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April 25, 2023

Jonathan Reed
CEO & Chief Commercial Officer
RJ Reynolds Tobacco Company
401 North Main Street
Winston-Salem, NC 27101

RE: California Flavor Ban, Health & Safety Code § 104559.5
Notice of Determination 23-04-A1

Dear Mr. Reed:

Since December 21, 2022, California has restricted retailer possession, distribution, and sale of flavored tobacco products. *See* Cal. Health & Saf. § 104559.5. This California “flavor ban” law establishes a rebuttable presumption that a tobacco product is flavored where its manufacturer “has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor, including, but not limited to, text, color, images, or all, on the product’s labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.” *Id.* at § 104559.5(b)(2).

This letter is to advise you that the Tobacco Unit of the California Department of Justice has reviewed referred packaging and promotional materials for several of your company’s products—Camel Crush Oasis Silver, Camel Crush Oasis Blue, and Camel Crush Oasis Green (collectively, the “Reviewed Products”)—and determined that each of these Reviewed Products is presumptively FLAVORED under the California flavor ban law. *Id.*

Determination Number	Reviewed Product(s)	UPC(s)	Determination
23-04-A1-1	Camel Crush Oasis Silver	012300127387 012300127417	FLAVORED
23-04-A1-2	Camel Crush Oasis Blue	012300126304 012300126335	FLAVORED
23-04-A1-3	Camel Crush Oasis Green	012300127325 012300127356	FLAVORED

We specifically conclude:

- (1) Labeling and packaging for each of the Reviewed Products uses brand names, text, and colors traditionally associated with menthol-flavored tobacco products, including the use of the same recognizable patterns and colors between the Reviewed Products and menthol-flavored products. *See* TAB A.

- (2) The Reviewed Products include a non-tobacco “capsule” in each cigarette. Labeling and packaging for the Reviewed Products attribute differentiated sensory taste effects before and after the capsule is activated. The capsules are likewise distinguished in the labeling and packaging from product to product in the Camel Crush brand line, implying differential effects from one product to another based on the capsule (and not merely from the blend or processing of tobacco). *See* TAB A.
- (3) Promotional materials for the Reviewed Products use common selling message(s) with menthol-flavored tobacco products in the Camel Crush brand line. *See* TAB B.
- (4) Promotional materials for the Reviewed Products suggest sensory taste(s) or aroma(s) apart from taste(s) or aroma(s) of a solely tobacco flavored product. *See* TAB B.
- (5) Promotional materials for the Reviewed Products purposefully target users of menthol-flavored tobacco products and promote the Reviewed Products as substitutes or replacements for such menthol-flavored tobacco products. *See* TAB B.

The California flavor ban law restricts the retail distribution and sale of flavored tobacco products to California consumers. Under the California flavor ban law, retailers and their agents are subject to fines for the possession and sale of such flavored tobacco products. *See* Cal. Health & Saf. § 104559.5(f). Other state statutes and local ordinances may impose additional penalties on retailers or other vendors as well. *Id.* at § 104559.5(g); *see also* Cal. Bus. & Prof. § 17200. To encourage uniform application of the California flavor ban law, this Notice of Determination will be posted on the California Department of Justice’s public website.

You are encouraged to provide a copy to your California distributor and retailer customers as well.

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If you believe these determinations or conclusions are in error, or if you believe any Reviewed Product(s) is properly classified as UNFLAVORED, we encourage you to submit a response with any supporting materials to the mailing or email address below on or before June 23, 2023, identifying the Notice of Determination number in your response. The Tobacco Unit will review any such submission and may, in its discretion, update, modify, or rescind this determination in response. In such case, an updated Notice of Determination will be issued.

