



PROMOTING PUBLIC HEALTH AND SAFETY

IN COMMUNITIES

ADDRESSING BLACK-MARKET VAPOR PRODUCTS:

A TOOLKIT FOR LAW ENFORCEMENT AND
COMMUNITY LEADERS

A PARTNERSHIP BETWEEN THE
**NATIONAL INTELLECTUAL PROPERTY RIGHTS
COORDINATION CENTER**

AND THE
NATIONAL CRIME PREVENTION COUNCIL



NATIONAL
CRIME
PREVENTION
COUNCIL

JANUARY 2021

A MESSAGE FROM THE NATIONAL CRIME PREVENTION COUNCIL



The U.S. Immigration and Customs Enforcement's National Intellectual Property Rights Coordination Center (IPR Center), in collaboration with industry partners, health care organizations, and law enforcement, investigates Intellectual Property Theft to contain the problem and hold perpetrators responsible.

The IPR Center is now teaming up with the National Crime Prevention Council (NCPC) to raise awareness on the public health consequences of counterfeit and other black-market vapor products and provide resources to law enforcement and adult community leaders to fight back against sellers of these illicit products.

An emerging concern across the country, black-market vapor products present many issues impacting our local communities. First and foremost, they undermine tobacco-control measures to address underage use of tobacco and nicotine products. Because these illicit products often are sold online with little to no age-verification or through social sourcing outside of traditional retail channels, they are easier for youth to access. Moreover, these products may present additional health and safety risks for adult consumers, given the unknown chemicals and substances they may contain, the poor manner in which they are manufactured, and the ability for users to add illicit substances like tetrahydrocannabinol (THC). They also contribute to and facilitate other criminal activity that threatens our economy, public health, and community safety, as well as violate the intellectual property rights of U.S. companies.

We invite organizations with a vested interest in public health and combatting illegal activity to make this toolkit their own and share it in their communities. Together, we can address the growing black market of vapor products that is impacting our neighborhoods and undercutting our laws and broader public health and safety objectives.

All best wishes for a safe and healthy year,

Ann M. Harkins

President and Chief Executive Officer, National Crime Prevention Council

“ [T]o the extent that such products are sold through nontraditional retail channels, such as social sources or online commercial marketplaces that do not include age-verification requirements, they pose an increased risk of being accessed by minors.* ”

A MESSAGE FROM THE NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER



Counterfeit and pirated goods are not only illegal, but they pose a serious risk to the United States economy and the public's health and safety. U.S. Immigration and Customs Enforcement, Homeland Security Investigations leads the National Intellectual Property Rights Coordination Center (IPR Center) to stop these predatory and illegal trade practices, and to bring together government agencies, and private industry to share information, develop initiatives, coordinate enforcement actions, and conduct investigations related to intellectual property theft.

In our efforts to combat this issue, the IPR Center is partnering with the National Crime Prevention Council (NCPC) on a new effort to prevent counterfeit and other illicit products from entering the United States, and to raise awareness of the public health and safety dangers associated with illicit vapor products.

Our role in this partnership will be two-fold: First, we will work with government and industry partners to disrupt the illicit production of counterfeit vapor products and identify, interdict, and investigate individuals, companies, and criminal organizations engaged in illegal importation and sale of these products. Second, we will help raise awareness on the dangers of illegal THC-containing vapor products being sold in our communities. As federal public health authorities have now recognized, the use of THC-containing vapor products with the ingredient vitamin E acetate played a major role in the outbreak of vaping-related lung injuries from 2019. These unregulated products not only are illegal but raise significant public health and safety risks.

It is my hope this toolkit will provide stakeholders information and resources on the hidden dangers of counterfeit and illicit vapor products and how to report illegal sales to law enforcement.

Illicit vapor products are a problem. You can be part of the solution. Join us now!

Steve Francis
Director, National Intellectual Property Rights Coordination Center

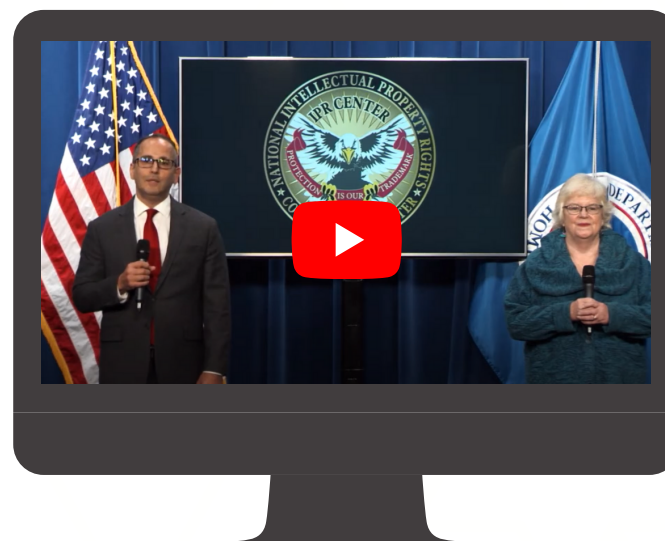


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How You Can Promote Public Health and Safety by Using this Toolkit

This toolkit is an educational resource that contains tips and information for you to use and share throughout your community.

This toolkit provides information and resources to support enforcement against counterfeit and other black-market vapor products. It is one part of the ***Promoting Public Health and Safety in Communities*** campaign, which contains information on the public health consequences of illicit vapor products and provides resources to support effective enforcement against these illicit activities. For more information, visit ncpc.org/PublicHealthandSafety and iprcenter.gov.

