



San Diego City Attorney
Mara W. Elliott



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City Attorney Mara W. Elliott charges more than a dozen retailers across Southern California and online with illegal flavored tobacco sales

*Stores target children for tobacco sales with flavors like
Glazed Donuts, Birthday Cannoli, and French Toast
Cinnamon Sugar*

Flavored tobacco is especially dangerous to young users, which is why the City of San Diego and the State of California made its sale illegal more than a year ago. San Diego City Attorney Mara W. Elliott sued local retailers last summer for violating these sales bans, settling for thousands of dollars in fines with injunctions preventing future sales. Today, City Attorney Elliott filed another round of lawsuits against more than a dozen retailers across Southern California, and online for selling flavored tobacco to undercover agents from her Office.

“The recent results of our undercover investigation show retailers continue to target our children by selling dangerous flavored tobacco products marketed as “Glazed Donuts,” “Birthday Cannoli,” and “French Toast Cinnamon Sugar,” said City Attorney Elliott. “These operators clearly did not get the message last year after we filed our first round of lawsuits, so today, I am filing lawsuits against more than a dozen stores in three different counties that continue to violate state law.”

Last month, undercover investigators from the San Diego City Attorney’s Office visited stores across Southern California, where they were able to immediately purchase flavored tobacco products. In one instance, the sale was completed personally by the owner of the store. In another, investigators were ushered into a “Staff Only” room where they were presented with an array of flavored tobacco products for sale.

Investigators were also able to order flavored tobacco products from online retailers and have them delivered to local addresses with no age verification at delivery. One of these retailers, Vapor

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Authority, has sold, and continues to sell, flavored tobacco products through its website, locally (in the City of San Diego), statewide, and nationwide. Their website features disposable e-cigarettes and e-cigarette refillable liquids with flavors such as “Sour Apple Ice,” Sour Watermelon Blue Razz,” “Glazed Donuts,” “Birthday Cannoli,” and “French Toast Cinnamon Sugar.”

“Every parent knows that flavors like “Birthday Cannoli” and “French Toast Cinnamon Sugar” are aimed at children,” said City Attorney Elliott. **“Most of these retailers know it is illegal, which is why they go to great lengths to hide their activity. Others simply skirt the law to put profits over public health. They have become so addicted to tobacco-sales profits that they openly target young people through advertisements on Instagram that feature Fruit Loops and Halloween candy.”**

City Attorney Elliott provided two recent examples of social media posts from Vapor Authority, which features a box of cereal, titled “Vapor Authority Unicorn Fruit Loops,” and a Halloween-themed post in which flavored vapes were surrounded by candy.

The growth of e-cigarette use by youths have been fueled by the manufacturing and advertisement of kid-friendly flavors, like cotton candy, bubblegum, and a wide range of fruits. E-cigarette sales spiked nationwide by 46 percent from 2020 to 2022 and remain the most commonly used tobacco product by teens. Most teen users (87.6%) and the overwhelming majority of all young smokers use flavored e-cigarettes. The nicotine from e-cigarettes is highly addictive and is particularly problematic for youths due to its effects on brain development.

Following an alarming increase in the use of electronic cigarettes by young people, the State of California and the City of San Diego enacted bans on the sale of flavored tobacco, which took effect on January 1, 2023, many retailers continue to sell these products even though they know it is illegal. As a result, the San Diego City Attorney’s Office filed a lawsuit against two local chains for violating the law. Both retailers settled and took the products off their shelves, as well as paid significant fines for their violations.

The lawsuits filed today by the City Attorney charges 6 individuals, 4 chains and more than a dozen outlets with violating the State’s Unfair Competition Law by unlawfully selling flavored tobacco and maintaining an unfair advantage over other law-abiding retailers in doing so.

Violations of the law are punishable by up to \$2,500 per sale of the unlawful item (in this case, flavored tobacco.) In addition to the fines, the City Attorney has asked the Court to require the stores comply with the law and pay the City’s legal fees for enforcement action against them.

City Attorney Elliott thanked Investigator Matthew Myszynski, Senior Chief Deputy City Attorney Mark Ankcorn and Deputy City Attorney Kevin B. King for their dedicated work on these cases.

Action has been taken today against the following:

Individuals

- Giselle Sophia Brambila
- Yazan R. Muowahid
- Todd Skezas
- Saman Mike Ebrahimi
- Gokhan Ali Kucuk

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- Brad Fernbaugh

Chains

- Vape Smoke Universe in the City of San Diego and Chula Vista
- Aroma Avenue in San Diego County
- Vape Avenue in Orange County and San Bernardino Counties
- California Accessories LLC in the City of San Diego

Online-only Retailers

- Vapor Authority, Inc., 9187 Clairemont Mesa Blvd, Suite 596, San Diego, CA 92122
- California Vape Shop, located in the City of San Diego

Physical Stores

San Diego County - City of San Diego

- Miramar Smoke N Vape, 9465 Black Mountain Road, San Diego, CA 92126 (also online)
- Vape Smoke Universe #1, 7190 Miramar Road, Suite 111, San Diego, CA 92121
- Vape Smoke Universe #2, 2525 Morena Blvd, San Diego, CA 92110
- Vape Smoke Universe Megastore, 4411 Mercury Street, Suite 106, San Diego, CA 92111
- Vape Smoke Universe Express, 3312 University Ave, San Diego, CA 92104
- Vape Smoke Universe #6, 4853 Convoy Street, San Diego, CA 92111
- California Accessories LLC, 4919 Newport Avenue, San Diego, CA 92107
- California Accessories LLC, 957 Garnet Ave San Diego, CA 92109

San Diego County - North County

- Aroma Avenue Vape Shop, 3504 College Blvd, Suite F, Oceanside, CA 92056.
- Aroma Avenue Vape 2, 1405 S. El Camino Real, Suite 5113, in Oceanside, CA 95024
- Aroma Avenue 3, 2525 El Camino Real, Carlsbad, CA 92008

San Diego County - South Bay

- Vape Smoke Universe #4, 4360 Main Street, Unit 206, Chula Vista, CA 91911

Orange County

- Vape Avenue, 16899 Beach Blvd, Huntington Beach, CA 92647
- Vape Avenue, 105 W. Lambert Rd, Brea, CA 92821

San Bernardino County

- Vape Avenue, 5480 Philadelphia St, Chino, CA 91710

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