

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Formaldehyde Exposures Resulting From Use Of 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 electronic cigarette devices, also known as “tanks” and “vape pens.” 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 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. 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 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 Electronic Cigarette Devices

Names and Addresses of Responsible Parties	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;">Vapor Tech Ballistix Kit with VV-VW 1500 mAh E-Cigarette in Rainbow</p>
	<p style="text-align: center;">Vapor Tech Ballistix Kit with VV-VW 2100 mAh E-Cigarette in Stainless Steel</p>
<p style="text-align: center;">Avail Vapor, LLC 820 Southlake Blvd. Richmond, VA 23236</p>	<p style="text-align: center;">Avail Infuse Edge Kit with Vape Pen in Blue UPC No. 0-095474-220139 SKU No. KIT00005BLU</p>
	<p style="text-align: center;">Avail Infuse Kit with Vape Pen in Green SKU No. KIT00001GRE</p>
<p style="text-align: center;">CB Distributors, Inc. 2500 Kennedy Drive Beloit, WI 53511</p>	<p style="text-align: center;">Vapin Plus Liquid Vaporizer Pen Kit 650 mAh Battery SKU No. 3-65860-38336-7</p>
	<p style="text-align: center;">Vapin Plus Liquid Vaporizer Pen Kit 1100 mAh Battery SKU No. 3-65860-37400-6</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 Phantom HD-3 Kit with Electronic Vaporizer in Black SKU No. 0-639737-301236</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 Air Advanced Electronic Cigarette SKU No. 8-19620-01744-8</p>
	<p>Vaporfi Pro Starter Kit with Vaporizer in Black SKU No. 8-19620-01610-6</p>
	<p>Eversmoke Electronic Cigarette Reusable Kit in Cool Menthol SKU No. 8-19620-01539-0</p>
<p>ITG Brands, LLC 5900 N. Andrews Avenue Suite 1100 Fort Lauderdale, FL 33309</p> <p>Fontem US, Inc. 5900 N. Andrews Avenue Suite 1100 Fort Lauderdale, FL 33309</p> <p>Reynolds American Inc. 401 North Main Street Winston-Salem, NC 27101</p> <p>LOEC, Inc. 714 Green Valley Road Greensboro, NC 27408</p>	<p>blu Electronic Cigarette in Classic Tobacco 24 mg Nicotine SKU No. 8-59654-00201-0</p>
	<p>blu Electronic Cigarette in Magnificent Menthol SKU No. 8-59654-00200-3</p>
	<p>blu Electronic Cigarette in Cherry Crush SKU No. 8-58099-00349-1</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>Joyetech eCom Starter Kit with E-Cigarette Model No. 300AI00032</p>
	<p>Joyetech eGrip Variable Wattage Device SKU No. 6-956916-402237</p>
	<p>Joyetech eGo-CC Smart Kit 650 mAh with E-Cigarette in Silver Model No. 300AM00001</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 <i>(Continued)</i></p>	<p>Joyetech Simple Elegance Joye510CC E-Cigarette in Pink SKU No. 6-956916-401445</p>
<p>Lead By Sales, LLC 1827 Industrial Blvd. Tarpon Springs, FL 34689</p>	<p>Cirrus II Starter Kit with White Cloud Electronic Cigarette Item No. 102-1-CS</p>
<p>Nicopure Labs, LLC 5909 NW 18th Drive Gainesville, FL 32653</p>	<p>Halo Iridescence Triton Tank System with E-Cigarette SKU No. TRIT-SKIT-IRBL</p>
	<p>eVo Vapor Basic Starter Kit with Electronic Cigarette with Menthol Liquid 11 mg Nicotine Item No. BasicCM11</p>
<p>NJOY, Inc. dba NJOY Ends 15211 N. Kierland Blvd. Suite 200 Scottsdale, AZ 85254</p>	<p>NJOY Vape Pen Starter Kit 650 mAh SKU No. 8-10687-01815-7</p>
	<p>NJOY Recharge Multi Kit in Gold Tobacco SKU No. 8-10687-01682-5</p>
<p>Pax Labs, Inc. 660 Alabama Street Floor 2 San Francisco, CA 94110</p>	<p>JUULpod with Tabaac Pod Cartridge SKU No. 0-819913-011375</p>
<p>R.J. Reynolds Vapor Company 401 North Main Street Winston-Salem, NC 27101</p>	<p>Vuse Solo Rechargeable Digital Vapor Cigarette in Original Tobacco SKU No. 8-49205-00134-0</p>
	<p>Vuse Solo Rechargeable Digital Vapor Cigarette in Menthol SKU No. 8-49205-00137-1</p>