Here are some ways to use this kit:

- Post material from the toolkit on your organization's social media pages and crime prevention pages and link to the [campaign website](#).
- Print and distribute toolkit materials at community events and civic meetings.
- Ask libraries, medical offices, hospitals, public health and safety organizations, pharmacies, recreation centers, mall kiosks, and local businesses to display and distribute materials.
- Enlist members of your Neighborhood Watch groups to pass the materials along to other residents.
- Educate yourself on illicit vapor products and the problems they present to our local communities. The organizations and government agencies listed near the end of this toolkit provide resources and information on their websites about upcoming training opportunities.



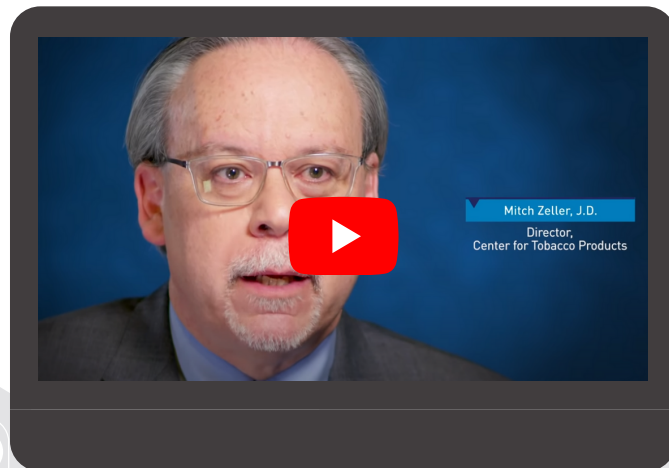
WHAT ARE VAPOR PRODUCTS AND HOW ARE THEY REGULATED?

In 2009, Congress passed the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) that provided the Food and Drug Administration (FDA) jurisdiction over tobacco products. The Tobacco Control Act created a regulatory framework to reduce the death and disease associated with tobacco use (particularly combustible cigarettes) and provided FDA with an array of tools to achieve that objective.

Initially, FDA's jurisdiction was limited to combustible cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. Under the Tobacco Control Act, FDA could extend its jurisdiction to other tobacco products through "deeming regulations." In 2016, FDA did just that and deemed all other tobacco products, including electronic nicotine delivery systems (ENDS), subject to its regulation.

In recent years, ENDS products have become increasingly popular. "ENDS" is a broad term for various types of electronic tobacco products including vapes or vape pens, personal vaporizers, e-cigarettes, cig-a-likes, e-pens, e-hookahs, e-cigars, and e-pipes. Generally, an ENDS product is a battery-operated device containing nicotine, flavorings, and other ingredients that, when heated, creates an inhalable vapor. These products are designed for adult smokers as an alternative to combustible cigarettes. For purposes of this toolkit, we refer to the products as "vapor products." There is a critical difference between authentic, regulated vapor products and illicit, black-market vapor products that attempt to circumvent federal and state laws and regulations.

There is debate in the public health community regarding the impact of regulated vapor products on public health. Some view vapor products as a potentially less harmful alternative for adult smokers, while others remain concerned about the increased use among minors.

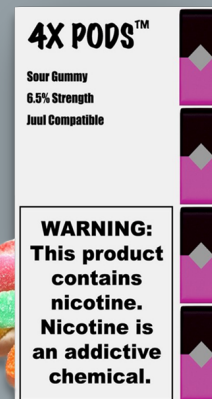
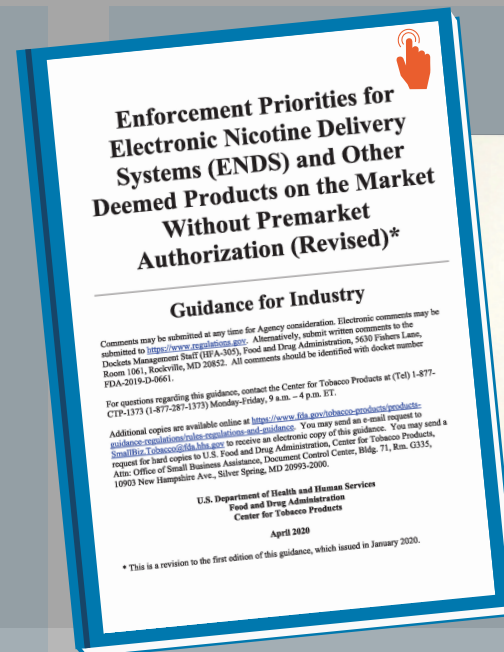


To address recent increases in underage use, FDA and Congress have taken additional policy actions. For example, in December 2019, Congress passed legislation that raised the minimum-purchasing age for tobacco products, including vapor, to 21 years. In January 2020, FDA issued guidance that outlined its enforcement priorities for vapor products that were on the market legally but had not received FDA marketing authorization.

Based on that guidance, FDA has prioritized enforcement against the following types of vapor products:

- 1 Any flavored, cartridge-based product (other than tobacco or menthol flavors);**
- 2 All other products for which the manufacturer has failed to take (or is failing to take) adequate measures to prevent minors' access; and**
- 3 Any product that is targeted to minors or whose marketing is likely to promote use by minors.**

FDA also acknowledged the risk of an illicit trade or “black market” in vapor products arising out of this new enforcement policy but maintained that it has the regulatory tools and enforcement authorities to address such products.



