From: Dubois, Michelle

Sent: 10/18/2016 12:26:28 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85807734 - 002258 - Request for Reconsideration Denied - Return to TTAB - Message 11 of 12

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Under 18 No Tobacco
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DELAWARE

Minimum Age:
Customers must be 18 years or older to purchase tobacco products. The purchase of Restricted Products on behalf of persons under age 18 is prohibited, except by a parent or guardian. However, retailers must demand proof of age from any prospective Restricted Product purchaser or recipient of tobacco products who is under 27 years of age.

Restricted Products:
Products that contain tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff or smokeless tobacco and are intended for human consumption or use, as well as as "Tobacco Substitutes" (such e-cigarettes), including for example any device employing a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to deliver nicotine into the body through inhalation, or any noncombustible product containing nicotine intended for use in such a device.

Affirmative Defense:
Retailers may assert as a defense, that the underage purchaser or recipient of Restricted Products presented proof of age which set forth information that would lead a reasonable person to believe that such individual was 18 years of age or older. It is also a defense if, prior to the date of the violation, the retailer has 1) adopted and enforced a written policy against selling Restricted Products to minors; 2) informed employees of the applicable laws regarding the sale of tobacco products to minors; 3) required employees to sign a form indicating that they have been informed of and understand the written policy; 4) required employees to verify the age of Restricted Product customers by means of photo ID and 5) established and enforced disciplinary sanctions for noncompliance. This defense may be used no more than twice at each location within any 12 month period.

Minor Possession:
Minors may not accept or purchase Restricted Products, or present a proof of age which is false, fraudulent or not his or her own proof of age, for the purpose of purchasing or receiving Restricted Products. Violators will be fined $50 or be required to perform 25 hours of community service for the first offense, and fined $50 or be required to perform 50 hours of community service work for the second and subsequent offenses within a 12 month period.

Acceptable Forms of Identification:

Acceptable Forms of Identification:
A driver's license or other identification with a photograph that indicates that the card holder is 18 years or older. Person selling or distributing Restricted Products may demand proof of age from a prospective purchaser or recipient.

Fine/Penalty Schedule for Selling to Minors:
Any person (retailers and retailer employees) that sells or distributes Restricted Products to minors shall be fined $250 for the 1st offense, $500 for the 2nd offense and $1,000 for the 3rd and subsequent offense The retailer where the violation occurred shall be guilty of the violation and shall be fined $250 for the first offense; $500 for the second offense; and $1,000 for the third and all subsequent offenses within a twelve month period. A retailer's license may be suspended for a period not to exceed six months for a second, third, or subsequent offense. Retailers shall be subject to the fine only if the retailer has received written no of the relevant provisions of Delaware youth access laws by the Department of Safety and Homeland Security.

Sign Requirement:
A person engaged in the sale or distribution of Restricted Products shall post conspicuously at each point of purchase a notice stating that (1) selling tobacco products or substitute tobacco products to anyone unc age 18 is illegal, (2) the purchase of tobacco products or substitute tobacco products by anyone under age 18 is illegal, (3) violators shall be subject to fines, and (4) all persons selling tobacco products or substitu tobacco products are required, under law, to check proof of age of any purchaser of tobacco products or substitute tobacco products under the age of 27. The notice must include the state's Department of Safety and Homeland Security's toll-free number for persons to report unlawful sales of tobacco products. or substitute tobacco products The owner of an establishment that violates this law shall be subject to a $100.00 fine.

HARD COPY: Contact the Division of Alcohol and Tobacco Enforcement
Attn: Tobacco Program Coordinator
Carvel State Office Building, 3rd floor
820 North French Street
Wilmington, DE 19801
302-577-5210

Compliance Checks:
As a condition of receiving federal substance abuse block grant funds, federal law requires the State of Delaware to conduct random, unannounced inspections of tobacco outlets to determine compliance rates. A person under 18 may be used for tobacco inspections only under the direct supervision of the Department of Safety and Homeland Security, its employees or delegates, and only with the advanced written permiss of the child's parents.

Visual Characteristics of a State - Issued License:
License for minors is vertical. Black "18 ON 00-00-000" in a yellow bar to the right of the photo, or white "21 ON 00-00-0000" in red bar to the right of the photo. Prior licenses had a white "18 ON 00-00-0000" anc "21 ON 00-00-0000" in a red block. For additional information about minor licenses, visit: http://www.dmv.de.gov/

Other:
None

State Abbrev:
DE

HARD COPY: Contact the Division of Alcohol and Tobacco Enforcement
Attn: Tobacco Program Coordinator

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Federal Summary Id:
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The Capitol Record

E-cigarette bill passes in House Finance committee

By Marika Price | March 4, 2014 | 0 Comments

The House Finance Committee approved a tax increase on electronic cigarettes in a narrow 7-6 vote on Tuesday.

