

RE: Unlawful Sales of Flavored Tobacco Products – CEASE AND DESIST

Dear Sir or Madam:

We are attorneys for R.J. Reynolds Vapor Company (“RJRV”). It has come to our attention that [REDACTED] is selling flavored tobacco products at its retail establishment at the address above. As you should know, New Jersey has banned the sale of flavored vapor products statewide. Specifically, New Jersey law prohibits retailers from selling flavored vapor products, which include “any vapor product that has a characterizing flavor ... taste, or aroma other than tobacco, including, but not limited to, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, mint, menthol, wintergreen, or spice flavoring, that is imparted, prior to or during consumption, by a vapor product, including any smoke or vapor emanating from that product.” NJ Rev Stat § 2A:170-51.12 (2022); *see also* NJ Rev Stat § 2A:170-51.6 (2022).

[REDACTED] is violating the New Jersey flavor ban by selling flavored vapor products, including, for example, Evo Bar brand electronic cigarettes, to New Jersey consumers. Additionally, [REDACTED] conduct constitutes unfair competition pursuant to the New Jersey Consumer Fraud Act, New Jersey Statutes Ann. § 56:8, *et. seq.* (the “CFA”), which has harmed and continues to harm RJRV. RJRV demands that [REDACTED] **immediately cease and desist** from selling flavored tobacco products in violation of New Jersey law. If [REDACTED] continues its unlawful sale of flavored tobacco products, RJRV reserves its right to pursue all available legal remedies, including but not limited to filing a lawsuit in court against [REDACTED] pursuant to the CFA. Such a lawsuit would seek, among other relief: (1) money damages from [REDACTED] for its violation of the New Jersey flavor ban and its unlawful competition against RJRV; and (2) injunctive relief to force [REDACTED] to stop its illegal activity.

To avoid any legal action, and the costs, attorneys’ fees, and adverse publicity to which such a lawsuit would subject [REDACTED], we demand that [REDACTED] confirm in writing by March 27, 2023, that it has ceased all sales of flavored tobacco products.

The foregoing is not intended as a waiver, compromise, or an offer of settlement and is sent without prejudice to any rights or future claims of RJRV against [REDACTED]. All rights are hereby expressly reserved.

If you have any questions concerning this matter, please contact me immediately. We look forward to your prompt response.

Very truly yours,

/s/ Ian S. Marx
IAN S. MARX

cc: Yolanda Ciccone, Middlesex County Prosecutor