Black-market products, in addition to being marketed illegally and in violation of the Tobacco Control Act, may pose additional health and safety risks for adult consumers beyond those of authentic products. According to FDA, “[a]dditional risks posed by these products include the potential that they contain harmful chemicals or constituents that are not present in other products, that they are manufactured using comparatively poor quality controls, and that they are designed in ways that facilitate modifications by distributors or users — all of which increase the risk of adverse events.”

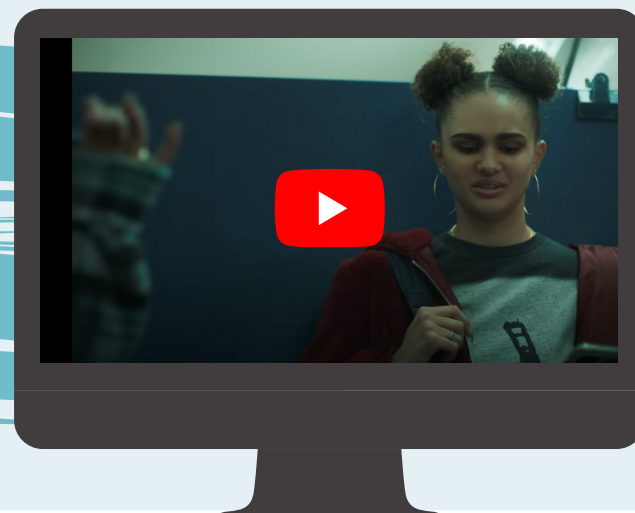
Black-market vapor products also may contribute to underage access to the extent they are sold through nontraditional retail channels, such as social sourcing or online commercial marketplaces that lack age-verification requirements.



The 2020 National Youth Tobacco Survey (NYTS), conducted by FDA and the Centers for Disease Prevention and Control (CDC), showed a decline in underage use of vapor products. In 2019, 28% of high school students and 11% of middle school students used vapor products. In 2020, 19.6% of high school students and 4.7% middle school students used vapor products. This amounted to 1.8 million fewer high school and middle school students using vapor products in 2020 compared to 2019.

Still, these numbers remain too high and more can and needs to be done to accelerate the decline in underage use of all tobacco products, including vapor. In addition to raising public awareness on the issues of black-market vapor products, dismantling the illicit trade is critical to ensure tobacco-control measures are not undermined, as well as to protect adult consumers from the additional health and safety risks posed by such products.

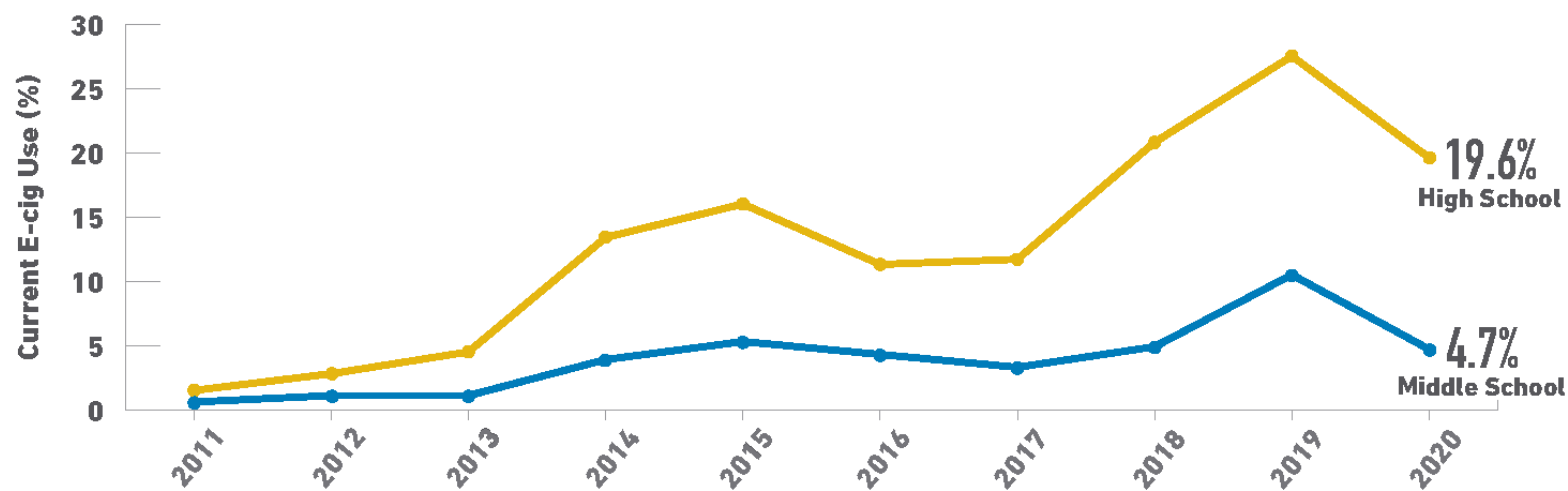
Campaigns such as FDA's *The Real Cost* and the National Institutes of Health's (NIH) *Smokefree Teen* are resources for educational materials that help raise awareness among minors about the dangers of vaping.



2020 National Youth Tobacco Survey

Findings show a sharp decline
in youth e-cigarette use with
1.8 Million
fewer users
since last year

However, due to **alarming
increases** since 2011,
the number of current
youth e-cig users remains
concerningly high:
3.6 Million



CENTER FOR TOBACCO PRODUCTS

Source: Wang TW, Neff LJ, Park-Lee E, Ren C, Cullen KA, King BA. E-cigarette Use Among Middle and High School Students — United States, 2020. MMWR Morb Mortal Wkly Rep 2020;69:1310–1312

Note: All numbers presented here are estimates.

