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Superior Court of California,
County of San Diego
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Clerk of the Superior Court
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8 Attorneys for Plaintiff,
9 The People of the State of California

Exempt from fees per Gov't Code § 6103
To the benefit of the City of San Diego

10
11 **SUPERIOR COURT OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF SAN DIEGO**

13 The People of the State of California,

Case No. 24CU024481C

14 *Plaintiff,*

**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES
UNDER THE UNFAIR COMPETITION
LAW (Bus. & Prof. Code § 17200, Et Seq.)**

15 v.

16 Vapor Authority, Inc.; Todd Skezas,
individually; Saman Mike Ebrahimi,
17 individually; and Does 1-20 inclusive,

*(UNLIMITED MATTER Amount Demanded
Exceeds \$35,000)*

18 *Defendants*
19

20
21 The People of the State of California (the People), acting by and through San Diego City
22 Attorney Mara W. Elliott, allege the following based on information and belief:

23 1. Youth e-cigarette use is a serious public health concern nationwide. The nicotine
24 from e-cigarettes is highly addictive and is particularly problematic for youth due to its effects on
25 brain development. Flavored tobacco products are especially dangerous as an easy “on ramp” to
26 nicotine addiction; the overwhelming majority of young smokers use flavored e-cigarettes.
27 Nicotine addiction can prime youth to use other addictive substances, like traditional cigarettes,
28 alcohol, and drugs. Nicotine use can also cause reduced impulse control, deficits in attention and

1 cognition, and mood disorders.¹

2 2. The growth of e-cigarette use by youth has been fueled by the manufacturing and
3 advertisement of kid-friendly flavors, like cotton candy, bubblegum, and a wide range of fruits.
4 In 2024, approximately 10.1% of high school students and 5.4% of middle school students were
5 using tobacco products – putting millions of teens at risk of nicotine addictions and its associated
6 harms. E-cigarettes remain the most commonly used tobacco product by teens, and most teen, e-
7 cigarette users (87.6%) used flavored tobacco products.²

8 3. To combat this public health concern, both California and the City of San Diego
9 prohibit the sale of flavored tobacco products to any person, including adults. Health & Safety
10 Code § 104559.5; San Diego Municipal Code §42.1603.

11 4. Despite these prohibitions – effective in the City of San Diego on December 21,
12 2022, and effective in California on January 1, 2023 – Vapor Authority Inc. (Vapor Authority)
13 has continued selling flavored tobacco products in the City of San Diego and throughout
14 California via online retail. These violations of state and local law constitute an unlawful
15 business practice and violate California’s Unfair Competition Law (“UCL”) Bus. & Prof. Code §
16 17200-17210.

17 5. Defendants’ conduct is also an unfair business practice under the UCL because
18 Defendants maintain an advantage over their law-abiding competitors by profiting from the sale
19 of prohibited products.

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23 ¹ U.S. Department of Health and Human Services. *E-Cigarette Use Among Youth and*
24 *Young Adults. A Report of the Surgeon General.* Atlanta, GA: U.S. Department of Health and
Human Services, Centers for Disease Control and Prevention, National Center for Chronic
Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

25 ² Jamal A, Park-Lee E, Birdsey J, et al. Tobacco Product Use Among Middle and High
26 School Students — National Youth Tobacco Survey, United States, 2024. *MMWR Morb Mortal*
Wkly Rep 2024;73:917–924. DOI: <http://dx.doi.org/10.15585/mmwr.mm7341a2>

27 Results from the Annual National Youth Tobacco Survey, Content current as of October
28 17, 2024. DOI: <https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey#2024%20Findings%20on%20Youth%20Tobacco%20Use>

1 **Jurisdiction and Venue**

2 6. The Superior Court has original jurisdiction over this action pursuant to Article
3 VI, Section 10 of the California Constitution, which grants the Superior Court original
4 jurisdiction in all causes other than those specifically enumerated therein.

5 7. The Superior Court has personal jurisdiction over Defendants because:
6 (i) Defendants’ principal places of business are in the State of California, (ii) Defendants are
7 authorized to and conduct business in and across this state, and (iii) Defendants otherwise have
8 sufficient minimum contacts with and purposefully avail themselves of the markets of this state,
9 thus rendering the Superior Court’s exercise of jurisdiction consistent with traditional notions of
10 fair play and substantial justice.

