

N.J. files suit against N.Y. roll-your-own tobacco seller



TUESDAY, 10 JANUARY 2012 16:01



Takes action against American Thrust Tobacco

The state Division of Consumer Affairs has filed suit against a New York-based company, alleging that the firm violated the state's Consumer Fraud Act through its advertisement and sale of roll-your-own tobacco to New Jersey residents.

American Thrust Tobacco of Plattsburgh, N.Y. allegedly told consumers it was legally permitted to sell roll-your-own tobacco in New Jersey when, in fact, the firm was in violation of the federal "Prevent All Cigarette Trafficking ('PACT') Act" of 2009 and on the federal non-compliant list, according to the three-count lawsuit announced by Consumer Affairs on Tuesday. The suit was filed in state Superior Court in Newark.

"We allege that the company misled consumers into believing that they could legally purchase roll-your-own tobacco from the defendant," state Attorney General Jeffrey S. Chiesa said. "We're asking that the court put a

permanent stop to the company's illegal activities and impose civil penalties for the violations it allegedly has committed."

The state also is seeking reimbursement of its investigative and legal costs in the case.

The alleged violations of the state Consumer Fraud Act include unconscionable commercial practices, making false promises and knowing omissions of material facts, as well as false advertising.

"We won't allow a business to enrich itself by misleading consumers," Consumer Affairs Director Thomas R. Calcagni said. "We will not tolerate such business practices."

The alleged violations committed by American Thrust Tobacco include:

- Misrepresenting that roll your own tobacco may be sold to New Jersey consumers and delivered through the United States Postal Service, FedEx, and/ or UPS while it was included on the non-compliant list;
- Misrepresenting that it had complied with all provisions of the PACT Act and other legislation;
- Selling roll your own tobacco to New Jersey consumers while being included on the non-compliant list;
- Failing to comply with the terms of the PACT Act and other related legislation;
- Misrepresenting on its websites that it is "properly licensed with the USA" and "in compliance with all the rules, regulations and guidelines affecting the ever changing tobacco industry;" and
- Misrepresenting on its websites that it could deliver roll your own tobacco "to your door."

Deputy Attorney General Glenn T. Graham is representing the state. Consumer Affairs Investigator Aziza Salikhov conducted the investigation.

—TOM HESTER SR., NEWJERSEYNEWSROOM.COM

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