



Medicines & Healthcare products
Regulatory Agency

10 South Colonnade
Canary Wharf
London
E14 4PU
United Kingdom
[gov.uk/mhra](https://www.gov.uk/mhra)

[REDACTED]

31 March 2023

FOI 23/175

Dear [REDACTED]

Thank you for your information request, dated **14/03/2023**, where you asked for:

- *I am seeking records of correspondence to the MHRA, notifying the agency about suspected or proven overfilled (i.e. exceeding the maximum 2ml permitted by regulation) disposable vape devices, over the last three years (January 2020 to present).*
- *I do not require the full correspondence TO the MHRA nor the sender. Just the date of receipt to the nearest month.*
- *I also seek correspondence FROM the MHRA to those who have notified it about over 2ml disposable vape devices on the UK market.*
- *Further, I am seeking to know what, if any, action the MHRA took in response to those warnings.*

For the above request:

The information requested cannot be provided under the Freedom of Information Act for the following reason:

- *'Information received* is exempt from release under section 30 - Investigations – this exempts information if it has at any time been held by the authority for the purposes of any investigation which the public authority has a duty to conduct.
- Disclosure of information should not undermine the investigation, prosecution or prevention of crime, or the bringing of civil or criminal proceedings by public bodies. The investigation and prosecution of crime involve a number of essential requirements. These include the need to avoid prejudicing effective law enforcement, the need to maintain the independence of the judicial and prosecution processes, and the need to preserve the criminal court as the sole forum for determining guilt.



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Please be aware that the MHRA and Trading Standards authorities have a duty to investigate alleged offences under Part 9 of the Tobacco and Related Products Regulations 2016 (as amended).

The Freedom of Information Act only entitles you access to information – the information supplied is subject to Crown copyright, and there are some restrictions on its re-use. For information on the reproduction or re-use of MHRA information, please visit <https://www.gov.uk/government/publications/reproduce-or-re-use-mhra-information/reproduce-or-re-use-mhra-information>.

If you disagree with how we have interpreted the Freedom of Information Act 2000 with regards to your request, you can ask for the decision to be reviewed. The review will be carried out by a senior member of the Agency who was not involved with the original decision.

If you have a query about the information provided, please reply to this email

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date you receive this response and addressed to: info@mhra.gov.uk

Please remember to quote the reference number above in any future communications.

If you were to remain dissatisfied with the outcome of the internal review, you would have the right to apply directly to the Information Commissioner for a decision. Please bear in mind that the Information Commissioner will not normally review our handling of your request unless you have first contacted us to conduct an internal review. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

MHRA E-Cigarette Unit