Flavor Determination [Determination Number(s)]
Office of the Attorney General
California Department of Justice
1300 "I" Street, PO Box 944255
Sacramento, California 94244-2550
Tobacco@doj.ca.gov

<https://oag.ca.gov/tobacco/contact>

Sincerely,

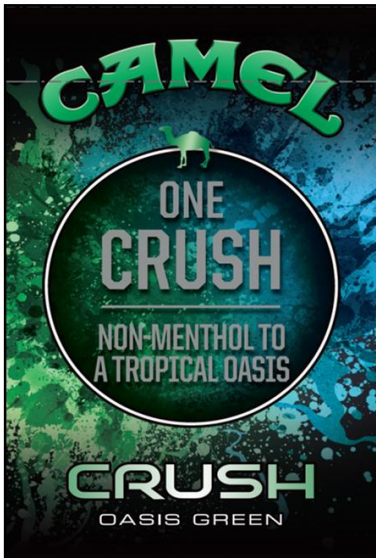
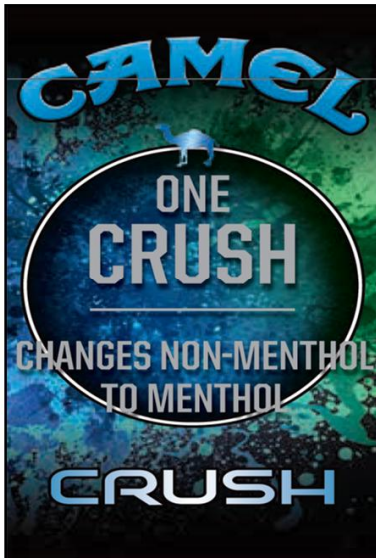


BYRON M. MILLER
Deputy Attorney General

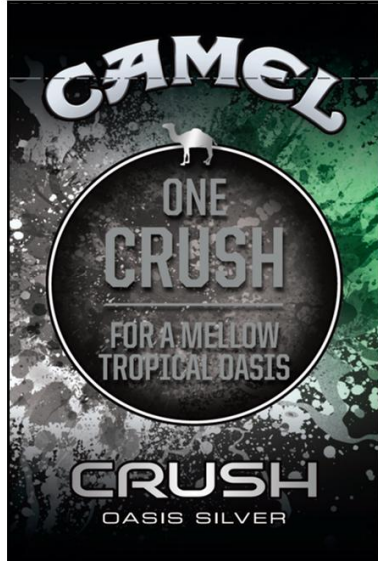
For **ROB BONTA**
 Attorney General

TAB A – PACKAGING IMAGES

REVIEWED PRODUCT(S)	COMPARISON PRODUCT(S)
 <p>The packaging for Camel Crush Oasis Blue features the word "CAMEL" in a blue, stylized font at the top. Below it is a circular graphic with a blue camel silhouette. Inside the circle, the text reads "ONE CRUSH" in large, bold letters, followed by "FOR A SMOOTH TROPICAL OASIS" in smaller text. At the bottom, the word "CRUSH" is written in a large, blue font, with "OASIS BLUE" in a smaller font underneath.</p>	 <p>The packaging for Camel Crush King Box features the word "CAMEL" in a blue, stylized font at the top. Below it is a circular graphic with a blue camel silhouette. Inside the circle, the text reads "ONE CRUSH" in large, bold letters, followed by "CHANGES NON-MENTHOL TO MENTHOL" in smaller text. At the bottom, the word "CRUSH" is written in a large, blue font.</p>
<p>CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRUSH NON-MENTHOL OASIS BLUE KING BOX PACK", 2022 RENEWAL SUBMISSION.</p>	<p>CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRUSH KING BOX", 2022 RENEWAL SUBMISSION.</p>

