged violator preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to formaldehyde produced through or during use of liquids used with electronic cigarette devices; actual or potential exposures to formaldehyde from use of such products; purchase and sales information for such products; efforts to comply with Proposition 65 with respect to such products; communications with any person relating to actual or potential exposures to formaldehyde from use of such products; and representative exemplars of each unit of any such products sold by the alleged violators in the year preceding this Notice.

Please direct any inquiries regarding this Notice to CEH's counsel Mark N. Todzo at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, mtodzo@lexlawgroup.com.

EXHIBIT 1
September 2, 2015 Notice of Violation
Formaldehyde Exposures Resulting From Use Of Liquids
Used With Electronic Cigarette Devices

Names and Addresses of Responsible Parties	Liquids Used With Electronic Cigarette Devices
<p style="text-align: center;">American Vapor Inc. dba Artisan Vapor Company 2100 Regency Drive Irving, TX 75062</p>	<p style="text-align: center;">Artisan Vapor Company E-Liquid in Minty White Chocolate 30 mg Nicotine</p>
	<p style="text-align: center;">Artisan Vapor Company E-Liquid in Forbidden Fruit 12 mg Nicotine</p>
<p style="text-align: center;">Avail Vapor, LLC 820 Southlake Blvd. Richmond, VA 23236</p>	<p style="text-align: center;">Avail Premium E-Liquid in Toucan Twist 18 mg Nicotine SKU No. TUTW1518</p>
	<p style="text-align: center;">Avail Premium E-Liquid in Crunch Monster 24 mg Nicotine SKU No. CRMO1524</p>
<p style="text-align: center;">CB Distributors, Inc. 2500 Kennedy Drive Beloit, WI 53511</p>	<p style="text-align: center;">Vapin Plus E-Juice in Vanilla 16 mg Nicotine SKU No. 3-65860-37069-5</p>
	<p style="text-align: center;">Vapin Plus E-Juice in Rich Tobacco 24 mg Nicotine SKU No. 3-65860-37133-3</p>
	<p style="text-align: center;">Vapin Plus E-Juice in Peach 24 mg Nicotine SKU No. 3-65860-37127-2</p>
<p style="text-align: center;">ePuffer International Inc. 800 Steeles Avenue West Unit B10, Suite 185 Thornhill ON L4J 7L2 Canada</p>	<p style="text-align: center;">ePuffer Royal Blend eLiquid in Belgo Tobacco, 8 mg Nicotine</p>
	<p style="text-align: center;">ePuffer Royal Blend eLiquid in Premium Tobacco, 8 mg Nicotine</p>

<p>International Vapor Group, Inc. 15050 NW 79th Court Miami Lakes, FL 33016</p> <p>Beach Wellness LLC 465 Ocean Drive, #809 Miami Beach, FL 33139</p> <p>South Beach Smoke Inc. 15050 NW 79th Court Suite101A Miami Lakes, FL 33016</p> <p>Vaporfi Inc. 15050 NW 79th Court Suite101A Miami Lakes, FL 33016</p>	<p>South Beach Smoke E-Liquid in Vanilla Bean Dream 24 mg Nicotine SKU No. 8-11960-02031-7</p>
<p>Joyetech USA, Inc. 16 Technology Drive, #118 Irvine, CA 92618</p> <p>Shenzhen Joyetech Co., Ltd. 16 Technology Drive, #118 Irvine, CA 92618</p>	<p>Vaporfi E-Liquid in Peppermint Party 0 mg Nicotine SKU No. 8-19620-01008-1</p> <p>Joyetech E-Liquid in Cappuccino 12 mg Nicotine</p> <p>Joyetech E-Liquid in Cappuccino 12 mg Nicotine</p> <p>Joyetech E-Liquid in Peppermint 0 mg Nicotine</p> <p>Joyetech E-Liquid in Cigar 11 mg Nicotine</p>
<p>Lead By Sales, LLC 1827 Industrial Blvd. Tarpon Springs, FL 34689</p>	<p>White Cloud Cleardraw2 Cartridge in Full Strength Cinnamon SKU No. 8-10570-02155-4 Item No. 438-3-F</p>
<p>Nicopure Labs, LLC 5909 NW 18th Drive Gainesville, FL 32653</p>	<p>Halo E-Liquid in VooDoo 12 mg Nicotine SKU No. ELIQ-VODO-12MG-07ML</p>