11 8. Venue is proper under Code of Civil Procedure section 393(a), because the illegal
12 acts described below occurred in the City and County of San Diego.

13 **Parties**

14 9. The People of the State of California bring this civil enforcement action by and
15 through San Diego City Attorney Mara W. Elliott pursuant to California Business and
16 Professions Code sections 17204 and 17206(a).

17 10. Defendant Vapor Authority Inc. is a California corporation with its principal place
18 of business in the City of San Diego – 9187 Clairemont Mesa Blvd, Suite 596, San Diego, CA
19 92122.

20 11. On information and belief, Defendant Todd Skezas is, and was at all relevant
21 times, the Chief Executive Officer (CEO) and owner of Vapor Authority. On information and
22 belief, Defendant Skezas is a Responsible Corporate Officer for Vapor Authority. On
23 information and belief, as the CEO of Vapor Authority, Defendant Skezas is in a position of
24 responsibility, allowing him to influence corporate policies and activities. On information and
25 belief, there is a nexus between Defendant Skezas’ position as CEO of Vapor Authority, which
26 sells flavored tobacco products, and the violation in question – unlawfully selling flavored
27 tobacco products in violation of the UCL. On information and belief, Defendant Skezas’ actions
28 and inactions facilitated the UCL violations.

1 intent to sell or offer for sale, a flavored tobacco product or a tobacco product flavor enhancer.”
2 Health & Safety Code § 104559.5(b)(1).

3 17. “Characterizing flavor means a distinguishable taste or aroma, or both, other than
4 the taste or aroma of tobacco, imparted by a tobacco product or any byproduct produced by the
5 tobacco product. Characterizing flavors include, but are not limited to, tastes or aromas relating
6 to any fruit, vanilla, chocolate, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint,
7 wintergreen, herb, or spice.” Health & Safety Code § 104559.5(a)(1) [internal quotations
8 omitted].

9 18. Effective January 1, 2023, in the City of San Diego, “[i]t is unlawful for any
10 person, business, tobacco retailer, or electronic cigarette retailer to sell or distribute flavored
11 tobacco products.” San Diego Municipal Code §42.1603(a) [emphasis omitted].

12 19. “Flavored tobacco products means a tobacco product that emits a taste or smell,
13 other than the taste or smell of tobacco, including but not limited to, any taste or smell relating to
14 fruit, mint, menthol, wintergreen, chocolate, cocoa, vanilla, honey, candy, dessert, alcoholic
15 beverage, herb, or spice.” San Diego Municipal Code §42.1602 [emphasis omitted].

16 20. Despite the state and local bans on selling tobacco flavored products, Defendant
17 Vapor Authority has sold, and continues to sell, flavored tobacco products, through its website,
18 locally (in the City of San Diego), and statewide.

19 21. Since the flavored tobacco bans went into effect, Vapor Authority has continued
20 offering flavored tobacco products for sale through its website and advertising on social media.

21 22. For instance, on October 23, 2024, Vapor Authority advertised a flavored tobacco
22 device on its Instagram with a box of cereal, titled “Vapor Authority Unicorn Fruit Loops”,
23 dispensing flavored vapes:

