

BRENNA BIRD
ATTORNEY GENERAL



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OFFICE OF THE ATTORNEY GENERAL

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April 10, 2025

The Honorable Pamela Bondi
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

**The Honorable Howard
Lutnick**
U.S. Department of Commerce
1401 Constitution Avenue, NW
Washington, DC 20230

**The Honorable Robert F.
Kennedy, Jr.**
U.S. Department of Health & Human
Services
200 Independence Avenue, SW
Washington, DC 20201

The Honorable Kristi Noem
U.S. Department of Homeland
Security
2707 Martin Luther King Jr
Avenue, SE Washington, DC
20528

Mr. Stephen Miller
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dr. Peter Navarro
1600 Pennsylvania Avenue, NW
Washington, DC 20500

The Honorable Kash Patel
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

The Honorable Andrew Ferguson
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

**Dr. Martin A. Makary, M.D.,
M.P.H.**
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Mr. Pete R. Flores
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Officers:

We, the undersigned Attorneys General of 27 States and Guam, are writing to seek this Administration's help in combating the flood of illegal Chinese products—including illegal Chinese e-cigarettes marketed to minors—coming into the United States. President Trump stands strong defending both children and the country from these illegal Chinese products.

While we are doing our best to fight the problem in the States, its nature and scope are international. President Trump can secure our borders against this influx of dangerous products and hold China accountable for preying on American youth.

The foreign actors and their domestic co-conspirators involved in and profiting from the illicit e-cigarette supply chain are suspected of violating a range of federal civil and criminal statutes.¹ Only a coordinated national effort—involving the Food and Drug Administration, the Department of Homeland Security, the Department of Justice, and others—will succeed in stopping the flow of dangerous illegal products from China.

Illegal, flavored Chinese e-cigarettes are flooding the U.S. market in flagrant disregard of State and federal laws. The products have never been approved by the FDA and target America's youth. Most unauthorized e-cigarettes on the market today remain a top priority for FDA enforcement. They are often brought into the country in mislabeled packaging or shipped in a manner specifically designed to evade detection by the FDA and U.S. Customs and Border Protection.

Illegal Chinese e-cigarettes evade regulation and pose a risk to public safety. Research shows that they pose increased health risks compared to legal regulated products. They [often emit](#) much higher levels of nicotine and potentially harmful

¹ Suspected violations include but are not limited to: 19 U.S.C. § 1592 – Fraud, gross negligence, and negligence, 19 U.S.C. § 1595a – Aiding unlawful importation, 19 U.S.C. § 1590 – Aviation smuggling, 19 U.S.C. § 1304 – Marking of imported articles and containers, 21 U.S.C. § 331 – Prohibited acts, 21 U.S.C. § 387b – Adulterated tobacco products, 21 U.S.C. § 387c – Misbranded tobacco products, 15 U.S.C. § 1125(a) – False designations of origin, false descriptions, and dilution forbidden, 15 U.S.C. § 45 – Unfair methods of competition unlawful; prevention by Commission, 15 U.S.C. § 52 – Dissemination of false advertisements, 18 U.S.C. § 542 – Entry of Goods by Means of False Statements, 18 U.S.C. § 541 – Entry of goods falsely classified, 18 U.S.C. § 545 – Smuggling Goods into the U.S., 18 U.S.C. § 1546 – Fraud and misuse of visas, permits, and other documents, 15 U.S.C. § 376 – Reports to state tobacco tax administrator, and 18 U.S.C. § 541 – Entry of goods falsely classified

contaminants. The FDA has [also warned](#) of the heightened public health risks associated with these illegal products. Indeed, many of these products are [illegal even in China](#).

During President Trump's first term, FDA exercised a policy of "enforcement discretion" for certain products that were on the market by August of 2016 and had submitted Premarket Tobacco Product Applications by September 2020. That enforcement discretion was [intended](#) only for manufacturers investing in the scientific review process and committed to following the law. But the Biden Administration opened the market to a flood of unregulated Chinese products. Chinese manufacturers and their domestic agents saw President Biden's lax enforcement efforts, including warning letters, civil monetary penalties, import alerts, and injunctions, as a low cost of doing business. Meanwhile, Americans and their children were being harmed.