<p>NJOY, Inc. dba NJOY Ends 15211 N. Kierland Blvd. Suite 200 Scottsdale, AZ 85254</p>	<p>NJOY E-Liquid in Menthol 10 mg Nicotine SKU No. 8-10687-01777-8</p>
	<p>NJOY E-Liquid in Classic Tobacco 10 mg Nicotine SKU No. 8-10687-01773-0</p>
<p>R.J. Reynolds Vapor Company 401 North Main Street Winston-Salem, NC 27101</p>	<p>Vuse Replacement Cartridges in Menthol SKU No. 8-49205-00061-9</p>
	<p>Vuse Replacement Cartridges in Original SKU No. 8-49205-00058-9</p>
<p>Smoke NV Inc. 9608 25 Avenue Edmonton AB T6N LJ4 Canada</p>	<p>NV E-Liquid in Apple Pomme 0 mg Nicotine SKU No. 8-98282-00077-7</p>
	<p>NV E-Liquid in Menthol 0 mg Nicotine SKU No. 8-98282-00076-0</p>
<p>Totally Wicked Ltd. Stancliffe Street Blackburn Lancashire BB2 2QR United Kingdom</p> <p>Totally Wicked-E.Liquid (USA) Incorporated 2057 60th Place East Bradenton, FL 34203</p>	<p>Totally Wicked E-Liquid in Patriot Range Caramel, 14 mg Nicotine</p>
<p>United Tobacco Vapor Group, Inc. 1005 Union Center Drive Suite F Alpharetta, GA 30004</p>	<p>Flavor Vapes E-Liquid in Peach Mango 24 mg Nicotine SKU No. 8-18199-01226-7</p>

<p>Vapor 4 Life, LLC 4100 Commercial Avenue Northbrook, IL 60062</p> <p>Vapor 4 Life Holdings, Inc. 4100 Commercial Avenue Northbrook, IL 60062</p>	<p>WOW Vapor Smooth E-Liquid in Cinnamon Roll 24 mg Nicotine SKU No. wow30-cinnamonroll-24</p> <p>WOW Vapor eCig Cartridges in Grape</p>
<p>Vapor Corp. 3001 Griffin Road Dania Beach, FL 33312</p> <p>The Vape Store, Inc. 4400 Biscayne Blvd. Suite 850 Miami, FL 33137</p> <p>Vaporin, Inc. 4400 Biscayne Blvd. Suite 850 Miami, FL 33137</p> <p>Vaporin Florida, Inc. 4400 Biscayne Blvd. Suite 850 Miami, FL 33137</p>	<p>The Vape Store E-Liquid in Bavarian Cream 18 mg Nicotine Product No. 25048</p> <p>Vaporin E-Liquid in Blueberry 6 mg Nicotine Item No. 19022-001-LIT SKU No. 8-57810-00433-5</p>
<p>VMR Products LLC 3050 Biscayne Blvd. 8th Floor Miami, FL 33137</p>	<p>Vapor Couture Electronic Cigarette Flavor Cartridges in Tobacco Rodeo Drive 12 mg Nicotine SKU No. 8-16796-01517-9</p>

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Mark N. Todzo, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.

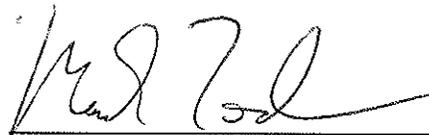
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies or other data regarding the exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code § 25249.7(h)(2), i.e. (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

September 2, 2015



Mark N. Todzo
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 503 Divisadero Street, San Francisco, California 94117. I am over the age of 18 years and not a party to the within cause and my electronic notification address is cfisher@lexlawgroup.com.

On September 2, 2015, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisk).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

Please see attached service list.

Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses set forth below at 3:41 p.m. on September 2, 2015:

Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Dije Ndreu, Deputy District Attorney
Monterey County
230 Church Street, Bldg. 2
Salinas, CA 93901
Prop65DA@co.monterey.ca.us

Yeng Dang
Supervising Deputy District Attorney
Santa Clara County
70 West Hedding Street, West Wing
San Jose, CA 95110
epu@da.sccgov.org

Gary Lieberstein, District Attorney
Napa County
931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Drive, Rm. 212J
Santa Rosa, CA 95403
jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney
Tulare County
221 S. Mooney Avenue, Rm. 224
Visalia, CA 93291
Prop65@co.tulare.ca.us

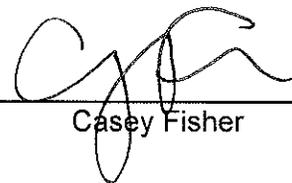
Paul E. Zellerbach, District Attorney
Riverside County
4075 Main Street
Riverside, CA 92501
Prop65@rivcoda.org

Gregory D. Totten, District Attorney Ventura
County
800 South Victoria Avenue
Ventura, CA 93009
daspecialops@ventura.org

Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org

The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on September 2, 2015, at San Francisco, California.

Signed: 

Casey Fisher

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Rm. 900
Oakland, CA 94612

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Amador County
708 Court Street, Ste. 202
Jackson, CA 95642

District Attorney of Butte County
Administration Building
25 County Center Drive
Oroville, CA 95965

District Attorney of Calaveras
County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Colusa County
547 Market Street, Ste. 102
Colusa, CA 95932

District Attorney of Del Norte County
450 H Street, Ste. 171
Crescent City, CA 95531

District Attorney of El Dorado
County
515 Main Street
Placerville, CA 95667

District Attorney of Fresno County
2220 Tulare Street, Ste. 1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street, Ste. 102
El Centro, CA 92243

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Kings County
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Lassen County
220 S. Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney of Los Angeles
County
210 W. Temple Street, Ste. 1800
Los Angeles, CA 90012-3210

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Marin County
3501 Civic Center Drive, Rm. 130
San Rafael, CA 94903

District Attorney of Mariposa
County
P.O. Box 730
Mariposa, CA 95338

District Attorney of Mendocino
County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Modoc County
204 S. Court Street, Rm. 202
Alturas, CA 96101-4020

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93546

District Attorney of Nevada County
201 Commercial Street
Nevada City, CA 95959

District Attorney of Orange
County
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney of Placer County
10810 Justice Center Drive, Ste.
240
Roseville, CA 95678

District Attorney of Plumas
County
520 Main Street, Rm. 404
Quincy, CA 95971

District Attorney of Sacramento
County
901 "G" Street
Sacramento, CA 95814

District Attorney of San Benito
County
419 Fourth Street, 2nd Fl.
Hollister, CA 95023

District Attorney of San
Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415

District Attorney of San Diego
County
330 West Broadway, Ste. 1300
San Diego, CA 92101

District Attorney of San
Francisco County
850 Bryant Street, Rm. 325
San Francisco, CA 94103

District Attorney of San Joaquin
County
P.O. Box 990
Stockton, CA 95202

District Attorney of San Luis
Obispo County
1050 Monterey Street, Rm. 450
San Luis Obispo, CA 93408

District Attorney of San Mateo
County
400 County Center, 3rd Fl.
Redwood City, CA 94063

District Attorney of Santa Cruz
County
701 Ocean Street, Rm. 200
Santa Cruz, CA 95060

District Attorney of Santa Barbara
County
Attn: Jerry Lule-Jian
312-D E. Cook Street
Santa Maria, CA 93454

District Attorney of Shasta County
1355 West Street
Redding, CA 96001

District Attorney of Sierra County
Courthouse
100 Courthouse Sq., 2nd Fl.
Downieville, CA 95936

District Attorney of Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney of Solano County
675 Texas Street, Ste. 4500
Fairfield, CA 94533

District Attorney of Stanislaus County
832 12th Street, Ste. 300
Modesto, CA 95354

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney of Tehama County
P.O. Box 519
Red Bluff, CA 96080

District Attorney of Trinity County
P.O. Box 310
11 Court Street
Weaverville, CA 96093

