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October 21, 2020  
For Immediate Release

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## Nitrous Oxide Distributor to Pay Civil Penalty for Failure to Verify Age and Provide Health Warnings

San Diego County District Attorney Summer Stephan today announced a \$50,000 civil judgment against nitrous oxide distributor United Brands Products Design, Development and Marketing, Inc. (United Brands) of South San Francisco. The consumer protection civil action was brought by the San Diego County District Attorney's Office and the San Mateo County District Attorney's Office. The case was investigated by the U.S. Department of Homeland Security Investigations.

United Brands does business under the brand name Whip-It! The civil complaint alleges that it engaged in unlawful business practices by selling nitrous oxide cartridges through its on-line retail store without verifying the purchaser was not a minor or providing any of the California mandated health and safety warnings.

Nitrous oxide is considered a dangerous and hazardous oxidizing gas and is a central nervous system depressant when inhaled. Beyond feelings of euphoria, nitrous oxide inhalation may cause drowsiness and dizziness and suffocation. The recreational use of nitrous oxide has been regulated in California since 2015 by Penal Code section 381e. The non-medical, recreational use of nitrous oxide has been known over the years by different slang terms including hippie crack, NOS, NOX and Whip-its (the defendant's brand name).



"The DA's Consumer Protection Unit safeguards the health of all of us in San Diego County, and this specific case goes further, protecting kids who might be tempted to use this dangerous gas to get a cheap high," DA Stephan said. "The judgment will ensure this company isn't selling to children and should alert parents who might not be familiar with the recreational use of nitrous oxide."

Homeland Security Investigations initiated an investigation into the unlawful sale and distribution of nitrous oxide in 2018 in San Diego County. During the investigation United Brands was identified as one of the distributors of nitrous oxide to smoke shops in San Diego County. Further online

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investigation revealed that the age of the purchaser was never determined prior to purchase, the legal age in California to purchase nitrous oxide is 18-years old because of the potential abuse of the gas.

“Nitrous oxide is a dangerous inhalant when used for recreational purposes, and we want to ensure the parents and the general public are aware that its abuse can be dangerous and potentially life-threatening,” said Cardell T. Morant, Special Agent in Charge of Homeland Security Investigations (HSI). “Today’s judgement demonstrates the commitment of HSI, the District Attorney’s office, and our law enforcement partners to investigating and prosecuting companies that put their own profits above the health and safety of our communities.”

The following mandated health and safety warnings were also not provided to consumers by United Brands:

1. That inhalation of nitrous oxide outside of a clinical setting may have dangerous health effects;
2. That it is a violation of state law to possess nitrous oxide or any substance containing nitrous oxide, with the intent to breathe, inhale, or ingest it for the purpose of intoxication;
3. That it is a violation of state law to knowingly distribute or dispense nitrous oxide or any substance containing nitrous oxide, to a person who intends to breathe, inhale, or ingest it for the purpose of intoxication.

The complaint was filed in the San Mateo County Superior Court. The stipulated judgment resolving the case was entered on October 19, 2020. The judgment requires United Brands to comply with the age verification and disclosure requirements and the payment of \$50,000 in civil penalties. United Brands cooperated in the resolution of the case.

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**About the San Diego County District Attorney’s Office**

*The San Diego County District Attorney’s Office prosecutes all felony crimes in the county and misdemeanor crimes committed outside the City of San Diego. The office files about 40,000 criminal cases a year and balances prosecution with numerous crime prevention programs. District Attorney Summer Stephan leads the office of more than 1,000 dedicated employees who pursue fair and equal justice, and support victims daily across San Diego County.*