

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
WITH RESPECT TO CERTAIN RESPONDENTS BASED ON CONSENT ORDERS
AND A CONSENT ORDER STIPULATION; ISSUANCE OF CONSENT ORDERS**

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. 25) issued by the chief administrative law judge (“CALJ”) terminating the above-captioned investigation as to respondents Pastel Cartel, LLC; American Vape Company, LLC; and Affiliated Imports, LLC, (collectively, “Pastel”) and Shenzhen Funyin Electronic Technology Co., Ltd., (“Funyin”), based on consent orders and a consent order stipulation. The Commission has issued consent orders to Pastel and Funyin.

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 named the following twenty-five (25) respondents: Pastel, all of Pflugerville, TX;

Funyin of Guangdong, China; Fumot of Shenzhen, China; Shenzhen Noriyang of Shenzhen, China; 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; Price Point Distributors Inc. d/b/a Prince Point NY of Farmingdale, NY; PVG2 of Wilmington, DE; Shenzhen Daosen Vaping Technology Co., Ltd. of Shenzhen, China; Shenzhen Fumot Technology Co., Ltd. of Shenzhen, 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 April 30, 2024, Complainants, Pastel, and Funyin jointly moved to terminate the investigation as to Pastel and Funyin based on consent orders and a consent order stipulation. On May 9, 2024, OUII filed a response in support of the joint motion to terminate.

On May 15, 2024, the CALJ issued the subject ID (Order No. 25) granting the joint motion to terminate. The ID finds that the consent order stipulation complies with the requirements of 19 CFR 210.21(c)(3) and the proposed consent orders comply with the requirements of 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 orders.

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

The Commission has determined not to review the subject ID and to issue consent orders with respect to Pastel and Funyin. The investigation is hereby terminated with respect to Pastel and Funyin.

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