



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
HEALTH CARE BUREAU

July 16, 2020

**VIA EMAIL**

PodVapes, Ltd.  
27 St. Andrews Street, St. Andrew Street,  
Castle Douglas, Scotland,  
United Kingdom, DG7 1EL

**Re: CEASE AND DESIST NOTIFICATION**

To Whom It May Concern:

The New York State Office of the Attorney General (“OAG”) is extremely concerned by PodVapes' online sales of flavored vape products to New York residents, including to minors, all in violation of New York State law.<sup>1</sup>

Vaping products pose serious consequences to public health. According to New York State Department of Health data, teen use has skyrocketed in recent years and flavored vape products are a major cause of this increase. From 2014 to 2018, high school use of electronic cigarettes increased 160% (from 10.5% to 27.4 %), and in a 2017 survey of 15-17 year olds who use electronic vaping products, 19% said flavors are the reason they first tried an e-cigarette and 27% said flavors were the main reason for continued use.<sup>2</sup> To bolster the ban on vaping sales to minors, New York State has recently enacted additional legislation aimed at ending teen vaping and the consequent harms caused by these products. Effective May 18, 2020, the sale of flavored nicotine vape products was prohibited in New York State. Further, effective July 1, 2020, the online and mail order sale of vape products to New York State consumers was prohibited.<sup>3</sup>

Accordingly, you are hereby advised to **immediately cease and desist** from selling your vaping products to minors and to cease and desist from selling any nicotine vape products with flavors other than tobacco or menthol to New York consumers as these actions are in violation of New York’s public health statutes, Public Health Law Article 13-F §§ 1399-cc and 1399-mm-1. Furthermore, you are advised to immediately cease and desist from shipping vape products to consumers in New York as such shipments are in violation of New York’s public health statute, Public Health Law Article 13-F § 1399-ll. Please contact the undersigned within the next five

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<sup>1</sup> See NYS Public Health Law Article 13-F §§ 1399-cc, 1399-ll, 1399-mm-1.

<sup>2</sup> See [https://health.ny.gov/press/releases/2020/2020-05-18\\_fl\\_nicotine\\_vapor\\_products\\_ban.htm](https://health.ny.gov/press/releases/2020/2020-05-18_fl_nicotine_vapor_products_ban.htm).

<sup>3</sup> See NYS Public Health Law Article 13-F §§ 1399-ll, 1399- mm-1.

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days to confirm that you have ceased these sales. Your failure to comply with this directive may result in further action by this office.

Additionally, within the next **ten business days**, please provide our office with a description of your company's (i) age verification process for your website and (ii) records of all sales, including names and addresses, in New York for the past three years.

Very truly yours,

/s/ Lisa Landau

Lisa Landau

Chief, Health Care Bureau