CTP-165

www.fda.gov/tobacco



@FDATobacco



facebook.com/fda



Source: <https://www.fda.gov/tobacco-products/youth-and-tobacco/get-latest-facts-teen-e-cigarette-use>

ILLICIT VAPOR PRODUCTS AND THE BLACK MARKET

Over the past few years, there has been an emerging market of illicit vapor products in the United States that has an impact on our local communities.

Generally, these illicit products come in three types:

Counterfeit

- Designed and marketed to mimic authentic vapor products
- Made and distributed by unauthorized manufacturers
- Largely imported from China

Compatible

- Designed and marketed to be used with authentic vapor products without the manufacturer's authorization
- Marketed and sold with e-liquids containing nicotine or illicit substances (e.g., THC and CBD) and empty for users to fill and refill
- Often marketed in youth-appelling flavors and packaging

Diverted

- Authentic vapor products that are intended for and sold in non-U.S. markets but have been imported into the U.S. without the manufacturer's authorization
- Typically diverted across national borders to exploit differences in laws, regulations, and tax systems from one market to another



Juul
Compatible

Despite efforts to disrupt illicit trade networks, black-marketeers with a complete disregard for public health and safety and the well-being of U.S. consumers have exploited and infiltrated the marketplace.

Black-market products present additional health and safety risks for adult consumers given that they are produced in unsanitary conditions without manufacturing and quality controls and lack ingredient testing. They also may contain harmful chemicals that are not present in authentic, regulated products. Some products, particularly those marketed as “compatible” with authentic brands, enable users to modify the products and use any number of unregulated liquids, illicit substances, and other ingredients with the product.

Illicit vapor products pose an even greater problem than endangering the health and safety of adult consumers: They undermine underage-prevention measures. Black-market products are easily accessible to minors because they often are sold online without age-verification, at retail outlets that do not check identification, or obtained through nontraditional channels such as social sourcing (e.g., on the street corner).

In addition, black-market products violate the intellectual property rights of U.S. companies and cheat governments out of tax dollars that could instead be used to support public services. It has been estimated that, if global illicit tobacco trade were eliminated, governments around the world would immediately gain at least \$31 billion in revenue.

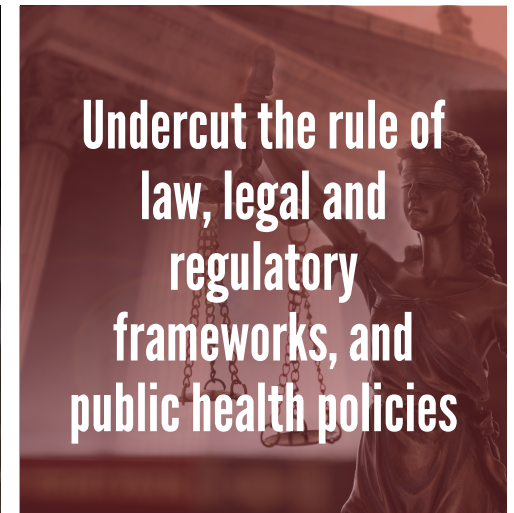




Facilitate
criminal activity
and threaten
security



NEGATIVE CONSEQUENCES OF BLACK-MARKET VAPOR PRODUCTS



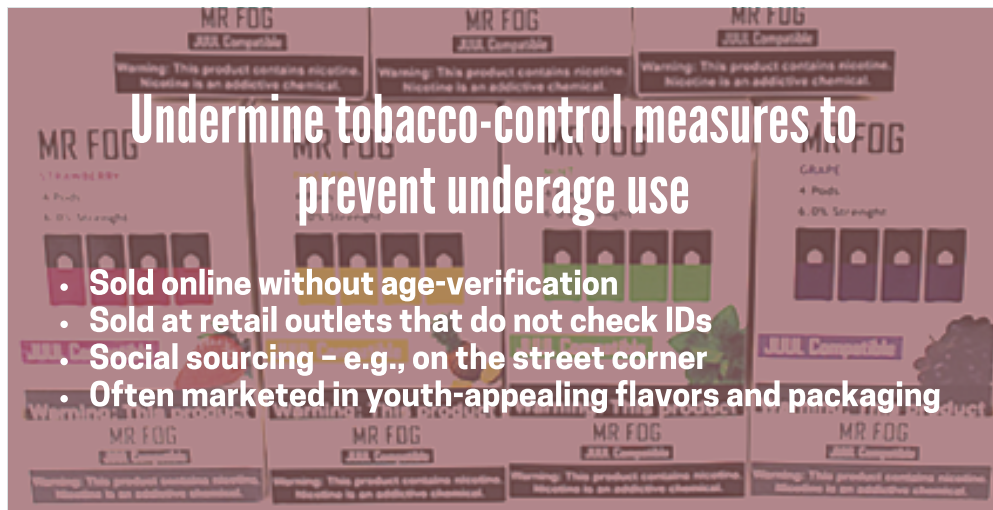
Undercut the rule of
law, legal and
regulatory
frameworks, and
public health policies



Reduce sources of
government revenue
through tax
avoidance



Violate intellectual-
property rights and
impact brand
integrity for U.S.
companies