An e-cigarette

The amended bill would tax tobacco substitutes, including e-cigarettes, at 75 percent, down from the original bill's 95 percent tax. Also, under an amendment, the liquid nicotine solutions would be tax-free if prescribed by a doctor as a way to quit smoking.

At a previous hearing on the tax, dozens of ex-smokers and vapor shop owners testified against the bill. They argued that e-cigarettes are a healthier alternative to tobacco and it has helped many to quit smoking.

E-cigarettes are battery-operated devices that heat up a liquid that can contain nicotine. Users inhale vapor instead of smoke.

Bill supporters say they are concerned about the safety of the products and the way it is advertised to teens. E-cigarettes have doubled in popularity among teenagers between 2011 and 2012, according to the Centers for Disease Control and Prevention.

"It's a sensible thing from a health perspective and for our children," supporter Rep. **Gerry Pollet**, D-Seattle, said.

Opponents are concerned that a tax increase would discourage former smokers from switching to the healthier tobacco-free alternative and shut vapor businesses down.

Rep. **J.T. Wilcox**, R-Yelm, objected to the bill, describing it as a "tax bill," and said the bill "has nothing to do with safety and health."

Watch the full discussion on TVW's video here.

Categories: Olympia, WA House
Tags: cigarettes, tobacco substitute, vapor products, WA House

Former smokers oppose a 95 percent tax increase on e-cigarettes

By Marika Price | March 3, 2014 | 0 Comments

E-cigarettes look, taste and feel like real cigarettes. But, they have a few major differences:

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They are tobacco-free, battery operated and contain a flavored liquid mix.

During a House Finance Committee on Friday lawmakers considered a bill that would put a 95 percent tax on the tobacco substitutes, also known as vapor products. This would make them taxed the same as regular tobacco products.

Dozens of former smokers and vapor store owners testified against the bill and said they fear a tax increase would put vapor business out of work and discourage smokers who are trying to kick the habit.

Zach Mclean, a previous smoker for 25 years and vapor store owner, said that e-cigarettes saved his life.

"I got my smell back, my taste back and in a month I was tackling stairs again," said Mclean.

Other opponents to the legislation explained that after switching to the fake cigarettes they could run marathons, play football with their children again and enjoy fuller lives. Kim Johnson, a vapor store owner, said the reason e-cigarettes are more effective than the patch, gum and other tobacco substitutes is because it satisfies the "hand to mouth" habit.

However, **Rep. Gerry Pollet,** D-Seattle, challenged the idea that e-cigarettes are good for you. While the products are healthier compared to real cigarettes, he said nicotine is still addictive.

The bill's prime sponsor, Rep. **Reuven Carlyle,** D-Seattle, also expressed concern that adults trying to quit smoking are not the only ones using the products. E-cigarettes doubled in popularity among teenagers between 2011 and 2012 and one in five middle schoolers said they have tried the tobacco substitutes, according to the Center Disease Control and Prevention.

Susan Tracy of the Washington State Medical Association, the only one to testify in support of the bill, said that more research needs to be conducted on the products and there is "no scientific data" to back up the claims that e-cigarettes are safe. The F.D.A has yet to approve e-cigarettes.

The committee took no action on the bill Friday. It is scheduled for a committee vote at 8 a.m. Tuesday. TVW will air the hearing live on television and webcast it here.

Categories: Budget, Healthcare, Olympia
Tags: e-cigarettes, smoking, tobacco substitutes, vapor products

after Legislature adjourns without supplemental budget
Legislature passes bill expanding DUI laws
Lawmakers discuss final day of session, possibility of special session
UPDATED: Legislature approves bill keeping charter schools open in Washington

About Capitol Record

The Capitol Record is TVW's blog about state government. TVW is a non-profit network modeled after C-SPAN, airing gavel-to-gavel coverage of the state Legislature as well as independently produced shows. For comments or questions, e-mail Christina Salerno.