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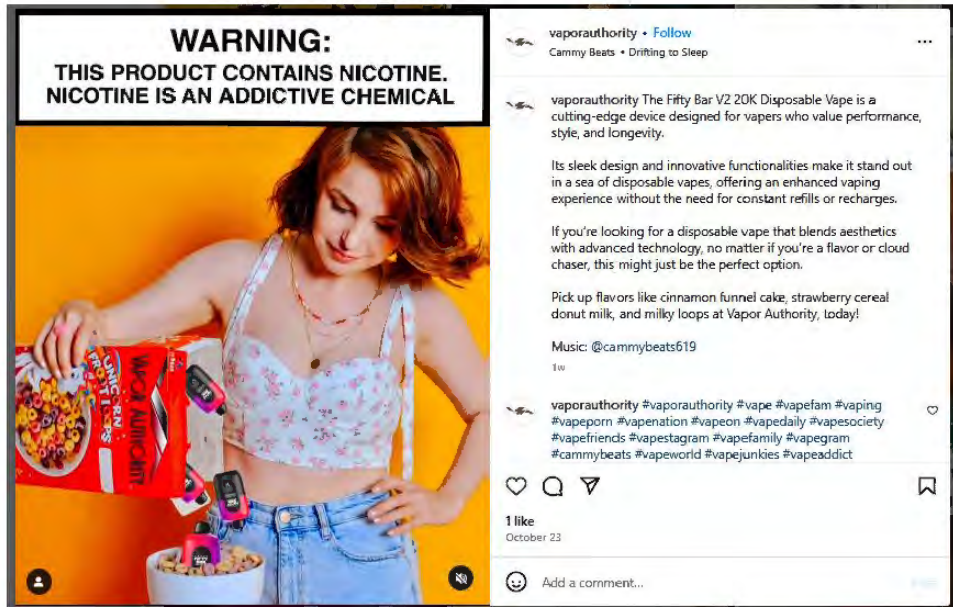
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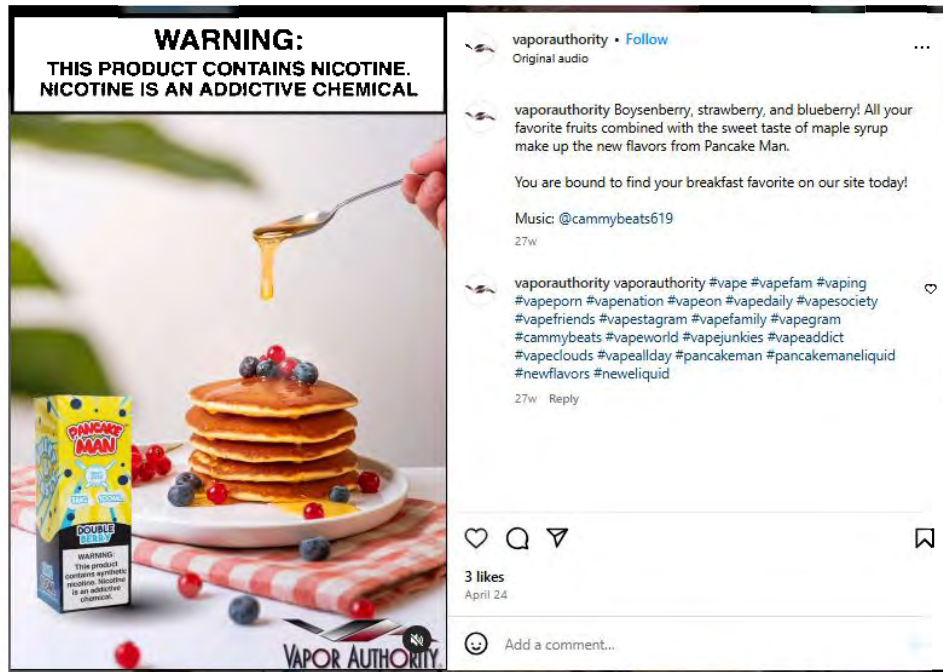


23. On October 30, 2024, Vapor Authority Inc. advertised a disposable flavored tobacco product in a Halloween-themed Instagram post in which the flavored vapes were surrounded by candy:



24. On April 24, 2024, Vapor Authority Inc. advertised a flavored tobacco product (e-cigarette liquid), via an Instagram post, called “Pancake Man”, which combined maple syrup with boysenberry, strawberry, and blueberry:

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25. In October 2024, a City investigator, acting undercover, visited Vapor Authority Inc.’s website, observed flavored tobacco products offered for sale, and purchased flavored tobacco products. Vapor Authority shipped the flavored tobacco products to the address provided by the City investigator and they were delivered. No signature or personal identification was required for delivery.

26. Vapor Authority’s repeated, intentional, ongoing violations of the California and City of San Diego ban on the sale of flavored tobacco products constitute unlawful and unfair business practices under the UCL. The People seek injunctive relief ordering Defendants to cease selling flavored tobacco products and to pay appropriate civil penalties.