<p>Ritchy Group Ltd. 18845 W. 158th Street Olathe, KS 66062</p> <p>Ritchy U.S., LLC 18845 W. 158th Street Olathe, KS 66062</p>	<p>Liqua Q Vaping Pen SKU No. 4-895187-420019</p>
<p>Smoke NV Inc. 9608 25 Avenue Edmonton AB T6N LJ4 Canada</p>	<p>Smoke NV O2 Vapor Tank Kit with E-Vaporizer SKU No. 8-98282-00091-3</p>
	<p>Smoke NV Disposable E-Vaporizer in Cherry 0 mg Nicotine SKU No. 8-98282-00005-0</p>
<p>SS Choice, LLC 525 Commerce Street Southlake, TX 76092</p> <p>VapeTech, LLC 525 Commerce Street Southlake, TX 76092</p>	<p>7's Hybrid Vision Booster Pack with E-Cigarette Item No. N7-HV-BP SKU No. 8-16186-01425-6</p>
	<p>7's Hybrid Pro XL Booster Pack with E-Cigarette Item No. N7-HVP-XL-BP-STNLS SKU No. 8-16186-01992-3</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 Curve Mini Kit with Electronic Cigarette in Blue SKU No. 7-02811-54505-2</p>
<p>United Tobacco Vapor Group, Inc. 1005 Union Center Drive Suite F Alpharetta, GA 30004</p>	<p>Flavor Vapes Slim Starter Kit with Electronic Cigarette SKU No. 8-18199-01232-8</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 Disposable Vape Pen in Tobacco, 26 mg Nicotine SKU No. wv-disp-tobacco</p>
	<p>WOW Vapor Zeus Dial-A-Volt Device in Black SKU No. dial-a-volt-vv-auto-kit-value</p>
	<p>WOW Vapor King Ash Cap Standard eCig Kit in White SKU No. vapor-king-kit-standard</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>Vaporin Presidential Premium Starter Kit with Vaping Pen Item No. 62000-005-PRES-MINI-Pink SKU No. 8-50183-00579-4</p>
	<p>VaporX Express Electronic Vaporizer Item No. VX-VAP-EXPRESS-BLK-1PC SKU No. 8-17641-01912-0</p>
<p>VMR Products LLC 3050 Biscayne Blvd. 8th Floor Miami, FL 33137</p>	<p>Vapor Couture Rechargeable Express Kit in Arctic Mint SKU No. 8-49349-00265-4</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