Undermine tobacco-control measures to prevent underage use

- Sold online without age-verification
- Sold at retail outlets that do not check IDs
- Social sourcing – e.g., on the street corner
- Often marketed in youth-appealing flavors and packaging



Present additional health and safety risks for adult consumers

- May contain harmful chemicals that are not present in authentic products
- Produced in unsanitary conditions without manufacturing and quality controls
- Lack ingredient testing and product characterization
- May contain illicit substances (e.g., THC)

What the IPR Center Is Doing to Fight Black-Market Vapor Products

The IPR Center in partnership with Philip Morris International (PMI) and Juul Labs, Inc. is proud to offer a training course on illicit trade in tobacco and vapor products. This online training will give law enforcement agencies and local community leaders a unique opportunity to gain knowledge on illicit trade in products, trafficking, finance, and other criminal related activity. PMI and Juul Labs have invested a significant amount of resources to ensure strong controls in the supply chain and raise awareness of the consequences of illicit trade in tobacco and vapor products.

Starting February 2021, interested participants can request training to explore the fundamentals of illicit trade in tobacco and vapor products, organized crimes, terrorism, and human trafficking to include money laundering, source development, and best practices for successful cases. Specifically, the briefing will cover the following topics:

1. The dangers of counterfeit tobacco and vapor products
2. Product brand authentication
3. Sources of illicit vapor products
4. Production of illicit tobacco and vapor products
5. Fundamentals of illicit trade in tobacco products
6. Convergence with organized crime and terror financing
7. Convergence with other crimes such as money laundering,
8. Free Trade Zones: An enabler for illicit trade in tobacco products
9. International tobacco trade case studies
10. Best practices from an investigation perspective
11. Effective approaches to address the issues

Training will only be conducted quarterly and based on group size. To register or for additional details about the training opportunity, please contact IPRCenter@ice.dhs.gov, Attn: Outreach and Training Section Chief.

As a law enforcement officer and parent of three teenagers, I am alarmed at both the volume of youth e-cigarette usage and the amount of illicit, black-market vapor and counterfeit tobacco products entering the United States. The IPR Center is committed to working with its federal and industry partners to identify, interdict and investigate individuals, companies and criminal organizations engaging in the illegal importation of products that threaten the health and safety of the American public.

Steve Francis

Director, National Intellectual Property Rights Coordination Center



A CASE STUDY ON BLACK-MARKET VAPOR PRODUCTS: ILLICIT, THC-CONTAINING VAPOR PRODUCTS

LEARN MORE
ABOUT EVALI
FROM THE FDA



The 2019 outbreak of vaping-related lung injuries demonstrates the impact that black-market products can have on American consumers.

The medical condition referred to as “e-cigarette, or vaping, associated lung injury” (EVALI) has claimed the lives of at least 68 Americans and hospitalized over 2,800 more. As more evidence has been collected and analyzed, public health officials have identified a strong link between the incidence of EVALI cases and use of illicit vapor products containing THC with the ingredient vitamin E acetate. A subset of these products also included components, including cartridges designed for vapor products, which could be modified or altered by the user to add substances (e.g., THC) that are not intended by the manufacturer.

CDC also found in recent studies that among the 50 percent of EVALI patients who were known to have used products that contained THC, almost 80 percent reported acquiring their products from informal sources like friends, family, or in-person or online dealers, as opposed to established and trusted retail outlets.



Health

Potential culprits in mystery lung illnesses: Black-market vaping products



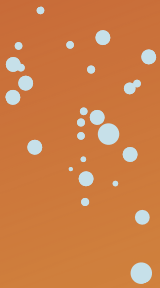
Public health authorities have now recommended that people not use THC-containing vapor products, particularly from informal sources. Moreover, they have advised that vitamin E should not be added to any vapor product and people should not add any other substances not intended by the manufacturer.

The 2019 outbreak of EVALI cases represents one of the more alarming negative public health consequences of black-market vapor products. Enforcement remains critical across stakeholders to address these illicit activities and keep our communities are protected.

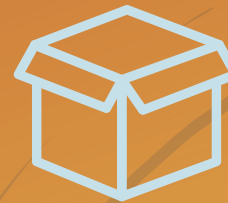
SIGNS That Vape Is Fake



It's not easy to tell the difference between authentic, regulated vapor products and black-market vapor products. Sometimes it can be nearly impossible. Here are a few signs that the vapor product may be "fake."



Strange particles or foreign materials in the product



Packaging or labeling that seems off-kilter, lacking, or containing errors such as misspellings



Products that have been tampered with or are tainted



Products that have been purchased from unauthorized retailers or third-party online marketplaces



Pricing that is unusually lower than market value



Products that are no longer commercially available from the manufacturer or illegal in the jurisdiction where they are sold

EFFECTIVE ENFORCEMENT AGAINST BLACK-MARKET VAPOR PRODUCTS

To address the black market of vapor products effectively, collaboration is critical across stakeholders — from responsible manufacturers and retailers to federal, state, local, and tribal law enforcement authorities and policymakers.

Here's a summary on how various stakeholders can support enforcement against illicit vapor products.

