

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**In the Matter of**

**CERTAIN DISPOSABLE VAPORIZER  
DEVICES AND COMPONENTS AND  
PACKAGING THEREOF**

**Investigation No. 337-TA-1381**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN  
INITIAL DETERMINATION TERMINATING THE INVESTIGATION  
IN PART BASED ON CONSENT ORDER AND CONSENT ORDER STIPULATION; ISSUANCE  
OF CONSENT ORDER**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 31) issued by the chief administrative law judge (“CALJ”) terminating the above-captioned investigation in part as to the false advertising claim against respondent Prince Point Distributors, Inc., d/b/a Price Point NY (“Price Point”) based on a consent order and consent order stipulation. The Commission has issued a consent order to Price Point.

**FOR FURTHER INFORMATION CONTACT:** Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2043. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On December 20, 2023, the Commission instituted this investigation based on a complaint filed by complainants R.J. Reynolds Tobacco Company and R.J. Reynolds Vapor Company (collectively, “Complainants”). 88 FR 88111-12 (Dec. 20, 2023). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, and the sale of certain disposable vaporizer devices and components and packaging thereof by reason false advertising, false designation of origin, and unfair competition, the threat or effect of which is to destroy or substantially injure an industry in the United States. The Commission’s notice of investigation named the following twenty-five (25) respondents: Price Point of Farmingdale, NY; Shenzhen Noriyang of Shenzhen, China; Affiliated Imports, LLC of Pflugerville, TX; American Vape Company, LLC a/k/a American Vapor Company, LLC of Pflugerville, TX; Breeze Smoke, LLC of West Bloomfield, MI; Dongguan (Shenzhen) Shikai Technology Co., Ltd. of Guangdong, China; EVO of Wilmington, DE; Flawless Vape Shop Inc. of Anaheim, CA; Flawless Vape Wholesale & Distribution Inc. of Anaheim, CA; Guangdong Qisitech Co., Ltd. of Dongguan City, China; iMiracle (Shenzhen) Technology Co. Ltd. of Shenzhen, China; Magellan Technology Inc. of Buffalo, NY; Pastel Cartel, LLC of Pflugerville, TX; PVG2 of Wilmington, DE; Shenzhen Daosen Vaping Technology Co., Ltd. of Shenzhen, China; Shenzhen Fumot Technology Co., Ltd. of Shenzhen, China;

Shenzhen Funyin Electronic Co., Ltd. of Guangdong, China; Shenzhen Han Technology Co., Ltd. of Shenzhen, China; Shenzhen Innokin Technology Co., Ltd., of Shenzhen, China; Shenzhen IVPS Technology Co., Ltd. of Shenzhen, China; Shenzhen Weiboli Technology Co. Ltd. of Shenzhen, China; SV3 LLC d/b/a Mi-One Brands of Phoenix, AZ; Thesy, LLC d/b/a Element Vape of El Monte, CA; Vapeonly Technology Co. Ltd. of Shenzhen, China; and VICA of Tustin, CA. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On June 5, 2024, Complainants and Price Point jointly moved to terminate the investigation in part as to Price Point based upon a consent order and consent order stipulation. More specifically, Complainants and Price Point seek to terminate this investigation “only as to one of the two unfair acts asserted against [Price Point], specifically false advertising under the Lanham Act, 15 U.S.C. 1125(a)(1)(B), with respect to Accused Products that use the term ‘clear’ in commerce, advertising, and product packaging (the ‘Lanham Act Claim’).” ID at 1. On June 14, 2024, OUII filed a response in support of the joint motion to terminate.

On June 18, 2024, the CALJ issued the subject ID (Order No. 31) granting the joint motion to terminate. The ID finds that the consent order stipulation complies with the requirements of Commission Rule 210.21(c)(3), 19 CFR 210.21(c)(3), and the proposed consent order complies with the requirements of Commission Rule 210.21(c)(4), 19 CFR 210.21(c)(4). The ID further finds that there are no public interest concerns that would counsel against issuance of the proposed consent order.

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID and to issue a consent order with respect to Price Point. The investigation is hereby terminated in part with respect to the false advertising Lanham Act Claim against Price Point.

The Commission vote for this determination took place on: July 18, 2024.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: July 18, 2024