SERVICE LIST

Umair A. Kaimkhani, President* American Vapor Inc. dba Artisan Vapor Company 2100 Regency Drive Irving, TX 75062	Nicolas Molina, CEO* South Beach Smoke Inc. 15050 NW 79 th Court Suite101A Miami Lakes, FL 33016	P.O. Box 1194 Tarpon Springs, FL 34688
Umair A. Kaimkhani, President* American Vapor Inc. 908 E. 15th Street Plano, TX 75074	David Mardini, President* Vaporfi Inc. 15050 NW 79 th Court Suite101A Miami Lakes, FL 33016	President* Nicopure Labs, LLC 5909 NW 18 th Drive Gainesville, FL 32653
President* Avail Vapor, LLC 820 Southlake Blvd. Richmond, VA 23236	President* ITG Brands, LLC 5900 N. Andrews Avenue Suite 1100 Fort Lauderdale, FL 33309	President* Nicopure Labs, LLC 7916 Evolutions Way Suite 200 Trinity, FL 34655
President* CB Distributors, Inc. 2500 Kennedy Drive Beloit, WI 53511	President* Fontem US, Inc. 5900 N. Andrews Avenue Suite 1100 Fort Lauderdale, FL 33309	President* NJOY, Inc. dba NJOY Ends 15211 N. Kierland Blvd. Suite 200 Scottsdale, AZ 85254
President* ePuffer International Inc. 800 Steeles Avenue West Unit B10, Suite 185 Thornhill ON L4J 7L2 Canada	Susan Cameron, President* Reynolds American Inc. 401 North Main Street Winston-Salem, NC 27101	James Monsees, CEO* Pax Labs, Inc. 660 Alabama Street Floor 2 San Francisco, CA 94110
President* ePuffer International Inc. 909 3 rd Avenue P.O. Box 1314 New York, NY 10150	President* LOEC, Inc. 714 Green Valley Road Greensboro, NC 27408	Debra Crew, President* R.J. Reynolds Vapor Company 401 North Main Street Winston-Salem, NC 27101
Nicolas Molina, President* International Vapor Group, Inc. 15050 NW 79 th Court Miami Lakes, FL 33016	President* Joyetech USA, Inc. 16 Technology Drive, #118 Irvine, CA 92618	Debra Crew, President* R.J. Reynolds Vapor Company 327 Hillsborough Street Raleigh, NC 27603
President* Beach Wellness LLC 465 Ocean Drive, #809 Miami Beach, FL 33139	President* Shenzhen Joyetech Co., Ltd. 16 Technology Drive, #118 Irvine, CA 92618	Debra Crew, President* R.J. Reynolds Vapor Company P.O. Box 3000 Winston-Salem, NC 27102
President* Beach Wellness LLC 15050 NW 79 th Court Suite101A Miami Lakes, FL 33016	President* Lead By Sales, LLC 1827 Industrial Blvd. Tarpon Springs, FL 34689	President* Ritchy Group Ltd. 18845 W. 158 th Street Olathe, KS 66062
	President* Lead By Sales, LLC	President* Ritchy U.S., LLC 18845 W. 158 th Street Olathe, KS 66062

President*
Ritchy U.S., LLC
15543 S. Greenwood Street
Olathe, KS 66062

Shanu Mohamedali, CEO*
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9608 25 Avenue
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Canada

Kyle Newton, President*
SS Choice, LLC
525 Commerce Street
Southlake, TX 76092

Kyle Newton, President*
VapeTech, LLC
525 Commerce Street
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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

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 liquids 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 liquids. 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>Ritchy Group Ltd. 18845 W. 158th Street Olathe, KS 66062</p> <p>Ritchy U.S., LLC 18845 W. 158th Street Olathe, KS 66062</p>	<p>Liqua Original Smoke Juice in Tiramisu, 24 mg Nicotine Item No. 183</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>SS Choice, LLC 525 Commerce Street Southlake, TX 76092</p> <p>VapeTech, LLC 525 Commerce Street Southlake, TX 76092</p>	<p>7's E-Liquid in Amaretto 12 mg Nicotine Item No. N7-EL15-AMMD</p>
	<p>7's E-Liquid in Pineapple High Strength SKU No. 8-16186-01189-7</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>

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

Vapor Couture
Electronic Cigarette Flavor Cartridges
in Tobacco Rodeo Drive
12 mg Nicotine
SKU No.
8-16796-01517-9