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DrugFacts—Electronic Cigarettes (e-Cigarettes)

DrugFacts **Revised May 2016**

Español

PDF (610KB)

Cite this article

More DrugFacts

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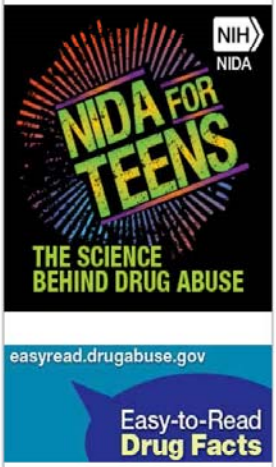
Photo by ©iStock.com/kitiara65/http://istockpho.to/1SWVugO

Electronic cigarettes (also called e-cigarettes or electronic nicotine delivery systems) are battery-operated devices designed to deliver nicotine with flavorings and other chemicals to users in vapor instead of smoke. They can be manufactured to resemble traditional tobacco cigarettes, cigars or pipes, or even everyday items like pens or USB memory sticks; newer devices, such as those with fillable tanks, may look different. More than 250 different e-cigarette brands are currently on the market.

While e-cigarettes are often promoted as safer alternatives to traditional cigarettes, which deliver nicotine by burning tobacco, little is actually known

Additional Drug Facts



Teens Using E-cigarettes More Likely to Start Smoking Tobacco

Synthetic Cannabinoids
Synthetic Cathinones ("Bath Salts")

Effects of Drug Abuse

Comorbidity: Addiction and Other Mental Disorders
Drugged Driving
HIV/AIDS and Drug Abuse: Intertwined Epidemics
Understanding Drug Use and Addiction

Survey Data

Drug-Related Hospital Emergency Room Visits
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Nationwide Trends
Treatment Statistics

Prevention and Treatment

Lessons from Prevention Research
Substance Abuse in the Military
Treatment Approaches for Drug Addiction

yet about the health risks of using these devices.

How do e-cigarettes work?

Most e-cigarettes consist of three different components, including:

- a cartridge, which holds a liquid solution containing varying amounts of nicotine, flavorings, and other chemicals
- a heating device (vaporizer)
- a power source (usually a battery)

In many e-cigarettes, puffing activates the battery-powered heating device, which vaporizes the liquid in the cartridge. The resulting aerosol or vapor is then inhaled (called "vaping").

Are e-cigarettes safer than conventional cigarettes?

Unfortunately, this question is difficult to answer because insufficient information is available on these new products.

Cigarette smoking remains the leading preventable cause of sickness and mortality, responsible for over 400,000 deaths in the United States each year. The worst health consequences associated with smoking (e.g., cancer and heart disease) are linked to inhalation of tar and other chemicals produced by tobacco combustion; the pleasurable, reinforcing, and addictive properties of smoking are produced mostly by the nicotine contained in tobacco.

E-cigarettes are designed to simulate the act of tobacco smoking

Government Regulation of

Video: Dr. Nora Volkow discusses study findings

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View Video: Dr. Nora Volkow discusses study findings

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Nora's Blog

New Regulations on Flavored Tobacco Products and e-Cigarettes Will Protect Public Health

Knowns and

by producing an appealingly flavored aerosol that looks and feels like tobacco smoke and delivers nicotine but with less of the toxic chemicals produced by burning tobacco leaves. Because they deliver nicotine without burning tobacco, e-cigarettes appear as if they may be a safer, less toxic alternative to conventional cigarettes.

Although they do not produce tobacco smoke, e-cigarettes still contain nicotine and other potentially harmful chemicals. Nicotine is a highly addictive drug, and recent research suggests nicotine exposure may also prime the brain to become addicted to other substances. Also, testing of some e-cigarette products found the vapor to contain known carcinogens and toxic chemicals (such as formaldehyde and acetaldehyde), as well as potentially toxic metal nanoparticles from the vaporizing mechanism. The health consequences of repeated exposure to these chemicals are not yet clear.

Another worry is the refillable cartridges used by some e-cigarettes. Users may expose themselves to

e-Cigarettes

In an effort to help protect the public from the dangers of tobacco use, the U.S. Food and Drug Administration (FDA) has established a new rule for e-cigarettes and their liquid solutions. Because e-cigarettes contain nicotine derived from tobacco, they are now subject to government regulation as tobacco products, including the requirement that both in-store and online purchasers be at least 18 years of age (see "e-Cigarette Use by Youth"). For more information about this FDA ruling, visit www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm499234.htm.

Unknowns about e-Cigarettes and Teens

Marijuana Advertising and the Power of Conditioning

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Are you a local glass artist? Then we have a great opportunity for you! We can give you a section in our stores to showcase your artistic skills and get your name professionally exposed! Follow us on Smokedale social media and send us a Facebook, Twitter, or Instagram message and stop in with some creations that you have made The one below is a local artist, with a biography and other information, and we can set you up like this so you can become a well known artist! Smokedale will also be having a local glass artist contest so be sure to show us your artistic work and we can help you! Hope to hear from local artists soon!