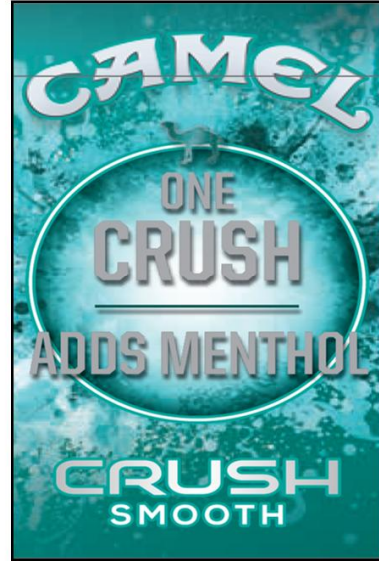
REVIEWED PRODUCT(S)	COMPARISON PRODUCT(S)
 <p>The packaging for Camel Crush Oasis Green features the word "CAMEL" in a green, stylized font at the top. Below it is a circular graphic with a green camel silhouette. Inside the circle, the text reads "ONE CRUSH" in large, bold letters, followed by "NON-MENTHOL TO A TROPICAL OASIS" in smaller text. At the bottom, the word "CRUSH" is written in a large, green font, with "OASIS GREEN" in a smaller font underneath.</p>	 <p>The packaging for Camel Crush King Box features the word "CAMEL" in a blue, stylized font at the top. Below it is a circular graphic with a blue camel silhouette. Inside the circle, the text reads "ONE CRUSH" in large, bold letters, followed by "CHANGES NON-MENTHOL TO MENTHOL" in smaller text. At the bottom, the word "CRUSH" is written in a large, blue font.</p>
<p>CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRUSH NON-MENTHOL OASIS GREEN KING BOX PACK", 2022 RENEWAL SUBMISSION.</p>	<p>CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRUSH KING BOX", 2022 RENEWAL SUBMISSION.</p>

REVIEWED PRODUCT(S)



CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRUSH NON-MENTHOL OASIS SILVER KING BOX PACK", 2022 RENEWAL SUBMISSION.

COMPARISON PRODUCT(S)



CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRUSH SMOOTH MENTHOL KING BOX", 2022 RENEWAL SUBMISSION.

TAB B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)

Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-mentocates/nonmenthol/#collection-19>

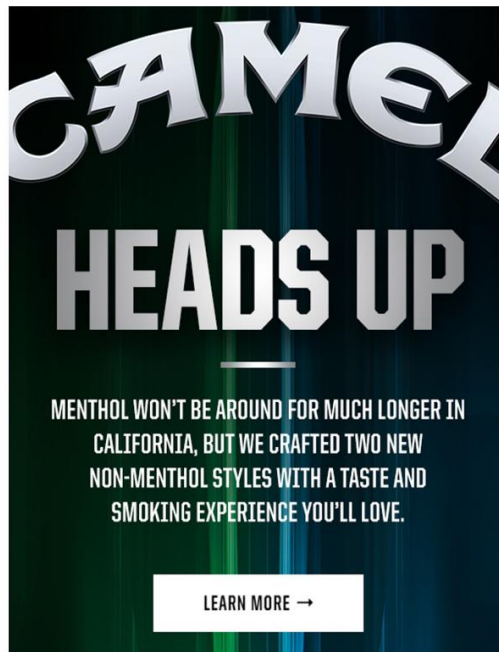


Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-mentocates/nonmenthol/#collection-21>



REVIEWED PRODUCT(S)

Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-mentocates/nonmenthol/#collection-18>





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April 25, 2023

Jonathan Reed
CEO & Chief Commercial Officer
RJ Reynolds Tobacco Company
401 North Main Street
Winston-Salem, NC 27101

RE: California Flavor Ban, Health & Safety Code § 104559.5
Notice of Determination 23-04-A2

Dear Mr. Reed:

Since December 21, 2022, California has restricted retailer possession, distribution, and sale of flavored tobacco products. *See* Cal. Health & Saf. § 104559.5. This California “flavor ban” law establishes a rebuttable presumption that a tobacco product is flavored where its manufacturer “has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor, including, but not limited to, text, color, images, or all, on the product’s labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.” *Id.* at § 104559.5(b)(2).

This letter is to advise you that the Tobacco Unit of the California Department of Justice has reviewed referred packaging and promotional materials for Camel Crisp and determined that it is presumptively FLAVORED under the California flavor ban law. *Id.*

Determination Number	Reviewed Product(s)	UPC(s)	Determination
23-04-A2	Camel Crisp	012300127509 012300127530	FLAVORED

We specifically conclude:

- (1) Labeling and packaging for Camel Crisp uses brand names, shapes, text, and colors traditionally associated with menthol-flavored tobacco products. *See* TAB A.
- (2) Promotional materials for Camel Crisp distinguish between the taste or aroma of tobacco and other sensory taste(s) or aroma(s) in the “smoking experience” of the product, implying the inclusion of a non-tobacco taste or aroma. *See* TAB B.

