

[Skip to content](#)[Skip to navigation](#)

[Oregon DOJ Home](#) | [Media](#) | [Current Releases](#) | [2010](#) | August 9, 2010 Media Release

## **OREGON ATTORNEY GENERAL OUSTS ELECTRONIC CIGARETTE COMPANY FROM STATE**

August 9, 2010

### **Agreement with Smoking Everywhere, Inc. underscores continuous efforts by the Department of Justice to keep unapproved drugs and devices off the market**

Attorney General John Kroger today announced agreements with Florida-based Smoking Everywhere, Inc. and its President, Elico Taieb, prohibiting the sale and distribution of its "electronic cigarettes" in Oregon.

"This settlement will help protect our teens from unsafe products," said Attorney General Kroger.

Electronic cigarettes are nicotine delivery devices designed to simulate the look and experience of a conventional cigarette. Smoking Everywhere's e-cigarettes include a battery-operated heating element and replaceable plastic cartridge that contains various chemicals, including liquid nicotine. The heating element vaporizes the liquid for inhalation.

Smoking Everywhere did not seek FDA approval prior to releasing its e-cigarettes for distribution. Although no evidence has been offered to support such claims, Smoking Everywhere marketed e-cigarettes as a safe alternative to traditional tobacco products. However, a recent FDA analysis found e-cigarettes contain known carcinogens and toxic chemicals such as diethylene glycol, an ingredient used in antifreeze.

The Stipulated General Judgment with Smoking Everywhere includes an express admission by the company that it violated Oregon's Unlawful Trade Practices Act and requires the company to pay more than \$95,000 to the Department of Justice. Smoking Everywhere is permanently barred from doing business in the state. Taieb will pay \$25,000 and is prohibited from transacting any business in Oregon related to electronic cigarettes, tobacco products, nicotine delivery devices, drugs or drug delivery devices of any kind. The payments by Smoking Everywhere and Taieb cover all costs incurred by Oregon in this litigation.

The Judgment and Assurance of Voluntary Compliance filed today in Marion County Circuit Court resolve a lawsuit filed by the Oregon Department of Justice last year against Smoking Everywhere based on misrepresentations by the company about the safety of e-cigarettes and marketing practices geared toward minors.

Oregon is the first state to successfully take action against distributors of electronic cigarettes. The Attorney General previously stopped two national travel store chains from selling "electronic cigarettes" in Oregon and reached an agreement with another e-cigarette company, Sottera, Inc., the national distributor of NJOY, which prohibits it from doing business in Oregon until local and national standards are met.

Assistant Attorney-in-Charge David Hart and Assistant Attorney General Merrill Maiano handled the case for the Department of Justice.

Attorney General John Kroger leads the Oregon Department of Justice. The Department's mission is to fight crime and fraud, protect the environment, improve child welfare, promote a positive business climate, and defend the rights of all Oregonians.

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