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MAYOR EMANUEL CONTINUES EFFORT TO PROTECT YOUTH BY FILING SUIT AGAINST ANOTHER 27 ONLINE SELLERS OF E-CIGARETTES AND E-LIQUIDS

Lawsuit follows earlier steps to prevent illegal marketing and sales of products to Chicago's youth; 4 additional retail outlets cited.

Mayor Rahm Emanuel, Corporation Counsel Ed Siskel and Business Affairs and Consumer Protection Commissioner (BACP) Rosa Escareno today announced that the City of Chicago is filing a lawsuit against 27 online sellers of e-cigarettes and vaping liquids and citing 4 retail stores in Chicago with illegal sales of products to minors. This suit follows actions taken in November, in which a lawsuit was filed against eight online retailers and 15 brick-and-mortar retailers were cited.

"Chicago's young people are our future, not Big Tobacco's future customers," said Mayor Emanuel. "We will continue to take aggressive steps to keep our children free from the dangers of addiction, protect our residents and fight for a healthier Chicago."

The lawsuit, which was filed in the Circuit Court of Cook County on Monday, follows a similar suit filed against eight online sellers in November that has already resulted in three of those sellers deciding to stop selling e-liquids entirely and a fourth leaving the Chicago market. City attorneys are in ongoing discussions and litigation with the remaining online sellers from the November suit, as well as pursuing an investigation against other companies that market their products to minors through product names and packaging and social media accounts.

"Manufacturers and sellers of e-cigarettes were put on notice that Chicago is willing to take legal action to prevent them from peddling their products to Chicago's youth, and this second lawsuit demonstrates our commitment to protecting youth and policing online retailers," said Ed Siskel, Corporation Counsel. "All retailers are subject to the same ordinances and restrictions and under no circumstances can they sell products to minors in Chicago."

"The Mayor's toughened tobacco regulations give us the tools to go after tobacco retailers attempting to lure a new younger generation of tobacco users through vaping, e-cigs, and other accessories," said BACP Commissioner Rosa Escareno. "Our goal is to protect youth and disrupt tobacco marketing strategies that uses candy flavored, cartoonish graphics, and easy online access."

The City's lawsuit names the following online retailers as defendants:

1. BCC Distribution Inc., d/b/a Beard Vape Co., Inc.;
2. BodyRock Products, LLC;
3. City of Vape;
4. Club Vapor USA;
5. D&FVapor Inc., d/b/a eJuice Direct;
6. DNA Vapor LLC, d/b/a Vapor DNA;
7. eCig Distributors, Inc. d/b/a eJuices.com and eLiquid.com;
8. Eightcig, L.L.C., d/b/a EightVape;
9. E-Juice Steals;
10. EJuice Vape Discounts;
11. E-Juice Vapor, Inc.;
12. EJuiceConnect.com, LLC;
13. Hype City Vapors, LLC;
14. LA Ejuice LLC d/b/a Five Star Juice;
15. Lost Art Liquids LLC;
16. MistHub, LLC;
17. Mountain Vapors, LLC;
18. One Up Vapor, LLC;
19. The Sabagh Group, LLC, d/b/a Lighter USA;
20. The Sauce LA;
21. 3 Blind Mice, LLC, d/b/a AR eLiquid Co.;
22. Totally Wicked-E.Liquid (USA) Incorporated;
23. Vapentric Inc.;
24. Vapor King;
25. Vaporider;
26. Veppo International LLC, d/b/a Veppo;
27. West Coast Vape Supply, Inc.

Monday's lawsuit, which is captioned City of Chicago v. BCC Distribution, Inc., et al., No. 2019-CH-1756 (Circuit Court of Cook County, Illinois), was prepared by attorneys in Chicago's Affirmative Litigation Division, which represents the city in a broad range of investigations and litigation matters in both federal and state courts to protect the interests of the City and the rights, health and safety of its residents.

A Record of Fighting Big Tobacco

Chicago, under Mayor Emanuel, has made great strides in reducing youth cigarette smoking in the last seven years. Last year, youth cigarette smoking hit a new historic low, falling from 13.6% in 2011 to 6.0% today—a nearly 60 percent decline, according to data from the Centers for Disease Control and Prevention. However, more needs to be done. Building on the success of previous anti-tobacco programs, the City is taking further measures to reduce the use of harmful e-cigarette and other tobacco products by young people.

Mayor Emanuel has a record of standing up to Big Tobacco and reducing youth access to tobacco products and e-cigarettes. Under his leadership, Chicago became the first big city to impose a tax on e-cigarettes; incorporated e-cigarettes as part of the Clean Indoor Air Ordinance; expanded smoke-free environments to include all parks, marinas and beaches, and college campuses; and has supported federal efforts to make all public housing smoke-free.

Mayor Emanuel also banned the sale of flavored tobacco including menthol cigarettes near high schools, raised the tobacco purchasing age to 21, and banned redemption of tobacco coupons. These measures have helped to keep e-cigarettes out of the hands of Chicago's youth and ensured that indoor spaces remain free from smoke and vapor.

Since 2011, Chicago, together with Cook County and the State of Illinois, has increased the costs of tobacco so that today Chicago has the highest combined cigarette tax in the nation—which has been proven to reduce smoking rates.

In April, the City Council passed Mayor Emanuel's ordinance requiring warning signs disclosing the harms of non-cigarette tobacco products to be posted at all tobacco retailers and prohibited all free sampling of tobacco products. These efforts will counter decades of misleading and manipulative marketing techniques, give youth real facts about tobacco, and limit youth exposure to harmful products.

This fall, Mayor Emanuel took additional steps to regulate vape products, chief among them easily concealed, pod-based vape products, which have risen in popularity in recent years among youth. In September, Mayor Emanuel increased the tax on liquid nicotine and e-cigarettes, to further counter the tobacco industry's marketing and make it more difficult for youth to access nicotine products. In addition, to counter tobacco companies that target youth in retail stores through product displays, the Mayor proposed and the City Council passed new requirements that all tobacco products and accessories be kept behind the sales counter.

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