- (3) Promotional materials for Camel Crisp purposefully target users of menthol-flavored tobacco products and promote the Reviewed Products as substitutes or replacements for such menthol-flavored tobacco products. *See* TAB B.

The California flavor ban law restricts the retail distribution and sale of flavored tobacco products to California consumers. Under the California flavor ban law, retailers and their agents are subject to fines for the possession and sale of such flavored tobacco products. *See* Cal. Health & Saf. § 104559.5(f). Other state statutes and local ordinances may impose additional penalties on retailers or other vendors as well. *Id.* at § 104559.5(g); *see also* Cal. Bus. & Prof. § 17200. To encourage uniform application of the California flavor ban law, this Notice of Determination will be posted on the California Department of Justice's public website.

You are encouraged to provide a copy to your California distributor and retailer customers as well.

If you believe these determinations or conclusions are in error, or if you believe any Reviewed Product(s) is properly classified as UNFLAVORED, we encourage you to submit a response with any supporting materials to the mailing or email address below on or before June 23, 2023, identifying the Notice of Determination number in your response. The Tobacco Unit will review any such submission and may, in its discretion, update, modify, or rescind this determination in response. In such case, an updated Notice of Determination will be issued.

Flavor Determination [Determination Number(s)]

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Sincerely,



**BYRON M. MILLER
Deputy Attorney General**

For **ROB BONTA
Attorney General**

TAB A – PACKAGING IMAGES

REVIEWED PRODUCT(S)	COMPARISON PRODUCT(S)
 <p>The image shows the front of a Camel Crisp Non-Menthol Green cigarette pack. The background is a vibrant green with a splatter or marbled texture. At the top, the word "CAMEL" is written in a large, bold, green font with a white outline. Below it is a small silhouette of a camel. The text "CRISP EXPERIENCE" is centered in a white, sans-serif font. Underneath that, "NON-MENTHOL SIGNATURE BLEND" is written in a smaller white font. At the bottom, "CRISP" is written in a large, white, sans-serif font, with "NON-MENTHOL GREEN" in a smaller white font below it.</p>	 <p>The image shows two cigarette packs side-by-side. The left pack is Camel One Crush, featuring a dark blue and black background with a circular graphic containing the text "ONE CRUSH" and "CHANGES NON-MENTHOL TO MENTHOL". The right pack is Newport EXP, featuring a dark green and black background with a large, stylized green swoosh and the text "Newport EXP" and "BOLD & FLAVORFUL - MENTHOL".</p>
<p>CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRISP NON-MENTHOL GREEN BOX PACK", 2022 RENEWAL SUBMISSION.</p>	<p>CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRUSH KING BOX", 2022 RENEWAL SUBMISSION. CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRUSH SMOOTH MENTHOL KING BOX", 2022 RENEWAL SUBMISSION.</p>

TAB B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)

Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-14>



REVIEWED PRODUCT(S)

Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-17>



REVIEWED PRODUCT(S)

Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-18>

CAMEL
HEADS UP

MENTHOL WON'T BE AROUND FOR MUCH LONGER IN CALIFORNIA, BUT WE CRAFTED TWO NEW NON-MENTHOL STYLES WITH A TASTE AND SMOKING EXPERIENCE YOU'LL LOVE.

LEARN MORE →

CAMEL CRISP
NON-MENTHOL

CAMEL CRISP OFFERS SMOOTH TOBACCO FLAVOR AND A CRISP SMOKING EXPERIENCE.

COMING SOON

CAMEL CRUSH OASIS
THE ONLY CAPSULE

CRUSH OASIS PUTS A NEW TWIST ON YOUR FAVORITE CAPSULE EXPERIENCE – TRANSFORMING CAMEL'S ORIGINAL NON-MENTHOL BLEND INTO A TROPICAL OASIS.

