

**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 COMMISSION DETERMINATION NOT
TO REVIEW AN INITIAL DETERMINATION FINDING
VICA TRADING INC. IN DEFAULT**

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. 18) of the presiding Chief Administrative Law Judge (“Chief ALJ”) finding respondent VICA Trading Inc. d/b/a Vapesourcing (“VICA”) to be in default.

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. 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 on behalf of 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 (“NOI”) named the following twenty-five (25) respondents: 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 Brands, LLC 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; Price Point Distributors Inc. d/b/a Prince Point NY of Farmingdale, NY; PVG2, LLC 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 February 16, 2024, Complainant filed a motion pursuant to Commission Rule 210.16 (19 CFR 210.16) for an order directing the VICA to show cause why it should not be found in default for failing to respond to the complaint and notice of investigation (“Motion”). Complainant’s Motion notes that it provided proof of service of the complaint and NOI upon VICA. *See* Motion at 2 (citing Letter from Davis to Secretary Barton regarding Proof of Service (Jan. 29, 2024) at Ex. 25 (showing UPS delivery to VICA on December 19, 2023)). On February 29, 2024, OUII filed a response in support of the motion, noting that a person named “Dave” at the “Front Desk” received the UPS package containing the complaint and NOI on behalf of VICA. *See* OUII’s Response to Complainants’ Motion for an Order to Show Cause, at 3.

On March 11, 2024, the CALJ issued Order No. 11 requiring VICA to show cause by March 29, 2024, as to why it should not be held in default for failing to respond to the complaint and notice of investigation. On the same day, Secretary Barton served Order No. 11 on VICA via first class mail. *See* Certificate of Service (March 11, 2024) (EDIS Doc. ID 815854, Attachment ID 2132266).

On April 15, 2024, the CALJ issued the subject ID (Order No. 18) finding VICA to be in default pursuant to Commission Rule 210.16, for failure to respond to the complaint, notice of investigation, and order to show cause (Order No. 11). *See* Order No. 18, at 1. The ID explains “[b]ecause VICA has not responded to the order to show cause, it necessarily has failed to make the requisite showing of good cause to avoid default under the applicable rules.” *Id.*

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

The Commission has determined not to review the subject ID. VICA is found in default.

The Commission vote for this determination took place on: May 13, 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: May 13, 2024