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

SERVICE LIST

Umair A. Kaimkhani, President* American Vapor Inc. dba Artisan Vapor Company 2100 Regency Drive Irving, TX 75062	Nicolas Molina, CEO* South Beach Smoke Inc. 15050 NW 79 th Court Suite101A Miami Lakes, FL 33016	R.J. Reynolds Vapor Company 401 North Main Street Winston-Salem, NC 27101
Umair A. Kaimkhani, President* American Vapor Inc. 908 E. 15th Street Plano, TX 75074	David Mardini, President* Vaporfi Inc. 15050 NW 79 th Court Suite101A Miami Lakes, FL 33016	Debra Crew, President* R.J. Reynolds Vapor Company 327 Hillsborough Street Raleigh, NC 27603
President* Avail Vapor, LLC 820 Southlake Blvd. Richmond, VA 23236	President* Joyetech USA, Inc. 16 Technology Drive, #118 Irvine, CA 92618	Debra Crew, President* R.J. Reynolds Vapor Company P.O. Box 3000 Winston-Salem, NC 27102
President* CB Distributors, Inc. 2500 Kennedy Drive Beloit, WI 53511	President* Shenzhen Joyetech Co., Ltd. 16 Technology Drive, #118 Irvine, CA 92618	President* Ritchy Group Ltd. 18845 W. 158 th Street Olathe, KS 66062
President* ePuffer International Inc. 800 Steeles Avenue West Unit B10, Suite 185 Thornhill ON L4J 7L2 Canada	President* Lead By Sales, LLC 1827 Industrial Blvd. Tarpon Springs, FL 34689	President* Ritchy U.S., LLC 18845 W. 158 th Street Olathe, KS 66062
President* ePuffer International Inc. 909 3 rd Avenue P.O. Box 1314 New York, NY 10150	President* Lead By Sales, LLC P.O. Box 1194 Tarpon Springs, FL 34688	President* Ritchy U.S., LLC 15543 S. Greenwood Street Olathe, KS 66062
Nicolas Molina, President* International Vapor Group, Inc. 15050 NW 79 th Court Miami Lakes, FL 33016	President* Nicopure Labs, LLC 5909 NW 18 th Drive Gainesville, FL 32653	Shanu Mohamedali, CEO* Smoke NV Inc. 9608 25 Avenue Edmonton AB T6N LJ4 Canada
President* Beach Wellness LLC 465 Ocean Drive, #809 Miami Beach, FL 33139	President* Nicopure Labs, LLC 7916 Evolutions Way Suite 200 Trinity, FL 34655	Kyle Newton, President* SS Choice, LLC 525 Commerce Street Southlake, TX 76092
President* Beach Wellness LLC 15050 NW 79 th Court Suite101A Miami Lakes, FL 33016	President* NJOY, Inc. dba NJOY Ends 15211 N. Kierland Blvd. Suite 200 Scottsdale, AZ 85254	Kyle Newton, President* VapeTech, LLC 525 Commerce Street Southlake, TX 76092
	Debra Crew, President*	President* Totally Wicked Ltd. Stancliffe Street Blackburn Lancashire BB2 2QR

United Kingdom

Miami, FL 33137

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

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Acetaldehyde Exposures Resulting From Use Of 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 acetaldehyde. Exposures to acetaldehyde occur from use of the products identified in this Notice.
- Type of Product: The specific type of product causing these violations is electronic cigarette devices, also known as “tanks” and “vape pens.” 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 acetaldehyde. Use of the products identified in this Notice results in human exposures to acetaldehyde. Acetaldehyde is produced when electronic cigarette devices 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. 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 acetaldehyde.