NON-MENTHOL CAPSULE



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April 25, 2023

Jonathan Reed
CEO & Chief Commercial Officer
RJ Reynolds Tobacco Company
401 North Main Street
Winston-Salem, NC 27101

RE: California Flavor Ban, Health & Safety Code § 104559.5
Notice of Determination 23-04-A3

Dear Mr. Reed:

Since December 21, 2022, California has restricted retailer possession, distribution, and sale of flavored tobacco products. *See* Cal. Health & Saf. § 104559.5. This California “flavor ban” law establishes a rebuttable presumption that a tobacco product is flavored where its manufacturer “has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor, including, but not limited to, text, color, images, or all, on the product’s labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.” *Id.* at § 104559.5(b)(2).

This letter is to advise you that the Tobacco Unit of the California Department of Justice has reviewed referred packaging and promotional materials for Newport EXP Non-Menthol Mix and Newport EXP Non-Menthol Max (collectively, the “Reviewed Products”) and determined that they are presumptively FLAVORED under the California flavor ban law. *Id.*

Determination Number	Reviewed Product(s)	UPC(s)	Determination
23-04-A3-1	Newport EXP Non-Menthol Mix	026100220087 026100660159 026100660180 026100660241 026100660272 026100220179	FLAVORED
23-04-A3-2	Newport EXP Non-Menthol Max	026100219906 026100219937 026100219999 026100220025	FLAVORED

We specifically conclude:

- (1) Labeling and packaging for the Reviewed Products uses brand names, text, and colors traditionally associated with menthol-flavored tobacco products. *See* TAB A.

- (2) Promotional materials for the Reviewed Products use common selling message(s) with menthol-flavored tobacco products. *See* TAB B.
- (3) Promotional materials for the Reviewed Products suggest sensory taste(s) or aroma(s) apart from taste(s) or aroma(s) of a solely tobacco flavored product. *See* TAB B.
- (4) Promotional materials for the Reviewed Products purposefully target users of menthol-flavored tobacco products and promote the Reviewed Products as substitutes or replacements for such menthol-flavored tobacco products. *See* TAB B.

The California flavor ban law restricts the retail distribution and sale of flavored tobacco products to California consumers. Under the California flavor ban law, retailers and their agents are subject to fines for the possession and sale of such flavored tobacco products. *See* Cal. Health & Saf. § 104559.5(f). Other state statutes and local ordinances may impose additional penalties on retailers or other vendors as well. *Id.* at § 104559.5(g); *see also* Cal. Bus. & Prof. § 17200. To encourage uniform application of the California flavor ban law, this Notice of Determination will be posted on the California Department of Justice's public website.

You are encouraged to provide a copy to your California distributor and retailer customers as well.

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If you believe these determinations or conclusions are in error, or if you believe any Reviewed Product(s) is properly classified as UNFLAVORED, we encourage you to submit a response with any supporting materials to the mailing or email address below on or before June 23, 2023, identifying the Notice of Determination number in your response. The Tobacco Unit will review any such submission and may, in its discretion, update, modify, or rescind this determination in response. In such case, an updated Notice of Determination will be issued.

Flavor Determination [Determination Number(s)]

