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October 6, 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 23-10-A7

Dear Mr. Reed:

Since June 30, 2004, the Attorney General's Office has maintained and published a list of all cigarette manufacturers and their brands found in compliance with California Revenue and Taxation Code section 30165.1 ("Tobacco Directory"). See <https://oag.ca.gov/tobacco/directory>. However, not all products listed on the Tobacco Directory are lawful for sale in California.

California has restricted retailer possession, distribution, and sale of flavored tobacco products since December 21, 2022. 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).

You submitted the products listed below (collectively, the "Reviewed Products") for submission on the Tobacco Directory. This letter is to advise you that the Tobacco Unit of the California Department of Justice has determined that the Reviewed Products are presumptively FLAVORED under the California flavor ban law. *Id.*

Determination Number	Reviewed Product(s)	UPC(s)	Determination
23-10-A7-1	Camel Crush King Box (With Menthol Option)	012300197403 012300197410	FLAVORED
23-10-A7-2	Camel Filter Menthol King Box	012300193139 012300000932	FLAVORED
23-10-A7-3	Camel Menthol Silver King Box	012300194136 012300000949	FLAVORED
23-10-A7-4	Camel Classic Menthol King Box	012300368278 012300368261	FLAVORED
23-10-A7-5	Camel Classic Menthol Silver King Box	012300368310 012300368292	FLAVORED

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23-10-A7-6	Camel No. 9 Smooth Menthe King Box	012300356954 012300356947	FLAVORED
23-10-A7-7	Camel Crush Rich King Box (With Menthol Option)	012300110751 012300110744	FLAVORED
23-10-A7-8	Camel Crush Smooth Menthol King Box	012300119818 012300119801	FLAVORED
23-10-A7-9	Camel Crush Smooth Menthol Silver King Box	012300119900 012300119894	FLAVORED
23-10-A7-10	Camel Wides Classic Menthol 80 Box	012300340793 012300340786	FLAVORED
23-10-A7-11	Camel Wides Classic Menthol Silver 80 Box	012300341047 012300341030	FLAVORED
23-10-A7-12	Capri Menthol Jade 100 Box	027200032518 027200006618	FLAVORED
23-10-A7-13	Capri Menthol Indigo 100 Box	027200011643 027200002399	FLAVORED
23-10-A7-14	Capri Menthol Indigo 120 Box	027200011179 027200002177	FLAVORED
23-10-A7-15	Capri Menthol Indigo Super Slim 100 Box	027200207022 02723929	FLAVORED
23-10-A7-16	Capri Menthol Indigo Super Slim 120 Box	027200011179 02721727	FLAVORED
23-10-A7-17	Capri Menthol Jade Super Slim 100 Box	027200207060 02766128	FLAVORED
23-10-A7-18	Carlton Menthol 100 Box	043300020583 043300000363	FLAVORED
23-10-A7-19	Carlton Menthol 120 Soft	043300022102 043300000400	FLAVORED
23-10-A7-20	Carlton Menthol King Soft	043300020484 043300000042	FLAVORED
23-10-A7-21	Carlton Menthol Green 100 Box	043300020583 04333633	FLAVORED
23-10-A7-22	Carlton Menthol Green 120 Soft	043300022102 04334030	FLAVORED
23-10-A7-23	Carlton Menthol Green King Soft	043300020484 043300000042	FLAVORED
23-10-A7-24	Doral Menthol King Box	012300232845 012300232838	FLAVORED
23-10-A7-25	Doral Menthol 100 Box	012301039136 012301039990	FLAVORED
23-10-A7-26	Doral Menthol Gold King Box	012301042136 012301042990	FLAVORED
23-10-A7-27	Doral Menthol Gold 100 Box	012300158138 012300000581	FLAVORED
23-10-A7-28	Doral Classic Menthol King Box	012300232845 012300232838	FLAVORED
23-10-A7-29	Doral Classic Menthol Gold King Box	012301042136 012301042990	FLAVORED
23-10-A7-30	Doral Classic Menthol 100 Box	012301039136 012301039990	FLAVORED
23-10-A7-31	Eclipse Menthol King Box	012300186131 012300001064	FLAVORED
23-10-A7-32	GPC Classic Menthol 100 Soft	075926050279 075926050262	FLAVORED
23-10-A7-33	GPC Classic Menthol Gold 100 Soft	075926002551 075926002544	FLAVORED
23-10-A7-34	GPC Classic Menthol Gold King Soft	075926002537 075926002520	FLAVORED
23-10-A7-35	GPC Classic Menthol King Soft	075926050255 075926050248	FLAVORED
23-10-A7-36	GPC Classic Menthol Silver 100 Soft	075926050491 075926050484	FLAVORED
23-10-A7-37	Lucky Strike Activate Green Menthol King Box	043300187514 043300187507	FLAVORED
23-10-A7-38	Lucky Strike Menthol 100 Box	043300187590	FLAVORED