FEDERAL

- Target resources and new technologies for enforcement at known entry points including U.S. ports-of-entry and mailing facilities
- Support coordination and training with state, local, and tribal law enforcement authorities

STATES

- Implement product registries for authentic, legally marketed products
- Adopt licensing and reporting requirements across the trade and distribution channel and impose enhanced penalties against violative distributors, wholesalers, and retailers that are trafficking illicit products

LOCAL AND TRIBAL

- Educate adult community leaders about the additional risks of illicit, black-market products, how to identify them, and ways to report*
- Support information-sharing and enforcement efforts with manufacturers and federal, state, and tribal authorities

MANUFACTURERS

- Adopt corporate enforcement operations to identify sources of illicit trade and facilitate enforcement
- Share information, intelligence, and resources with governments and law enforcement authorities, as well as education and training

RETAILERS

- Conduct due diligence on suppliers and obtain authentic products from authorized and verified sellers
- Report suspicious activity to law enforcement

CONSUMERS

- Stay informed on the differences between authentic, regulated products and illicit, black-market products and exercise thoughtful purchasing from established and trusted retail outlets
- Report illicit products to law enforcement and the manufacturer of the authentic product

**It is vital that consumers be aided in identifying the differences between authentic and illicit vapor products, as well as the risks involved in purchasing such illicit products. Low public awareness and education on these issues result in adult consumers purchasing illicit products with little to no knowledge on where the product comes from, what it contains, or how they are contributing to illicit activities.*

A CASE STUDY ON SUCCESSFUL ENFORCEMENT

COLLABORATIVE STAKEHOLDER ENGAGEMENT IN LOS ANGELES



Responsible manufacturers should play an active role to support enforcement against bad actors and illicit vapor products to help create a more responsible marketplace. This includes proactive enforcement through investigations and legal actions, as well as education, training, and intelligence-sharing with law enforcement authorities. Collaborative stakeholder enforcement is critical to address black markets effectively.

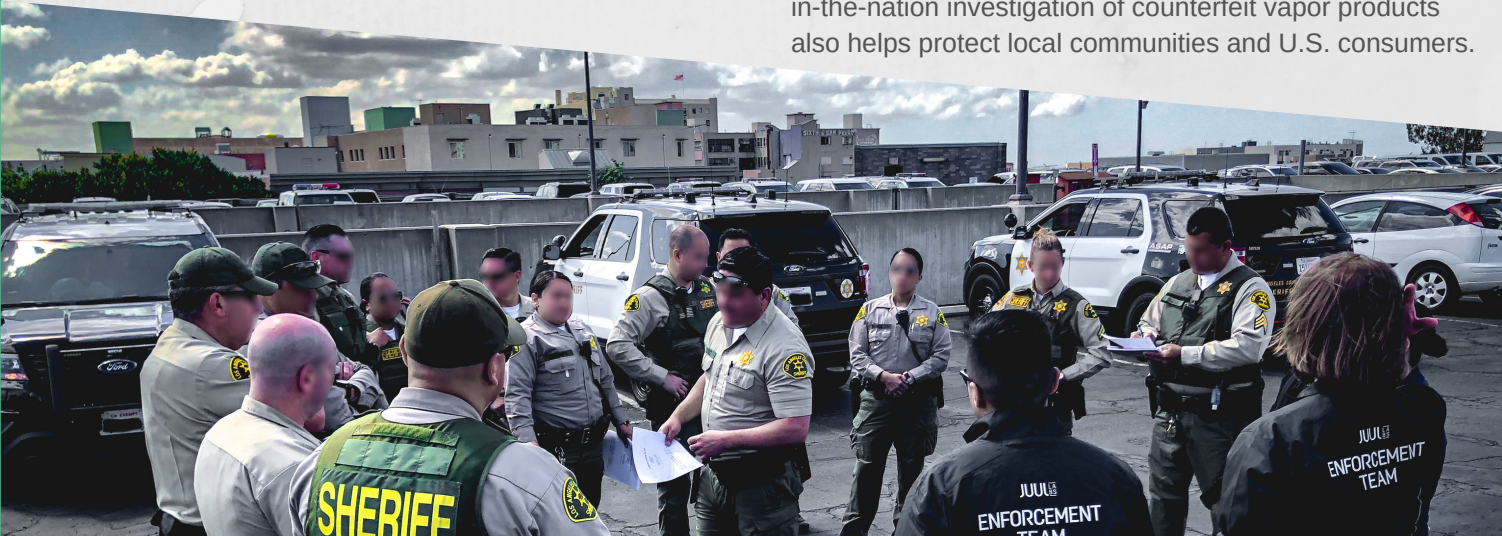
In 2019, the Brand Protection unit from Juul Labs, Inc. (JLI) supported a “first-in-the-nation” investigation of the illicit sale and distribution of counterfeit JUUL products in Los Angeles County, California. As a result, local law enforcement authorities were able to disrupt and prosecute the illicit enterprise.

Through a months-long investigation, JLI’s Brand Protection identified a Los Angeles-based distributor that was trafficking counterfeit JUUL products and offering them to unknowing retailers across the country. The team identified the illicit supplier and completed multiple transactions for products — confirming that they were in fact counterfeit through product identification and testing.

After developing additional evidence, JLI’s Brand Protection group presented its investigation, including extensive information on the supplier’s activities and details on the multiple transactions involving counterfeit products, to the Los Angeles County Sheriff Department’s Counterfeit and Piracy Enforcement (CAPE) Team. The CAPE Team agreed to pursue the case and conduct its own investigation.

Ultimately, the CAPE Team secured a search warrant against the illicit supplier and ultimately seized hundreds of counterfeit JUUL products. Based on statements from the supplier’s employees, the amount of seized counterfeit product was only a fraction of what was intended to be distributed across the country. Criminal charges were brought against both the illicit supplier and employees that were facilitating the trafficking of black-market vapor products.

