Medicines & Healthcare products
Regulatory Agency

10 South Colonnade
Canary Wharf
London
E14 4PU
United Kingdom
gov.uk/mhra

By email: [redacted]

FOI - 2026/00758

Dear Sir/Madam

Thank you for your information request, dated **13/07/2026** where you asked for the following information:

1. We write on behalf of [redacted] This letter is sent for the dominant purpose of the [redacted] (the "Proceedings"), in which our client is a defendant.

2. Pursuant to the Freedom of Information Act 2000, we hereby request the following information held by the MHRA (the "Requested Information"):2. Pursuant to the Freedom of Information Act 2000, we hereby request the following information held by the MHRA (the "Requested Information"):

a. all of the information relating to the notifications where the submitter is our client [redacted] and the published date is before 31 December 2022, regardless the brand name, the brand sub type name or the product type;

b. all of the information relating to the notifications where the submitter, the brand name, or the brand sub type name contains the wording "Bargain Busting", regardless the product type or the published date;

c. all of the information relating to the notifications where the submitter, the brand name, or the brand sub type name contains the wording "Vapepen" or "VPP", regardless the product type or the published date; and

d. all of the information relating to the notifications where the brand is "CRYSTAL CLEAR" and the product type is refill container or e-liquid cartridge.

3. Our client is presently in a number of trade mark and related disputes with Bargain Busting Limited at the UKIPO, the High Court and the Court of Appeal. Each of the above requests is made in the context of the Proceedings, to assist in the disclosure of relevant and pertinent information to certain issues for disclosure in the Proceedings.

4. Regarding the information requested under para 2.a above, unfortunately, due to certain individuals leaving our client's employment, there are gaps in our client's records connected to their historic applications for e-cigarette product approval to the MHRA, and this Request is necessary to fill in the gaps.

5. Regarding the information requested under paras 2.b and 2.c above, Bargain Busting Limited and Vapepen London Ltd are sister companies and an issue in dispute in the Proceedings relates to whether and when they notified MHRA of their own electronic cigarette products.

6. Regarding the information requested under para 2.d above, BBL is alleging that it has authorised another party to use CRYSTAL CLEAR sign on e-liquid bottles, but precisely when and how the mark was used is unclear and in dispute.

7. In accordance with Regulation 31(1) of The Tobacco and Related Products Regulations 2016 (the "TRPR 2016"), any producer who supplies or intends to supply electronic cigarettes or refill containers must notify the MHRA with the information listed in Regulation 31(3) of the TRPR 2016. Regulation 34 requires MHRA to publish the information it received under Regulation 31, whilst taking the need to protect trade secrets into account.

8. We therefore request the MHRA to provide all the information submitted under Regulation 31(3) of the TRPR 2016. We also request the MHRA to include in particular the date of each notification made to the MHRA, the submitter's full name, the product ECID number assigned to the notification, the actual brand name and any variants, the product type and the date of the notification being published.

9. In the event that MHRA feels obliged to protect trade secrete as required by Regulation 34 of the TRPR 2016, MHRA may redact the information, such as the recipes and ingredients, but MHRA shall perform its public duty in providing all the Requested Information, in particular the manufacturer (Regulation 31(a)(i)(aa)), the importer in the UK (Regulation 31(a)(i)(bb)), the brand name, the application date and the publication date.

10. Clearly, this request is necessary for the purpose of ongoing legal proceedings and covered by litigation privilege.

11. Please respond to this request in writing in an email to the email address below. We understand that, under the Freedom of Information Act 2000, we should expect a response within 20 working days, however we would greatly appreciate if a response could be provided at your earliest opportunity.

Please note that in line with Section 16 of the FOI Act, the MHRA has provided relevant information to assist you with your enquiries. As a result, we have provided a number of links to regulatory documents, guidance and additional contacts throughout this letter.

In response to questions 1-2, the information requested is available via our CMS publication page *https://cms.mhra.gov.uk/ecig-new* with guidance on how to use this platform available at *https://www.gov.uk/government/publications/advice-for-consumers*

Searches of this platform will provide the relevant Submitter Names, ECIDs, Brand, Sub Brand (presentations), Product Type and Publication Date.

In response to questions 3 – 11, the Tobacco and Related Products Regulations 2016 do not require submitters to upload information relating to copyrights or trademarks and any potential offences would relate to the naming of the Brand or Sub Brands, which are publicly available at our CMS publication page. Notifications do not require or include the upload of images of the end product, its packaging or labels that might support a legal case relating to Copyright or Trademark Acts.

MHRA has no power to act in respect of alleged offences under these legal frameworks.

If you are attempting to establish the initial notification dates for any of the products referenced, please provide the relevant ECID or UKIDs for each product. This will reduce staff time and provide a greater chance of the MHRA fulfilling your FOI request.

Should you wish to access the XML notification data for your clients' products please submit a separate request to the notification team, providing a clear outline of the reason for the request and loss of control of your clients data, proof of ownership, relevant timeline and details of any contested ownership of the business, brands or IP. This request will then proceed for legal review. In order to review any notification data provided under this process an XML document reader will be required.

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Please note: It may be more appropriate to request that the MHRA provide this information directly to the court should it be deemed necessary to both parties.

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 any queries about this letter, please contact us quoting the reference number above.

Yours sincerely,

MHRA Central Freedom of Information Team
Medicines & Healthcare products Regulatory Agency

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing foi.request@mhra.gov.uk or by writing to: MHRA Central Freedom of Information Team, 10 South, Colonnade, Canary Wharf, London, E14 4PU

Any request for an internal review must be received by us within 40 working days of the date of this letter. Please note we are not obliged to provide a review if it is requested after more than 40 working days.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
Website: ICO Contact Information or telephone 0303 123 1113.

Re-use of our information

The MHRA information supplied in response to your request is subject to Crown copyright. Information created by the MHRA which is disclosed under the Freedom

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