

# Health Department, TGA launch legal action against online vape store

[Max Mason](#) and [Neil Chenoweth](#)

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The Department of Health is going after vaping vendor Vapor Kings over the alleged advertising of nicotine vaping products such as e-liquids and disposable e-cigarettes that can only be prescribed by doctors to help people quit smoking.

The department launched [legal action \[https://www.comcourts.gov.au/file/Federal/P/NSD559/2022/actions\]](https://www.comcourts.gov.au/file/Federal/P/NSD559/2022/actions) on behalf of the Therapeutic Goods Administration (TGA) against the vendor and Amir Kandakji, Vapor Kings' sole owner and director, regulatory filings show.



The sale of nicotine vaping products is illegal without a prescription. James Brickwood

“It is alleged the company and its director were responsible for unlawful advertising of nicotine vaping products on their websites and social media pages,” the TGA said in a statement.

“Despite being warned about alleged non-compliant advertising, the company and Mr Kandakji continued to advertise and sell the products for some months. Nicotine vaping products are prescription-only medicines which are prohibited from being advertised to the Australian public.”

Mr Kandakji has previously operated a string of businesses, including Kidazzle Family Day Care Scheme, as well as another e-cigarette supplier, Mr Cloud Vapor, which was deregistered last month.

The department monitored the websites vaporkings.com.au and vaporkings.co.uk and it alleged the pages advertised nicotine vaping products, apparently for sale.

The sale of e-cigarettes is tightly regulated, and as of last October, e-cigarettes and e-liquids containing nicotine were made prescription only. There are also various restrictions in states and territories – for example, in NSW it is illegal to advertise, display or promote e-cigarettes.

In Western Australia, products that resemble tobacco products, including e-cigarettes and their components, whether they contain nicotine or not, cannot be sold by general retailers or tobacco outlets.

## **Protecting the young**

“The changes to the regulation of nicotine vaping products were implemented to prevent young people from taking up nicotine vaping (and potentially smoking), and to protect consumers from toxic ingredients that nicotine vaping products may contain,” the TGA said.

“Nicotine vaping products purchased unlawfully could be counterfeit or contain undeclared and hazardous active ingredients which can cause serious harm to users and may also not have the required child safety packaging.”

The websites are no longer live, and a phone number found on internet archives of the pages was disconnected.

On the Australian website from at least November 24 last year to February 16 the products were advertised, it is alleged. After that date, some ads were removed from the Australian website and redirected customers to ads for products on the UK website when they selected e-liquid on the Australian website.

“The advertisements for the products on the UK website were directed to Australian consumers and represented such products as being available for purchase on a delivered basis to addresses within all states and territories of Australia,” the statement of claim alleged.

In a separate action last Friday the TGA issued a direction notice to a Queensland-based company, 13 Vape, and its director, Duy Hoang Lam, to cease promoting the use and supply of nicotine vaping products to Australian consumers.

The legal action comes as a major new US study [<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8913014/>] of 155,000 people has linked e-cigarettes directly to cancer for the first time.

Vaping lobbyists have promoted e-cigarettes as a safer means for older smokers to quit, but the US study found that most vapers were younger.

The study found that among 7756 participants who identified as having used e-cigarettes, cancer prevalence was 2.3 per cent, versus 16.8 per cent cancer prevalence among the 48,625 traditional smokers in the study.

While the rate of cancer was lower for vapers versus smokers, the vapers were diagnosed at a younger age, apparently after a briefer period using e-cigarettes compared to smokers.

The study concluded that e-cigarette users have 2.2 times higher risk of having cancer compared to non-smokers.

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**Max Mason** covers courts, insolvency, regulation, financial crime, cybercrime and corporate wrongdoing. He joined the masthead in 2013 and has held a number of roles, including media editor and telecommunications reporter. He is based in Sydney. *Connect with Max on [Twitter](#). Email Max at [max.mason@afrc.com](mailto:max.mason@afrc.com)*

**Neil Chenoweth** is an investigative reporter for The Australian Financial Review. He is based in Sydney and has won multiple Walkley Awards. *Connect with Neil on [Twitter](#). Email Neil at [nchenoweth@afrc.com.au](mailto:nchenoweth@afrc.com.au)*