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Sincerely,

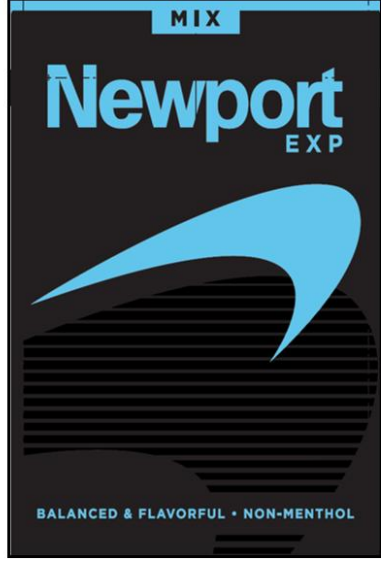



**BYRON M. MILLER
Deputy Attorney General**

For **ROB BONTA
Attorney General**

TAB A – PACKAGING IMAGES

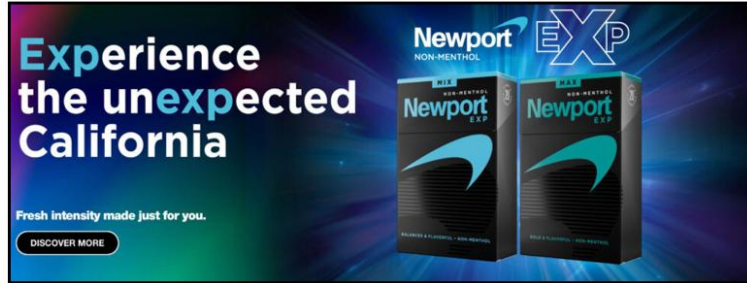
REVIEWED PRODUCT(S)	COMPARISON PRODUCT(S)
 <p>CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT EXP NON-MENTHOL MAX", 2022 RENEWAL SUBMISSION.</p>	 <p>CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT BOOST MENTHOL KING BOX", 2022 RENEWAL SUBMISSION. CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT EXP MENTHE BOX", 2022 RENEWAL SUBMISSION.</p>

REVIEWED PRODUCT(S)	COMPARISON PRODUCT(S)
 <p>CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT EXP NON-MENTHOL MIX", 2022 RENEWAL SUBMISSION.</p>	 <p>CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT MENTHOL PLATINUM BLUE KING BOX", 2022 RENEWAL SUBMISSION. CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT EXP MENTHE BOX", 2022 RENEWAL SUBMISSION.</p>

TAB B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)

Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-2>

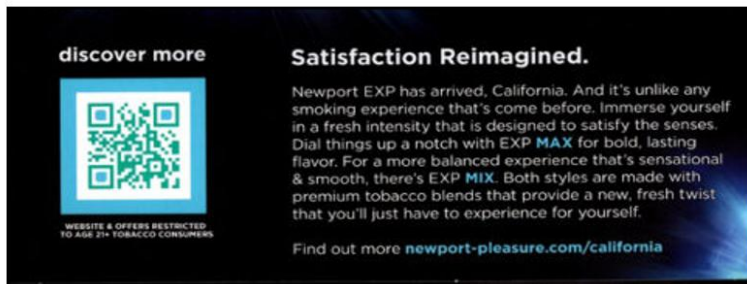


Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-6>



REVIEWED PRODUCT(S)

Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-7>



Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-7>





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April 25, 2023

Kim Reed
Chief Executive Officer
ITG Brands, LLC
714 Green Valley Road
Greensboro, NC 27408

RE: California Flavor Ban, Health & Safety Code § 104559.5
Notice of Determination 23-04-A4

Dear Ms. Reed:

Since December 21, 2022, California has restricted retailer possession, distribution, and sale of flavored tobacco products. *See* Cal. Health & Saf. § 104559.5. This California “flavor ban” law establishes a rebuttable presumption that a tobacco product is flavored where its manufacturer “has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor, including, but not limited to, text, color, images, or all, on the product’s labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.” *Id.* at § 104559.5(b)(2).

This letter is to advise you that the Tobacco Unit of the California Department of Justice has reviewed referred packaging and promotional materials for several of your company’s products—Kool Non-Menthol and Kool Blue Non-Menthol (collectively, the “Reviewed Products”)—and determined that each of these Reviewed Products is presumptively **FLAVORED** under the California flavor ban law. *Id.*

Determination Number	Reviewed Product(s)	UPC(s)	Determination
23-04-A4-1	Kool Non-Menthol	090500110347 090500110217	FLAVORED
23-04-A4-2	Kool Blue Non-Menthol	090500110378	FLAVORED

We specifically conclude:

- (1) Labeling and packaging for each of the Reviewed Products uses brand names, text, and colors traditionally associated with menthol-flavored tobacco products, including the use of the same recognizable patterns and colors between the Reviewed Products and menthol-flavored products in the Kool brand line. *See* TAB A.

