



Ryan Griffin  
Director of Public Health

Health@easthamptonma.gov  
(413) 529-1430

January 22, 2026

## **CORRECTION/CEASE AND DESIST ORDER**

This **CORRECTION/CEASE AND DESIST ORDER** is issued to:

**Gerry's Variety Store**  
**139 Pleasant Street**  
**Easthampton MA 01027**

Please be advised that on **January 19, 2026, at approximately 9:51 AM**, a youth compliance check was conducted on behalf of the Easthampton Board of Health.

**Gerry's Variety Store** 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 additional violations below, with any necessary additional pages attached:

**Violation:** Sale to Minor

**Details of the Violation:** On January 19, 2026, at approximately 9:51 AM, a youth compliance officer entered Gerry's Variety with a cell phone and a \$10 bill. The youth did not have an ID and requested Zyn Chill 6 mg nicotine pouches. The clerk, a female who appeared older with white/grey, medium-length hair, did not ask for the youth's ID but did ask for their age. The youth provided their actual age, and the sale was completed. The youth left with the nicotine pouches, their cell phone, and \$3.15 in change. The cost of the pouches was \$6.85.

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 **Gerry's Variety** for violations of 105 CMR 665.000:

- ☒ First violation: **a fine of One Thousand (\$1,000.00) Dollars 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 **3 Consecutive business days** pursuant to 105 CMR 665040(d). **The Suspension will be effective starting Thursday, February 12th, 2026, at 12:01AM, through Saturday, February 14th, until 11:59 PM.**
- ☐ Second violation within a 36-month period from the first violation: a fine of Two Thousand (\$2,000.00) Dollars and a local fine of (\$200.00); and a possible permit suspension for at least one (1) day and up to seven (7) consecutive days as required by state law or for a longer term as promulgated in a local regulation;
- ☐ Third violation within a 36-month period from the first violation or additional violations during that time-period: a fine of Five Thousand (\$5,000.00) Dollars and a local fine of (\$300.00); and a possible permit suspension of at least seven (7) consecutive business days not less than thirty (30) days as required by state law or for a longer term as promulgated in a local regulation.

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 [ ] 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 [ ] tobacco sales permit.

You are hereby ordered to pay the amount of **(\$1,100 )** 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:

**City of Easthampton  
50 Payson Avenue  
Easthampton, MA 01027**

Gerry's Variety Tobacco Product Sales Permit shall be suspended for 3 Consecutive business days pursuant to 105 CMR 040(d). **The Suspension will be effective starting Thursday, February 12th, 2026, at 12:01 AM, through Saturday, February 14th, at 11:59 PM.**

During the suspension period, **all tobacco products shall be removed from the retail establishment.** Failure to remove all tobacco products shall constitute a separate violation.

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.

Respectfully signed by,



Ryan Griffin, Director of Public Health  
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413-529-1400 x 122  
Regular & Certified: 9589 0710 5270 2596 1434 96