The danger of illicit Chinese e-cigarettes is magnified by their appeal to children. The products are designed to target youth with colorful packaging, sweet flavors with appealing names, and video-game themes. While youth use of all tobacco products is at its lowest level recorded in 25 years, [most kids](#) who have reported using e-cigarettes in the prior 30 days are using illegally smuggled Chinese-made products. Chinese manufacturers and their distributors do not even attempt to comply with the law by submitting applications for FDA review before starting to sell their products in the United States. And many companies deliberately [misrepresent](#) the status of their applications—sowing confusion among US retailers. Chinese manufacturers avoid inspections, evade basic safety and manufacturing best practices, and subject Americans to addictive products that, may contain [harmful carcinogens](#) and other [unknown toxins](#).

This deluge is staggering: [billions of dollars](#) of illegal Chinese e-cigarettes were sold in the U.S. last year, accounting for the significant majority of the U.S. e-vapor market.

Chinese companies have established an extensive supply chain to capitalize on the multi-billion-dollar U.S. e-cigarette market.

- Chinese [manufacturers](#) develop, assemble, and export millions of unauthorized flavored disposable e-cigarettes to the U.S. annually. They frequently introduce new brands and product formats while redomiciling and manipulating corporate structures to evade detection by US authorities.
- **Master distributors**, often Chinese-partnered or -owned entities, have established [extensive operations](#) in the United States with hundreds of employees who visit convenience stores and host marketing events to sell and promote illicit e-cigarette products.
- **Freight forwarders** transport e-cigarettes globally, [often advertising](#) "low inspection rates" and [mis-declaring shipments](#) as innocuous items like "flashlights" or "toys" to evade detection and customs duties. Many have

[expanded their operations](#) to establish a direct presence in the U.S., setting up warehouses and transportation networks.

- U.S.-based **sub-distributors and wholesalers** extend the reach of Chinese e-cigarette manufacturers across the country, [purchasing unauthorized products](#) from master distributors and selling them to end retailers.

We respectfully ask the Administration to continue along its path of protecting Americans and children from these illegal Chinese e-cigarettes by:

- Instructing the federal multi-agency task force created in June 2024 to curb the distribution and sale of illegal e-cigarettes to include as a top priority stopping illegal Chinese e-cigarettes, and ensuring that the task force includes a representative from CBP;
- Giving CBP independent seizure authority, in coordination with FDA, over illicit tobacco products;
- Designating an individual to spearhead the federal effort to combat illicit Chinese e-cigarettes;
- Prosecuting identified violators and implementing penalties to fundamentally alter the risk-reward calculus for both current and prospective participants in the illegal Chinese e-cigarette supply chain; and
- Enhancing enforcement by the Department of Homeland Security to block, seize, and destroy illegal e-cigarette products at the border, working with the Department of Justice to seek injunctions against major players and the FDA to aggressively pursue violators with increased penalties.

We hope this Administration will continue its fight against the national threat posed by illegal Chinese e-cigarette products and take action to stop the ongoing violations of state and federal law by parties engaged in their manufacture, import, distribution, and sale. We stand ready to support these critical efforts to address this growing threat.

Sincerely,

A handwritten signature in cursive script that reads "Brenna Bird".

Brenna Bird
Attorney General of Iowa



Steve Marshall
Attorney General of Alabama



Treg Taylor
Attorney General of Alaska



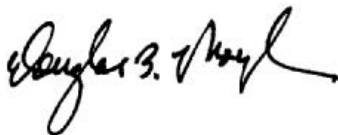
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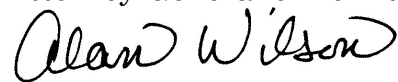
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