- (2) Promotional materials for the Reviewed Products use common selling message(s) with menthol-flavored tobacco products. *See* TAB B.
- (3) Promotional materials for the Reviewed Products suggest sensory taste(s) or aroma(s) apart from taste(s) or aroma(s) of a solely tobacco flavored product. *See* TAB B.
- (4) Promotional materials for the Reviewed Products purposefully target users of menthol-flavored tobacco products and promote the Reviewed Products as substitutes or replacements for such menthol-flavored tobacco products. *See* TAB B.

The California flavor ban law restricts the retail distribution and sale of flavored tobacco products to California consumers. Under the California flavor ban law, retailers and their agents are subject to fines for the possession and sale of such flavored tobacco products. *See* Cal. Health & Saf. § 104559.5(f). Other state statutes and local ordinances may impose additional penalties on retailers or other vendors as well. *Id.* at § 104559.5(g); *see also* Cal. Bus. & Prof. § 17200. To encourage uniform application of the California flavor ban law, this Notice of Determination will be posted on the California Department of Justice's public website.

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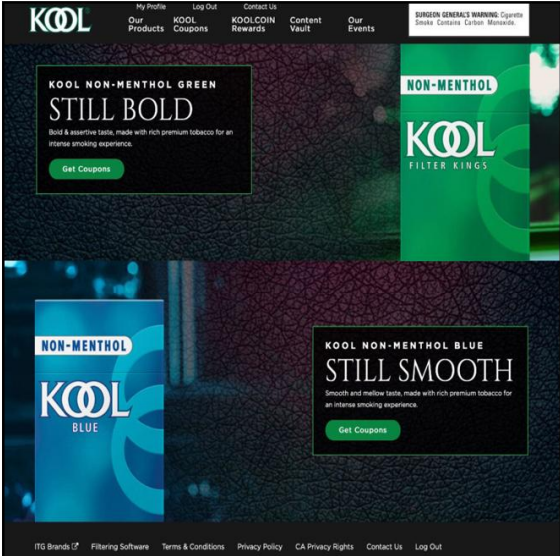
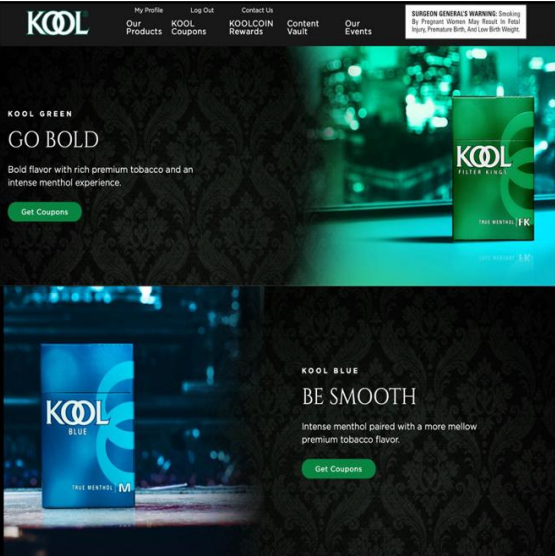
BYRON M. MILLER
Deputy Attorney General


For **ROB BONTA**
Attorney General

TAB A – PACKAGING IMAGES



TAB B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)	COMPARISON PRODUCT(S)
 <p>Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-33</p>	 <p>Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-35</p>

REVIEWED PRODUCT(S)	
<p>Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-29</p>	 <p>NON-MENTHOL BY KOOL SAME INTENSITY. SAME VIBE. MINUS THE MENTHOL. KOOL.COM/NONMENTHOL</p> <p>KEEP IT KOOL</p> <p>FEEL THE VIBE</p> <p>KOOLCOIN REWARDS SIGN UP STACK UP CASH IN</p> <p>THAT'S GOOD FOR A \$5 COUPON</p>



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April 25, 2023

Jonathan Reed
CEO & Chief Commercial Officer
RJ Reynolds Tobacco Company
401 North Main Street
Winston-Salem, NC 27101

RE: California Flavor Ban, Health & Safety Code § 104559.5
Notice of Determination 23-04-A5

Dear Mr. Reed:

Since December 21, 2022, California has restricted retailer possession, distribution, and sale of flavored tobacco products. *See* Cal. Health & Saf. § 104559.5. This California “flavor ban” law establishes a rebuttable presumption that a tobacco product is flavored where its manufacturer “has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor, including, but not limited to, text, color, images, or all, on the product’s labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.” *Id.* at § 104559.5(b)(2).