This collaboration between industry and the Los Angeles County Sheriff’s Department highlights just how vital intelligence-sharing and public-private partnerships can be to combat black-market products. Not only was this a victory for enforcement against illicit activity, but this first-in-the-nation investigation of counterfeit vapor products also helps protect local communities and U.S. consumers.





REPORT

BLACK-MARKET VAPOR PRODUCTS

to the

NATIONAL INTELLECTUAL PROPERTY RIGHTS COORDINATION CENTER (IPR CENTER)



IPRCENTER.GOV
1-866-DHS-2-ICE (1-866-347-2423)



[your logo here]



REPORT

BLACK-MARKET VAPOR PRODUCTS

In addition to proactive investigations by law enforcement and support from responsible manufacturers, consumer reporting lies at the forefront of the fight to stop the sale of illicit vapor products and the harms they pose.

If you have information about counterfeit or other illicit vapor products or a retailer engaged in the sale of such illicit products, report it to the National Intellectual Property Rights Coordination Center (IPR Center):

IPRCENTER.GOV
1-866-DHS-2-ICE (1-866-347-2423)

Additional reporting resources include:

- The manufacturer of the authentic product
- Your local law enforcement agency
- U.S. Consumer Product Safety Commission
(if safety is a concern)
[cpsc.gov](https://www.cpsc.gov)
- STOPfakes.gov, U.S. Department of Commerce
[STOPfakes.gov](https://stopfakes.gov)
- U.S. Food and Drug Administration
[fda.gov](https://www.fda.gov) or 1-877-CTP-1373 (1-877-287-1373)



National Intellectual Property Rights Coordination Center

The National Intellectual Property Rights Coordination Center, working collaboratively with its public and private sector partners, stands at the forefront of the United States government's response to combatting global intellectual property theft and enforcing intellectual properties rights violations. The IPR Center was established to combat global intellectual property theft – and, accordingly, has a significant role policing the sale and distribution of counterfeit goods on websites, social media, and the dark web. For more information, visit www.iprcenter.gov.



National Crime Prevention Council

The National Crime Prevention Council's mission is to be the nation's leader in helping people keep themselves, their families, and their communities safe from crime. To achieve this, NCPC produces tools that communities can use to learn crime prevention strategies, engage community members, and coordinate with local agencies. NCPC's public service advertising campaigns have generated more than \$2 billion in donated media. NCPC distributes crime prevention messages to its network of nearly 15,000 state and local law enforcement agencies, crime prevention associations, community groups, foundations, and corporate partners who reach millions in communities across the country. For more information on how NCPC can be a public safety expert for you or how to "Take A Bite Out of Crime®," visit www.ncpc.org.

Additional Resources:

NCPC's Website

Get Real Campaign
ncpc.org/getreal

Intellectual Property Theft
ncpc.org/resources/ip-theft

Promoting Health and Safety in Communities
ncpc.org/publichealthandsafety

Public Health and Safety

BeTobaccoFree.gov
betobaccofree.hhs.gov

Centers for Disease Control and Prevention
cdc.gov

National Tobacco Control Program
cdc.gov/tobacco/about/osh/program-funding

SmokeFree.gov
smokefree.gov

The Real Cost Campaign
therealcost.betobaccofree.hhs.gov

Intellectual Property Theft

Global Innovation Policy Center
theglobalipcenter.com

Intellectual Property Enforcement, U.S. Department of State
state.gov

Intellectual Property Task Force, U.S. Department of Justice
justice.gov/dag/iptaskforce

International AntiCounterfeiting Coalition
iacc.org

International Trademark Association
inta.org

Unreal Campaign
unrealcampaign.com

INTERPOL
interpol.int/en/crimes/illicit-goods

National Intellectual Property Rights Coordination Center
iprcenter.gov

Stop Fakes
STOPfakes.gov

World Intellectual Property Organization
wipo.int

U.S. Government

Federal Bureau of Investigation
fbi.gov

Office of Homeland Security Investigations, Immigration and Customs Enforcement
ice.gov/about/offices/homeland-security-investigations

U.S. Consumer Product Safety Commission
cpsc.gov

U.S. Department of Justice, Bureau of Justice Assistance
[bj.gov](http://bja.gov)

U.S. Food and Drug Administration
fda.gov

U.S. Patent and Trademark Office
uspto.gov



PROTECT YOURSELF FROM BLACK-MARKET VAPOR PRODUCTS

If you are an adult consumer who chooses to use vapor products, follow these tips to protect yourself from purchasing illicit, black-market products.

- Purchase authentic products from known manufacturers. While the use of vapor products is not risk-free, illicit vapor products can pose additional health and safety risks, given the unknown chemicals and substances they may contain and the poor manner in which they are manufactured. Ensure that you do due diligence and purchase authentic, regulated products from known manufacturers.
- Watch where you shop. Black-market vapor products tend to be sold through nontraditional retail channels, such as social sourcing and online marketplaces. In fact, according to CDC, nearly 80% of those diagnosed with EVALI reported acquiring their products from informal sources such as pop-ups, friends, family, street dealers, or e-commerce websites. Make sure you purchase vapor products from established and trusted established retail outlets.
- Pay attention to packaging, flavor, and other product markers. The market is burgeoning with knock-offs, look-alikes, and other illicit products. If as an adult consumer, you've already made the choice to use vapor products as an alternative to combustible cigarettes, the last thing you want to do is expose yourself to additional harmful chemicals that may not be present in authentic products. Review the packaging and labeling of vapor products to ensure they are authentic and avoid products that are not permitted to be sold in your state or locality.

