SEIZURES
There are several reasons why the CDTFA may seize cigarettes or OTP, including:

- Cigarettes have counterfeit stamps; are unstamped or have out-of-state stamps (wholesalers); have reused stamps; or are counterfeit cigarettes.
- Cigarettes are labeled “Not for Sale in U.S.”
- Stamped cigarettes are not listed on the California Tobacco Directory.
- Possession of untaxed tobacco (wholesaler).
- Products were purchased from an unlicensed supplier.
- Products are not supported by valid purchase invoices.

- Products will also be seized if
  - Cigarettes or OTP are sold or gifted while a cigarette and tobacco license is suspended or revoked.
  - There are continued unlicensed sales of cigarettes or OTP.

NOTE: Cigarettes and OTP seized for continued sales or gifting either without a valid license or after a notification of suspension or revocation are forfeited to the state pursuant to Business and Professions Code section 22980.2(c).
What happens if my cigarette or tobacco products are subject to seizure?

- We will take a physical inventory of all items to be seized and make a detailed list (description, quantities, and reason[s] for seizure) on the CDTFA “Receipt for Property Seized.” A copy will be given to you at the time of seizure. The receipt will show:
  - Date and time of seizure.
  - Name of the inspector seizing the product.
  - Name of the owner of items seized and business address where seizure occurred.
  - Name, address, and signature of person in control of the property at time of seizure.

Note: Signing the Receipt does not waive your petition rights; it simply confirms that the list of products seized as noted on the form is correct.
Notice to Owner/Public

**Owner**

- The CDTFA will mail a written notice of the seizure to the business owner stating:
  - What was seized and why,
  - When it occurred, and
  - The right to petition for its return.

**Public**

- The CDTFA will also post a public notice on its [website](#) when:
  - Seizure is 61 or more cartons of cigarettes,
  - Wholesale cost of OTP seized is equivalent to 61 cartons or more of cigarettes, or
  - The combined value of cigarettes and OTP seized is equal to 61 cartons or more of cigarettes.
Can my products seized be returned?

- Your cigarettes and OTP products may be returned to you if they were erroneously or illegally seized.
- To request the return of your seized products, you must file a “Verified Petition for Release” with the CDTFA within 20 days from the date of Notice of Seizure and Forfeiture.
- If a petition is timely filed, the seized products will be held by CDTFA until your petition is resolved.
- If a petition is not timely filed, the products seized will be forfeited and destroyed.
- If you establish that the products were erroneously or illegally seized, they will be returned. Otherwise, they will be forfeited and destroyed once the petition is resolved.
- All seized cigarette and OTP products that are forfeited to the state are destroyed.