This letter is to advise you that the Tobacco Unit of the California Department of Justice has reviewed referred packaging and promotional materials for Newport Non-Menthol Green and determined that this product is presumptively FLAVORED under the California flavor ban law. *Id.*

Determination Number	Reviewed Product(s)	UPC(s)	Determination
23-04-A5	Newport Non-Menthol Green	026100911459 026100911428 026100911541 026100911510	FLAVORED

We specifically conclude:

- (1) Labeling and packaging for Newport Non-Menthol Green uses brand names, text, and colors traditionally associated with menthol-flavored tobacco products. *See* TAB A.
- (2) Promotional materials for Newport Non-Menthol Green use common selling message(s) with menthol-flavored tobacco products in the Newport brand line. *See* TAB B.

- (3) Promotional materials for Newport Non-Menthol Green purposefully target users of menthol-flavored tobacco products and promote the Reviewed Products as substitutes or replacements for such menthol-flavored tobacco products. *See* TAB B.

The California flavor ban law restricts the retail distribution and sale of flavored tobacco products to California consumers. Under the California flavor ban law, retailers and their agents are subject to fines for the possession and sale of such flavored tobacco products. *See* Cal. Health & Saf. § 104559.5(f). Other state statutes and local ordinances may impose additional penalties on retailers or other vendors as well. *Id.* at § 104559.5(g); *see also* Cal. Bus. & Prof. § 17200. To encourage uniform application of the California flavor ban law, this Notice of Determination will be posted on the California Department of Justice’s public website.

You are encouraged to provide a copy to your California distributor and retailer customers as well.

If you believe these determinations or conclusions are in error, or if you believe any Reviewed Product(s) is properly classified as UNFLAVORED, we encourage you to submit a response with any supporting materials to the mailing or email address below on or before June 23, 2023, identifying the Notice of Determination number in your response. The Tobacco Unit will review any such submission and may, in its discretion, update, modify, or rescind this determination in response. In such case, an updated Notice of Determination will be issued.

Flavor Determination [Determination Number(s)]

**Office of the Attorney General
California Department of Justice
1300 “I” Street, PO Box 944255
Sacramento, California 94244-2550
Tobacco@doj.ca.gov**

<https://oag.ca.gov/tobacco/contact>

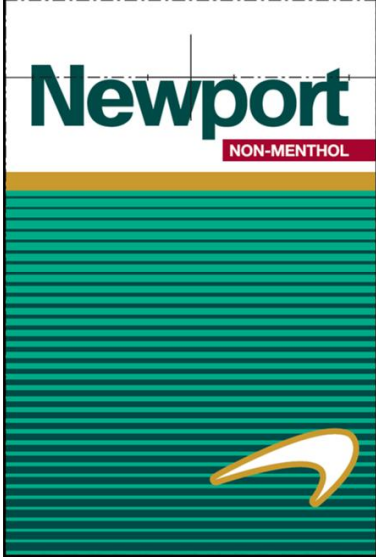
Sincerely,



**BYRON M. MILLER
Deputy Attorney General**

For **ROB BONTA
Attorney General**

TAB A – PACKAGING IMAGES

REVIEWED PRODUCT(S)	COMPARISON PRODUCT(S)
 <p data-bbox="207 961 755 993">CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT NON-MENTHOL GREEN KING BOX PACK", 2022 RENEWAL SUBMISSION.</p>	 <p data-bbox="826 961 1416 993">CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT MENTHOL KING BOX", 2022 RENEWAL SUBMISSION.</p>

TAB B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)

Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-4>



REVIEWED PRODUCT(S)

Stanford Research into the Impact of Tobacco Advertising Ad Collection, accessed at <https://tobacco.stanford.edu/cigarettes/menthol-medicates/nonmenthol/#collection-5>

