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22 March 2024

s 9(2)(a)

Ref: H2023031965

Tēnā koe s 9(2)(a)

### Response to your request for official information

Thank you for your request under the Official Information Act 1982 (the Act) to the Ministry of Health – Manatū Hauora (the Ministry) on 13 February 2024. You requested:

*“Can I please request details of the complaint follow ups and compliance checks on vaping websites since 21 December and details of the subsequent breaches, including (but not limited to) the domain name of the website and any fines issued?”*

Since 21 December 2023, the Vaping Regulatory Authority (VRA) has inspected 29 websites to check for compliance with product safety requirements. During these checks, 10 websites from 9 companies were identified as selling product that is potentially non-compliant with product safety requirements in Schedule 5 of the Smokefree Environments and Regulated Products Regulations 2021, that came into force on 21 December 2023. These non-compliances included selling products that did not appear to have a removable battery, did not comply with the nicotine strength labelling requirements, or did not appear to have a child safety mechanism.

Operators are given an opportunity to comply in the first instance and warning letters have been issued to 8 of the 10 websites outlining the potential non-compliances. Of these, 7 of these operators have made changes to ensure compliance with specific issues raised. Regarding the final company identified (with two websites retailing non-compliant products), we are undertaking a broader investigation, and this issue will be addressed as part of the investigation. Additional follow up is still ongoing with operators on product safety issues.

The domain names of these websites have been withheld under section 6(c) of the Act as their release would likely prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial, as the follow-up is ongoing.

No fines have been issued at this stage. Please note that these breaches are not infringeable offences and so infringements cannot be issued, only fines before a court.

I trust this information fulfils your request. If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on:

[oiagr@health.govt.nz](mailto:oiagr@health.govt.nz).

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: [www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests](http://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests).

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'A. Old', written in a cursive style.

Dr Andrew Old  
**Deputy Director-General**  
**Public Health Agency | Te Pou Hauora Tūmatanui**