Avoid counterfeits and other illicit products when shopping online:

- Before browsing online, make sure your computer's security software is up to date.
- Make sure that the url address of any site prompting you to enter financial information begins with "https://". The "s" stands for "secure" and is accompanied by a locked padlock symbol.
- Save a copy of all confirmations from online purchases and keep them organized. This will help you verify credit card or bank statements as they come in.
- Consider alternate payment methods to your personal bank cards, such as prepaid debit cards.
- Be wary of pop-up ads when shopping online. Most contain false information that may lead you to a malicious site.
- Never use the same password for all your purchase sites.
- Avoid shopping on public Wi-Fi and from public computers. If prompted, never save your account information (credit card, password, etc.) to a computer that is not yours.

Technology and laws change over time. Smart consumers who use vapor products pay attention to:

- Which products are no longer manufactured by legitimate companies
- Which products are legal where they live
- The standard market price for the goods they use
- How the products they use are designed, packaged, and marketed by the real company

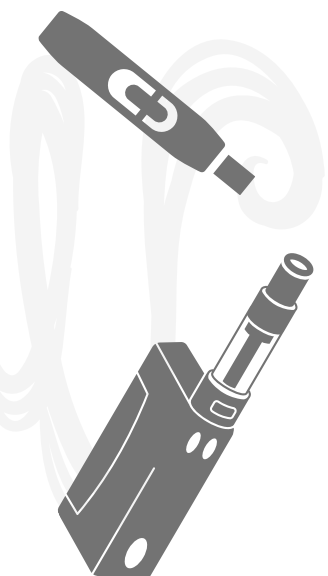


Promoting Public Health and Safety is a public-private partnership between the National Crime Prevention Council and the National Intellectual Property Rights Coordination Center. Learn more at ncpc.org/PublicHealthandSafety.



POP E-QUIZ

How much do you know about illicit, black-market vapor products? Take the quiz to find out.



1. Whom does the sale of illicit vapor products mostly benefit?
 - a. Criminal actors and illegal enterprises
 - b. Adult smokers who are using vapor products as an alternative to combustible cigarettes
 - c. Adult consumers who are just looking for lower prices
 - d. Legitimate companies that sell alcohol
2. The most negative impact of the sale of illicit vaping products is on whom?
 - a. Those with higher incomes
 - b. Older adults
 - c. Public safety officials
 - d. Young people
3. Counterfeit tobacco products cost governments approximately _____ each year in taxes that could be used to provide public services.
 - a. \$100 billion
 - b. \$76 million
 - c. \$40 billion
 - d. \$5 million
4. Currently, it is safe to assume that all online marketplaces—including third-party merchants—use state-of-the-art technology to verify a consumer's age before making a sale.
 - a. True
 - b. False
5. Which is NOT true of counterfeit vapor products?
 - a. Fake vapor products are often sold through informal sources, such as friends, family, street dealers, or online e-commerce sites.
 - b. It can be difficult to tell a fake vapor product from the real thing.
 - c. The e-fluid inside a fake vapor product might have been made in unsanitary conditions and mixed with dangerous chemicals, insects, or even feces.
 - d. Fake vapor products are safe for adults who already smoke cigarettes and are looking for an alternative.
6. _____ of patients who received a diagnosis of E-Cigarette, or Vaping, Product Use-Associated Lung Injury (EVALI) told FDA they acquired their vaping products from only informal sources, such as friends, family, street dealers, or online e-commerce sites.
 - a. 78%
 - b. 26%
 - c. 6%
 - d. 45%



Protect yourself from illicit, black-market vapor products.

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FACT SHEET



BLACK-MARKET VAPOR PRODUCTS

The sale of illicit vapor products benefits criminal actors and illegal enterprises more than adult smokers or consumers who are just looking for lower prices on goods.

Currently, it is not safe to assume that all online retailers—including third-party merchants—use state-of-the-art technology to verify a customer's age requirements before making a sale.

While illicit vapor products pose additional health and safety risks for adult consumers, black-market sales of vapor products have a disproportionately negative impact on young people than on other sectors of the population.

Contrary to what black-marketeters want consumers to believe, fake vapor products are not safe for adults who already smoke cigarettes and are looking for an alternative.

Counterfeit tobacco products cost governments approximately \$40 billion each year in taxes that could be used to provide public services.

Nearly 80 percent of patients who received a diagnosis of E-Cigarette, or Vaping, Associated Lung Injury (EVALI) told FDA they acquired their vaping products from only informal sources, such as friends, family, street dealers, or online e-commerce sites.





Build Strong Partnerships

The IPR Center and NCPC have teamed up to raise awareness on the public health consequences of counterfeit and other black-market vapor products. Everyone has a role to play to combat this emerging illicit market. Building the necessary partnerships will be essential during this call-to-action to protect our communities against the public health and safety risks from illicit vapor products.

Illicit vapor products are a problem. You can be part of the solution.
Share the campaign.

Learn more at ncpc.org/PublicHealthandSafety.

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PROMOTING PUBLIC HEALTH AND SAFETY IN COMMUNITIES

ADDRESSING BLACK-MARKET VAPOR PRODUCTS: A TOOLKIT FOR LAW ENFORCEMENT AND COMMUNITY LEADERS



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