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 acetaldehyde produced through or during use of electronic cigarette devices; actual or potential exposures to acetaldehyde 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 acetaldehyde 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
Acetaldehyde Exposures Resulting From Use Of Electronic Cigarette Devices

Names and Addresses of Responsible Parties	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;">Vapor Tech Ballistixx Kit with VV-VW 1500 mAh E-Cigarette in Rainbow</p>
	<p style="text-align: center;">Vapor Tech Ballistixx Kit with VV-VW 2100 mAh E-Cigarette in Magenta</p>
	<p style="text-align: center;">Vapor Tech Ballistixx Kit with VV-VW 2100 mAh E-Cigarette in Stainless Steel</p>
<p style="text-align: center;">Avail Vapor, LLC 820 Southlake Blvd. Richmond, VA 23236</p>	<p style="text-align: center;">Avail Infuse Kit with Vape Pen in Green SKU No. KIT00001GRE</p>
	<p style="text-align: center;">Avail Infuse Edge Kit with Vape Pen in Blue UPC No. 0-095474-220139 SKU No. KIT00005BLU</p>
	<p style="text-align: center;">Avail Infuse Kit with Vape Pen in Black SKU No. KIT00001BLK</p>
<p style="text-align: center;">CB Distributors, Inc. 2500 Kennedy Drive Beloit, WI 53511</p>	<p style="text-align: center;">Vapin Plus Liquid Vaporizer Pen Kit, 650 mAh Battery SKU No. 3-65860-38336-7</p>
	<p style="text-align: center;">Vapin Plus Liquid Vaporizer Pen Kit, 1100 mAh Battery SKU No. 3-65860-37400-6</p>
	<p style="text-align: center;">Vapin Plus BDC Liquid Vaporizer Pen Kit, 650 mAh Battery SKU No. 3-65860-38333-6</p>

<p>ePuffer International Inc. 800 Steeles Avenue West Unit B10, Suite 185 Thornhill ON L4J 7L2 Canada</p>	<p>ePuffer Phantom HD-3 Kit with Electronic Vaporizer in Black SKU No. 0-639737-301236</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>South Beach Smoke Air Advanced Electronic Cigarette SKU No. 8-19620-01744-8</p>
	<p>Eversmoke Electronic Cigarette Reusable Kit in Cool Menthol SKU No. 8-19620-01539-0</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>Joyetech eCom Starter Kit with E-Cigarette Model No. 300AI00032</p>
	<p>Joyetech eGrip Variable Wattage Device SKU No. 6-956916-402237</p>
	<p>Joyetech eGo-CC Smart Kit 650 mAh with E-Cigarette in Silver Model No. 300AM00001</p>
	<p>Joyetech Simple Elegance Joye510CC E-Cigarette in Pink SKU No. 6-956916-401445</p>
<p>Lead By Sales, LLC 1827 Industrial Blvd. Tarpon Springs, FL 34689</p>	<p>Cirrus II Starter Kit with White Cloud Electronic Cigarette Item No. 102-1-CS</p>
<p>Nicopure Labs, LLC 5909 NW 18th Drive Gainesville, FL 32653</p>	<p>Halo Iridescence Triton Tank System with E-Cigarette SKU No. TRIT-SKIT-IRBL</p>

