

The “Wpuff” brand, a disposable electronic cigarette, condemned for the illegal advertising of vaping products

Paris, 20 September 2022 – On 16 September 2022, the President of the Paris Court of Justice, seized by the French National Committee for Tobacco Control (CNCT – Comité national contre le tabagisme) condemned, under the terms of an interim order, the company AKIVA – publisher of the websites “wpuff.com” and “wpuff.fr” – for the illegal advertising of vaping products. The CNCT welcomes this urgent decision, which marks a first stop to the extremely aggressive marketing of disposable electronic cigarettes targeted at young people.

As part of its monitoring mission, the CNCT discovered that AKIVA, a vaping product manufacturer, was also the publisher of a website aimed at a French-speaking audience at the addresses “wpuff.com” and “wpuff.fr” and of an associated Instagram advertising account, the purpose of which is to promote and actively market an electronic vaping device named “Wpuff, the only pre-filled recyclable e-cigarette”.

Blatantly illegal content promoting vaping and targeting young people

The “Wpuff” advertising website and the associated Instagram account are entirely dedicated to the promotion of disposable electronic vaping devices marketed in France. At the time of the events (February 2022), various tabs on the website were targeted, including the “shop” module, the “recycling programme”, the association of products with edible items or tasty flavourings, and “promotional codes” allowing users to subscribe, in flagrant violation of the law, since the direct or indirect propaganda or advertising in favour of vaping products is formally prohibited (Article L 3513-4 of the Public Health Code).

“Consequently, there is a manifest violation of the ban on all advertising in favour of said products provided by Article L 3513-4 3° of the Public Health Code”.

The website, which has since been modified several times, as a result of the instigation of legal procedures, specifically targets young consumers. Advertising targeting is clear, and the site has no function other than promoting and marketing vaping products.

Indeed, the judge considers that: *“In fact, these insertions are not limited to informing the consumer about the objective and essential characteristics of the vaping products, in relation to “their nature, composition, utility, conditions of use or terms of sale”, but blatantly constitute promotional advertising messages to encourage consumption of the products sold on the website”.*

Finally, the urgent applications judge specified that this violation caused definite harm to the CNCT, whose social purpose is *“the prevention of smoking and the fight against tobacco consumption and its harmful effects in all forms”.*

AKIVA may appeal this provisional decision but will answer on the grounds of these facts before the Paris Criminal Court at a hearing scheduled for the first semester of 2023.

The “puff” phenomenon continues to grow

While the “Wpuff” brand (from the French manufacturer Liquideo) remains the best-known in France, some twenty other brands already offer products of this type in various sales outlets and on the Internet. “Puffs” are also available outside vape shops, in several dozen sweet or fruity flavours (marshmallow, ice candy, ice cream mango, chocolate hazelnut, etc.), in colourful and attractive packaging, reminiscent of the confectionery wrappers that are very popular with children. This rapid

spread raises fears of a new epidemic of nicotine addiction among teenagers and highlights the need to ban all advertising and promotion of these products and to ensure that the ban on sales to minors is respected. The generalisation of the sale of these products also requires the supervision of their sale within a dedicated network.

Professor Yves Martinet, President of the CNCT, welcomes this important decision which protects the young and puts a stop to the marketing offensive of disposable electronic cigarettes. He explains that: “these marketing strategies for vaping products are similar to those used by the tobacco industry to attract new consumers”.