Cause of Action

Violation of Unfair Competition Law

(Cal. Bus. & Prof. Code §§ 17200-17210.)

27. All preceding factual statements and allegations are incorporated by reference.

28. The UCL, Business and Professions Code section 17200 prohibits “any unlawful, unfair or fraudulent business act or practice.”

29. “Any person who engages, has engaged, or proposes to engage in unfair competition shall be liable for a civil penalty not to exceed two thousand five hundred dollars

1 (\$2,500) for each violation, which shall be assessed and recovered in a civil action brought in the
2 name of the people of the State of California ... by any city attorney of a city having a
3 population in excess of 750,000 ... in any court of competent jurisdiction.” Bus. & Prof. Code
4 § 17206(a).

5 30. The Business and Professions Code section 17206.1(a) also provides: “In addition
6 to any liability for a civil penalty pursuant to Section 17206, a person who violates this chapter,
7 and the act or acts of unfair competition are perpetrated against one or more senior citizens or
8 disabled persons, may be liable for a civil penalty not to exceed two thousand five hundred
9 dollars (\$2,500) for each violation, which may be assessed and recovered in a civil action as
10 prescribed in Section 17206.”

11 31. Defendants are “person(s)” as defined by the Business and Professions Code
12 section 17201, which includes “natural persons, corporations, firms, partnerships, joint stock
13 companies, associations and other organizations of persons.”

14 32. Defendants’ sale of flavored tobacco products is unlawful under California and
15 City of San Diego law and, therefore, constitutes an unlawful business practice under the UCL.
16 Defendants have been selling flavored tobacco products from December 21, 2022 (the effective
17 date of the statewide ban) to at least the date of this Complaint. Defendants principal place of
18 business, since at least January 1, 2023 (the effective date of the City of San Diego ban), has
19 been in the City of San Diego. Additionally, Defendants have been selling flavored tobacco
20 products to City of San Diego residents via online retail from January 1, 2023 to at least the date
21 of this Complaint. Each sale of a flavored tobacco product is a separate violation of state and
22 local law and, as such, constitutes a separate violation of the UCL.

23 33. Defendants’ ongoing sale of flavored tobacco products also constitutes an unfair
24 business practice under the UCL. Defendants stock, sell, and profit from banned flavored
25 tobacco products, which leaves Defendants with an unfair advantage over its law-abiding retail
26 store competitors.

27 34. The People seek an appropriate civil penalty under Business and Professions
28 Code section 17206(a), up to \$2,500 for each violation to hold Defendants accountable for their

1 unlawful business acts or practices and to deter further violations of the law. The People also
2 seek an additional appropriate civil penalty under Business and Professions Code
3 section 17206.1(a)(1), up to \$2,500 for each violation perpetrated against a senior citizen or
4 disabled person.

5 35. Pursuant to California Business and Professions Code section 17203, the People
6 are entitled to an injunctive order requiring Defendants to cease selling flavored tobacco
7 products.

8 **Prayer for Relief**

9 Based on the above, the People request the following remedies:

10 36. Pursuant to Business and Professions Code section 17203, an order requiring
11 Defendants to cease selling flavored tobacco products in compliance with California Health and
12 Safety Code section 104559.5 and San Diego Municipal Code section 42.1603.

13 37. Pursuant to Business and Professions Code section 17206, Defendants be assessed a
14 civil penalty in an amount, up to \$2,500 for each violation of the UCL, as proven at trial;


15 38. Pursuant to Business and Professions Code section 17206.1, Defendants be assessed
16 an additional civil penalty in an amount, up to \$2,500 for each violation of the UCL perpetrated
17 against a senior citizen or disabled person, as proven at trial;

18 39. The People recover such costs of this action, including costs of investigation; and

19 40. The People be granted such other and further relief as this Court may deem to be
20 just and proper.

21 Dated: November 20, 2024

MARA W. ELLIOTT, City Attorney

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23 By: 
24 Kevin B. King
25 Deputy City Attorney
26 Attorneys for Plaintiff,
27 The People of the State of California
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