<p>NJOY, Inc. dba NJOY Ends 15211 N. Kierland Blvd. Suite 200 Scottsdale, AZ 85254</p>	<p>NJOY Vape Pen Starter Kit 650 mAh SKU No. 8-10687-01815-7</p>
<p>R.J. Reynolds Vapor Company 401 North Main Street Winston-Salem, NC 27101</p>	<p>Vuse Solo Rechargeable Digital Vapor Cigarette in Original Tobacco SKU No. 8-49205-00134-0</p>
	<p>Vuse Solo Rechargeable Digital Vapor Cigarette in Menthol SKU No. 8-49205-00137-1</p>
<p>Ritchy Group Ltd. 18845 W. 158th Street Olathe, KS 66062</p> <p>Ritchy U.S., LLC 18845 W. 158th Street Olathe, KS 66062</p>	<p>Liqua Q Vaping Pen in White SKU No. 4-895187-420019</p>
<p>Smoke NV Inc. 9608 25 Avenue Edmonton AB T6N LJ4 Canada</p>	<p>Smoke NV Disposable E-Vaporizer in Cherry, 0 mg Nicotine SKU No. 8-98282-00005-0</p>
<p>SS Choice, LLC 525 Commerce Street Southlake, TX 76092</p> <p>VapeTech, LLC 525 Commerce Street Southlake, TX 76092</p>	<p>7's Hybrid Vision Booster Pack with E-Cigarette Item No. N7-HV-BP SKU No. 8-16186-01425-6</p>
	<p>7's Hybrid Pro XL Booster Pack with E-Cigarette Item No. N7-HVP-XL-BP-STNLS SKU No. 8-16186-01992-3</p>
<p>United Tobacco Vapor Group, Inc. 1005 Union Center Drive Suite F Alpharetta, GA 30004</p>	<p>Flavor Vapes Slim Starter Kit with Electronic Cigarette SKU No. 8-18199-01232-8</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 Disposable Vape Pen in Tobacco, 26 mg Nicotine SKU No. wv-disp-tobacco</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>Vaporin Presidential Premium Starter Kit with Vaping Pen Item No. 62000-005-PRES-MINI-Pink SKU No. 8-50183-00579-4</p> <hr/> <p>VaporX Express Electronic Vaporizer SKU No. 8-17641-01912-0 Item No. VX-VAP-EXPRESS-BLK-1PC</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

SERVICE LIST

Umair A. Kaimkhani, President * American Vapor Inc. dba Artisan Vapor Company 2100 Regency Drive Irving, TX 75062	Nicolas Molina, CEO* South Beach Smoke Inc. 15050 NW 79 th Court Suite101A Miami Lakes, FL 33016	327 Hillsborough Street Raleigh, NC 27603
Umair A. Kaimkhani, President * American Vapor Inc. 908 E. 15th Street Plano, TX 75074	President * Joyetech USA, Inc. 16 Technology Drive, #118 Irvine, CA 92618	Debra Crew, President* R.J. Reynolds Vapor Company P.O. Box 3000 Winston-Salem, NC 27102
President * Avail Vapor, LLC 820 Southlake Blvd. Richmond, VA 23236	President * Shenzhen Joyetech Co., Ltd. 16 Technology Drive, #118 Irvine, CA 92618	President * Ritchy Group Ltd. 18845 W. 158 th Street Olathe, KS 66062
President * CB Distributors, Inc. 2500 Kennedy Drive Beloit, WI 53511	President * Lead By Sales, LLC 1827 Industrial Blvd. Tarpon Springs, FL 34689	President * Ritchy U.S., LLC 18845 W. 158 th Street Olathe, KS 66062
President* ePuffer International Inc. 800 Steeles Avenue West Unit B10, Suite 185 Thornhill ON L4J 7L2 Canada	President * Lead By Sales, LLC P.O. Box 1194 Tarpon Springs, FL 34688	President * Ritchy U.S., LLC 15543 S. Greenwood Street Olathe, KS 66062
President* ePuffer International Inc. 909 3 rd Avenue P.O. Box 1314 New York, NY 10150	President* Nicopure Labs, LLC 5909 NW 18 th Drive Gainesville, FL 32653	Shanu Mohamedali, CEO* Smoke NV Inc. 9608 25 Avenue Edmonton AB T6N LJ4 Canada
Nicolas Molina, President* International Vapor Group, Inc. 15050 NW 79 th Court Miami Lakes, FL 33016	President* Nicopure Labs, LLC 7916 Evolutions Way Suite 200 Trinity, FL 34655	Kyle Newton, President * SS Choice, LLC 525 Commerce Street Southlake, TX 76092
President* Beach Wellness LLC 465 Ocean Drive, #809 Miami Beach, FL 33139	President* NJOY, Inc. dba NJOY Ends 15211 N. Kierland Blvd. Suite 200 Scottsdale, AZ 85254	Kyle Newton, President * VapeTech, LLC 525 Commerce Street Southlake, TX 76092
President* Beach Wellness LLC 15050 NW 79 th Court Suite101A Miami Lakes, FL 33016	Debra Crew, President* R.J. Reynolds Vapor Company 401 North Main Street Winston-Salem, NC 27101	Ray Story, CEO * United Tobacco Vapor Group, Inc. 1005 Union Center Drive Suite F Alpharetta, GA 30004
	Debra Crew, President* R.J. Reynolds Vapor Company	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

