



Merchant Attestation for Vape, e-Cig, Cigarette, Cigar, Tobacco, Nicotine

WHEREAS, Esquire Bank, National Association (the “Bank”), _____ (the “ISO”) and _____ (the “Merchant”) entered into a Merchant Agreement dated _____, 20__ (the “Merchant Agreement”).

WHEREAS, the Merchant provided certain representations and warranties in the Merchant Agreement related to Merchant’s compliance with applicable law; and

WHEREAS, the Merchant desires that the Bank process payments related to the Merchant’s sale of Vape, e-Cigarette, Cigarette, Cigar, Tobacco, Nicotine (collectively referred to as “Products”).

NOW THEREFORE, as an inducement to, and in consideration of, the Bank processing the Merchant’s payments related to its sale of Products, the Merchant provides the following representations and warranties to the Bank:

1. Merchant is in good standing and properly licensed in all states, as applicable, where it sells Products, and copies of all licenses are attached hereto (each a “License” and collectively, “Licenses”).
2. Merchant does not know of any reason that could lead to the revocation or cancellation of any License and has not received notice from any governmental authority of any revocation or intention to revoke, suspend or modify any License.
3. Merchant will fully comply with all requirements and conditions of the Licenses, all other licenses and/or permits as well as applicable federal and state laws, rules and regulations related to Merchant’s business.
4. Merchant will not sell any Products to anyone under the minimum age, not in adherence with the law, rules, and regulations of all levels of jurisdiction where merchant sells and ships Product.
5. Merchant acknowledges and agrees there are numerous city, county, state and federal laws, rules and regulations governing the sale and shipment of Products. Merchant is and will continue to operate in adherence with all laws, rules, and regulations applicable of any government entity, regulatory entity, Card Brands or Bank.
6. Merchant will market, label, and ship all Products according to applicable laws and regulations.
7. Merchant acknowledges and agrees that Card Brand registration is required for Card Not Present only businesses.



8. Merchant acknowledges that Products are purchased from an FDA licensed and verifiable manufacturer/distributor.
9. Merchant acknowledges that Products the Merchant sells are advertised, labeled, assembled, manufactured, and processed according to all applicable federal and state laws, rules, and regulations.
10. Merchant will notify the Bank in writing within five (5) calendar days of the Merchant being informed of any regulatory notices or actions, or of any pending lawsuits or legal actions.
11. Merchant acknowledges that the advertising, labeling, manufacturing, distribution, and sale of unauthorized or illegal Products are prohibited and Merchants in violation will be subject to enforcement action from regulatory entities, Bank, or Card Brands and subject to immediate account termination.
12. The individual executing this Merchant Attestation is duly authorized to make the statements contained herein, and to bind Merchant in accordance with the terms hereof.
13. Merchant acknowledges that all information provided to Bank and/or all applicable governmental agencies relating to the operation of Merchant's business, is true, accurate and complete.
14. Merchant acknowledges the requirements set out in the PACT Act and will adhere to those rules.

Merchant further states:

What is your source of marketing? _____

What audience is the product marketed to?

☐ B2B

☐ B2C

☐ Both

☐ Medical Professionals

List the names of the top 5 selling products.

Where are the products manufactured? (Name, address, Ph. no) _____



List the product types being sold, for example, E-liquids (nicotine, non-nicotine, flavored, non-flavored), e-cigarettes (nicotine, non-nicotine, flavored, non-flavored), vape products (nicotine, non-nicotine, flavored, non-flavored), Cigarettes, Cigars, Shisha, Devices, etc.

What method of age verification is used?

- ☐ Website/online verification _____
- ☐ Government issued photo ID _____
- ☐ Third party verification (specify) _____
- ☐ Other _____

Merchant Name: _____

Signer Name: _____

Print Name: _____

Title: _____

Date: _____