



Allison Egan
Director of Public Health

CITY OF EASTHAMPTON

BOARD OF HEALTH

50 Payson Avenue
Easthampton, MA 01027
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Public Health
Prevent. Promote. Protect.

CORRECTION/CEASE AND DESIST ORDER

Certified Mail #7022 0410 0001 3855 8293
First Class Mail

This CORRECTION/CEASE AND DESIST ORDER is issued to:

Name of Establishment: **Valley Farms**

Address: **128 Northampton St., Easthampton, MA 01027**

Date: **August 30, 2023**

Please be advised that on **Saturday, August 12, 2023, a Tobacco Compliance Inspection was conducted by Pioneer Valley Tobacco Collaborative on behalf of the City of Easthampton**

Valley Farms violated the state law entitled “An Act to Modernize Tobacco Control” and 105 CMR 665.000 by:

- ☐ Selling a tobacco product to a person under the Minimum Legal Sales Age;
- ☒ Selling a flavored tobacco product or tobacco product flavored enhancer product;
- ☐ Offering for sale a flavored tobacco product or tobacco product flavor enhancer;
- ☒ Failure of a non-age restricted retail establishment to maintain a record of the documentation submitted by the manufacturer or manufacturer’s agent certifying that an unflavored nicotine delivery product has a nicotine content of 35 milligrams per milliliter or less;
- ☒ Failure to maintain a record of the documentation submitted by the manufacturer or a manufacturer’s agent certifying that such tobacco product does not meet the definition of a flavored tobacco product or tobacco product flavor enhancer and that the product lacks any characterizing flavor.
- ☒ Other, see the below additional violations, with any necessary additional pages attached:

Additional violations:

Failure to post required state signage

You are hereby ordered to cease and desist from violating An Act to Modernize Tobacco Control and 105 CMR 665.000.

In addition, the following fines and actions apply against **Union Mart** for violations of 105 CMR 665.000:

- ☒ First violation: a state fine of **(\$1,000.00)** and a local fine of **(\$100.00)**; additionally, if the violation is the sale of a tobacco product to a person under the age of 21, the Tobacco Product Sales Permit shall be suspended for **up to 30 business days per vote of the Easthampton Board of Health** pursuant to 105 CMR 040(d).
- ☒ Second violation within a 36-month period from the first violation: a state fine of **(\$2,000.00)** Dollars and a local fine of **(\$200.00)** as well as a permit suspension for **seven consecutive business days**.
- ☒ Third violation within a 36-month period from the first violation or additional violations during that time period: a state fine of **(\$5,000.00)** and a local fine of **(\$300.00)** as well as a permit suspension for **30 consecutive business days**.

Consistent with 105 CMR 665.000, if this is a second, third or subsequent violation within a 36-month period as indicated above, a Hearing Notice with the date and time of the hearing will be served forthwith on **Valley Farms** regarding the above-described violation[s] at which time the Board of Health shall hear facts relative to this matter and determine whether to suspend or revoke **Valley Farms** tobacco sales permit.

You are hereby ordered to suspend all Tobacco sales for a period of **30** consecutive business days beginning on **Thursday, September 21, 2023**.

You are hereby ordered to pay the amount of **\$8600.00** by check or money order made payable to the **City of Easthampton** within twenty-one (21) days of receipt of this order to the address below.

Address: 50 Payson Ave., Easthampton, MA 01027

If you wish to contest any part of this order, you have the right to request a Hearing before the Board of Health. This request must be made by you, in writing, and filed within seven (7) days after the date this Order was served or actually received. Any affected party has a right to appear at said hearing.

Failure to comply with this order may result in additional penalties as permitted by law.

Signed by:

Brian Chapdelaine
Health Agent