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		043300187170	
23-10-A7-39	Lucky Strike Menthol King Box	043300187156 043300187149	FLAVORED
23-10-A7-40	Lucky Strike Menthol Silver 100 Box	043300187361 043300187354	FLAVORED
23-10-A7-41	Lucky Strike Menthol Silver King Box	043300187330 043300187323	FLAVORED
23-10-A7-42	Misty Menthol Silver 100 Box	020400052683 020400000035	FLAVORED
23-10-A7-43	Misty Menthol Green 100 Box	043300052109 043300000950	FLAVORED
23-10-A7-44	Misty Menthol Green 120 Box	020400053581 020400000356	FLAVORED
23-10-A7-45	Misty Menthol Green Slim 100 Box	043300052109 04339530	FLAVORED
23-10-A7-46	Misty Menthol Green Slim 120 Box	020400053581 02043536	FLAVORED
23-10-A7-47	Misty Menthol Silver Slim 100 Box	020400052683 02040335	FLAVORED
23-10-A7-48	Monarch Classic Menthol King Soft	012300336130 012300336994	FLAVORED
23-10-A7-49	Monarch Classic Menthol 100 Soft	012300337137 012300337991	FLAVORED
23-10-A7-50	Monarch Classic Menthol Gold King Soft	012300338134 012300338998	FLAVORED
23-10-A7-51	Monarch Classic Menthol Gold 100 Soft	012300231138 012300231992	FLAVORED
23-10-A7-52	More 120 Menthol Slim 120 Soft	012300160131 01236034	FLAVORED
23-10-A7-53	More 120 Menthol Silver Slim 120 Soft	012300174138 01237431	FLAVORED
23-10-A7-54	Newport Menthol 100 Box	026101005734 026100005738	FLAVORED
23-10-A7-55	Newport Menthol 100 Soft	026101005772 026100005776	FLAVORED
23-10-A7-56	Newport Menthol Blue 100 Box	026101005802 026100005806	FLAVORED
23-10-A7-57	Newport Menthol Blue King Box	026101005833 026100005837	FLAVORED
23-10-A7-58	Newport Menthol Gold 100 Box	026101005727 026100005721	FLAVORED
23-10-A7-59	Newport Menthol Gold 100 Soft	026101005857 026100005851	FLAVORED
23-10-A7-60	Newport Menthol Gold King Box	026101005765 026100005769	FLAVORED
23-10-A7-61	Newport Menthol Gold King Soft	026101005796 026100005790	FLAVORED
23-10-A7-62	Newport Menthol King Box	026101005758 026100005752	FLAVORED
23-10-A7-63	Newport Menthol King Soft	026101005789 026100005783	FLAVORED
23-10-A7-64	Newport Menthol Platinum Blue 100 Box	026100016239 026100016222	FLAVORED
23-10-A7-65	Newport Menthol Platinum Blue King Box	026100016291 026100016284	FLAVORED
23-10-A7-66	Newport Menthol Smooth Select 100 Box	026101006687 026100006681	FLAVORED
23-10-A7-67	Newport Menthol Smooth Select King Box	026101006700 026100006704	FLAVORED
23-10-A7-68	Newport Menthol Gold Classic King Box	026101005765 026100005769	FLAVORED
23-10-A7-69	Newport Menthol Gold Classic King Soft	026101005796 026100005790	FLAVORED
23-10-A7-70	Newport Menthol Gold Classic 100 Box	026101005727 026100005721	FLAVORED

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23-10-A7-71	Newport Menthol Blue Classic 100 Box	026101005802 026100005806	FLAVORED
23-10-A7-72	Newport Menthol Blue Classic King Box	026101005833 026100005837	FLAVORED
23-10-A7-73	Newport Boost Menthol King Box	026100016758 026100016741	FLAVORED
23-10-A7-74	Newport Menthol Gold Classic 100 Soft	026101005857 02658511	FLAVORED
23-10-A7-75	Now Menthol Green 100 Soft	012300192132 012300000925	FLAVORED
23-10-A7-76	Now Menthol Green King Soft	012300139137 012300000390	FLAVORED
23-10-A7-77	Pall Mall Classic Menthol 100 Box	027201046696 027200041721	FLAVORED
23-10-A7-78	Pall Mall Menthol Black Filter 100 Box	027200347278 027200347285	FLAVORED
23-10-A7-79	Pall Mall Menthol Black Filter King Box	027200347247 027200347254	FLAVORED
23-10-A7-80	Pall Mall Menthol Green Filter 100 Box	027200018659 02786520	FLAVORED
23-10-A7-81	Pall Mall Menthol Green Filter King Box	027200018598 02785929	FLAVORED
23-10-A7-82	Pall Mall Menthol White Filter 100 Box	027200347339 027200347346	FLAVORED
23-10-A7-83	Pall Mall Menthol White Filter King Box	027200347310 027200347315	FLAVORED
23-10-A7-84	Pall Mall Classic Menthol King Box	027200846627 027200041624	FLAVORED
23-10-A7-85	Pall Mall Select Menthol Box	027200205875 027200205868	FLAVORED
23-10-A7-86	Pall Mall Select Menthol 100 Box	027200210623 027200210616	FLAVORED
23-10-A7-87	True Menthol Green King Soft	026100002676 026100002645	FLAVORED
23-10-A7-88	True Menthol Green 100 Soft	026100002973 026100002942	FLAVORED
23-10-A7-89	Vantage Classic Menthol King Soft	012300132138 012300000321	FLAVORED
23-10-A7-90	Vantage Classic Menthol 100 Soft	012300134132 01233435	FLAVORED

We specifically conclude:

- (1) Labeling for the Reviewed Products states that products are menthe- or menthol-flavored tobacco products.

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 on or after November 6, 2023.

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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 November 6, 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,

Taylor Ann Whittemore

TAYLOR ANN WHITTEMORE
Deputy Attorney General

For ROB BONTA
Attorney General