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Acetaldehyde 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 acetaldehyde. Exposures to acetaldehyde 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 acetaldehyde. Use of the products identified in this Notice results in human exposures to acetaldehyde. Acetaldehyde is produced when electronic cigarette devices utilizing such liquids 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 liquids. 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 acetaldehyde.

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 acetaldehyde produced through or during use of liquids used with electronic cigarette devices; actual or potential exposures to acetaldehyde 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 acetaldehyde 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
Acetaldehyde Exposures Resulting From Use of Liquids
Used With Electronic Cigarette Devices

Names and Addresses of Responsible Parties	Liquids for Use 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 Crunch Monster, 24 mg Nicotine SKU No. CRMO1524</p>
	<p style="text-align: center;">Avail Premium E-Liquid in Aphrodite, 24 mg Nicotine SKU No. 9124044</p>
	<p style="text-align: center;">Avail Premium E-Liquid in Midnight Stack Reserve 8 mg Nicotine SKU No. MIST1508</p>
	<p style="text-align: center;">Avail Premium E-Liquid in Aztec, 24 mg Nicotine SKU No. 9124002</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>ePuffer International Inc. 800 Steeles Avenue West Unit B10, Suite 185 Thornhill ON L4J 7L2 Canada</p>	<p>ePuffer Royal Blend eLiquid in Belgo Tobacco 8 mg Nicotine</p>
	<p>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>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>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>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>Ritchy Group Ltd. 18845 W. 158th Street Olathe, KS 66062</p> <p>Ritchy U.S., LLC 18845 W. 158th Street Olathe, KS 66062</p>	<p>Liqua Original Smoke Juice in Energy Drink, 24 mg Nicotine Item No. 253</p>
	<p>Liqua Original Smoke Juice in Tiramisu, 24 mg Nicotine Item No. 183</p>
<p>SS Choice, LLC 525 Commerce Street Southlake, TX 76092</p> <p>VapeTech, LLC 525 Commerce Street Southlake, TX 76092</p>	<p>7's E-Liquid in Amaretto 12 mg Nicotine Item No. N7-EL15-AMMD</p>
	<p>7's E-Liquid in Pineapple High Strength SKU No. 8-16186-01189-7</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 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>

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

Vapor Couture
Rechargeable Express
Kit in Arctic Mint
SKU No.
8-49349-00265-4

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

SERVICE LIST

Umair A. Kaimkhani, President * American Vapor Inc. dba Artisan Vapor Company 2100 Regency Drive Irving, TX 75062	Nicolas Molina, CEO* South Beach Smoke Inc. 15050 NW 79 th Court Suite101A Miami Lakes, FL 33016	327 Hillsborough Street Raleigh, NC 27603
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President * CB Distributors, Inc. 2500 Kennedy Drive Beloit, WI 53511	President * Lead By Sales, LLC 1827 Industrial Blvd. Tarpon Springs, FL 34689	President * Ritchy U.S., LLC 18845 W. 158 th Street Olathe, KS 66062
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President* Beach Wellness LLC 465 Ocean Drive, #809 Miami Beach, FL 33139	President* NJOY, Inc. dba NJOY Ends 15211 N. Kierland Blvd. Suite 200 Scottsdale, AZ 85254	Ray Story, CEO * United Tobacco Vapor Group, Inc. 1005 Union Center Drive Suite F Alpharetta, GA 30004
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