



FOR IMMEDIATE RELEASE: September 19, 2023

Contact: Alessandra Magnasco, CFCA, Governmental Affairs & Regulatory Director

Telephone: (916) 646-5999

Email: alessandra@cfca.energy

CFCA Urges Stronger State and Federal Enforcement Action on Illicit Flavored Disposable Vapes

Sacramento, CA – The California Fuels and Convenience Alliance (CFCA) calls on California Attorney General Robert Bonta and the Food and Drug Administration’s (FDA) Commissioner Robert Califf to crack down on the burgeoning illicit flavored disposables that are flooding the U.S market.

“Illegal flavored disposable vapes are threatening our youth, and it is time that law enforcement at all levels unleash the tools they have to rid the marketplace of these dangerous products,” said Alessandra Magnasco, the Governmental Affairs and Regulatory Director of CFCA. “While the red list import ban and numerous warning letters to bad actors by FDA are helpful, stronger enforcement action is required. These disposables are available in youth-enticing flavors such as Acai Berry Storm Ice, Kiwi Passion Fruit Guava, Triple Berry Duo Ice, Mexico Mango, and much more —and they are easily obtainable to youth via social media, on various websites and within certain retailers that are violating the law.”

On August 29th, 2023, a coalition of Attorneys General made common sense recommendations to the FDA. Notably, the letter calls on the FDA to “(a)dopt new enforcement priorities that clearly communicate the illegality of flavored disposable e-cigarettes” and “(t)ake stronger enforcement actions against manufacturers, distributors, and retailers of flavored disposable e-cigarettes.” In February 2020, FDA guidance prohibited cartridge/pod e-cig, except tobacco and menthol, but expressly allowed the sale of disposable vape flavors. In March of 2022, Congress granted FDA regulatory oversight of non-tobacco, or synthetic, nicotine products. According to the Centers for Disease Control and Prevention, youth use of disposables skyrocketed by more than 2,000% from 2019 to 2022.

Since December 21st, 2022, the State of California has completely outlawed the sale of all flavored tobacco and nicotine products, via state law Senate Bill 793. The implementation of the flavor ban, however, has left many without clear guidance on which products can still be sold, and retailer and wholesaler concerns continue to be ignored. Additionally, without consistent enforcement of the State ban on flavors, retailers who uphold the law will continue to lose millions in overall store sales per year to unscrupulous competitors who continue to offer these illegal products.

“The disjointed nature of enforcement of the State’s flavor ban creates a system of winners and losers – compliant retailers who respect the law will continue to lose out on store sales to those who intentionally sell these illegal products,” said Alessandra Magnasco. “We would greatly appreciate support from both the FDA and our Attorney General to establish an accurate directory of products that can and cannot be sold, as well as enforcement action of the many non-compliant businesses out there.”

###

About CFCA

CFCA is the industry's statewide trade association representing the needs of small and minority wholesale and retail marketers of gasoline, diesel, lubricating oils, motor fuels products, and alternative fuels, including but not limited to, hydrogen, compressed natural gas, ethanol, renewable and biodiesel, and electric charging stations; transporters of those products; and retail convenience store operators. CFCA's members serve California's families, agriculture, police and fire, cities, construction, and all consumer goods moved by the delivery and transportation industries.