District Attorney of Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney of Yuba County
215 Fifth Street
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Rm. 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 Third Avenue, Ste. 1620
San Diego, CA 92101

San Francisco City Attorney's
Office
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
1515 Clay Street, Ste. 2000
P.O. Box 70550
Oakland, CA 94612-0550

Umair A. Kaimkhani, President*
American Vapor Inc. dba Artisan
Vapor Company
2100 Regency Drive
Irving, TX 75062

Umair A. Kaimkhani, President*
American Vapor Inc.
908 E. 15th Street
Plano, TX 75074

President*
Avail Vapor, LLC
820 Southlake Blvd.
Richmond, VA 23236

President*
CB Distributors, Inc.
2500 Kennedy Drive
Beloit, WI 53511

President*
ePuffer International Inc.
800 Steeles Avenue West
Unit B10, Suite 185
Thornhill ON L4J 7L2
Canada

President*
ePuffer International Inc.
909 3rd Avenue
P.O. Box 1314
New York, NY 10150

Nicolas Molina, President*
International Vapor Group, Inc.
15050 NW 79th Court
Miami Lakes, FL 33016

President*
Beach Wellness LLC
465 Ocean Drive, #809
Miami Beach, FL 33139

President*
Beach Wellness LLC
15050 NW 79th Court
Suite101A
Miami Lakes, FL 33016

Nicolas Molina, CEO*
South Beach Smoke Inc.
15050 NW 79th Court
Suite101A
Miami Lakes, FL 33016

David Mardini, President*
Vaporfi Inc.
15050 NW 79th Court
Suite101A
Miami Lakes, FL 33016

President*
Joyetech USA, Inc.
16 Technology Drive, #118
Irvine, CA 92618

President*
Shenzhen Joyetech Co., Ltd.
16 Technology Drive, #118
Irvine, CA 92618

President*
Lead By Sales, LLC
1827 Industrial Blvd.
Tarpon Springs, FL 34689

President*
Lead By Sales, LLC
P.O. Box 1194
Tarpon Springs, FL 34688

President*
Nicopure Labs, LLC
5909 NW 18th Drive
Gainesville, FL 32653

President*
Nicopure Labs, LLC
7916 Evolutions Way
Suite 200
Trinity, FL 34655

President*
NJOY, Inc. dba NJOY Ends
15211 N. Kierland Blvd.
Suite 200
Scottsdale, AZ 85254

Debra Crew, President*
R.J. Reynolds Vapor Company
401 North Main Street
Winston-Salem, NC 27101

Debra Crew, President*
R.J. Reynolds Vapor Company
327 Hillsborough Street
Raleigh, NC 27603

Debra Crew, President*
R.J. Reynolds Vapor Company
P.O. Box 3000
Winston-Salem, NC 27102

Shanu Mohamedali, CEO*
Smoke NV Inc.
9608 25 Avenue
Edmonton AB T6N LJ4
Canada

President*
Totally Wicked Ltd.
Stancliffe Street
Blackburn
Lancashire BB2 2QR
United Kingdom

Jason Cropper, CEO*
Totally Wicked-E.Liquid (USA)
Incorporated
2057 60th Place East
Bradenton, FL 34203

Ray Story, CEO*
United Tobacco Vapor Group, Inc.
1005 Union Center Drive
Suite F
Alpharetta, GA 30004

President*
Vapor 4 Life, LLC
4100 Commercial Avenue
Northbrook, IL 60062

President*
Vapor 4 Life Holdings, Inc.
4100 Commercial Avenue
Northbrook, IL 60062

Jeffrey Holman, President*
Vapor Corp.
3001 Griffin Road
Dania Beach, FL 33312

President*
The Vape Store, Inc.
4400 Biscayne Blvd.
Suite 850
Miami, FL 33137

Scott Frohman, CEO*
Vaporin, Inc.
4400 Biscayne Blvd.
Suite 850
Miami, FL 33137

Scott Frohman, President*
Vaporin Florida, Inc.
4400 Biscayne Blvd.
Suite 850
Miami, FL 33137

President*
VMR Products LLC
3050 Biscayne Blvd.
8th Floor
Miami, FL 33137