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.

<table>
<thead>
<tr>
<th>Determination Number</th>
<th>Reviewed Product(s)</th>
<th>UPC(s)</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>23-04-A1-1</td>
<td>Camel Crush Oasis Silver</td>
<td>012300127387</td>
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<td>23-04-A1-2</td>
<td>Camel Crush Oasis Blue</td>
<td>012300126304</td>
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<tr>
<td>23-04-A1-3</td>
<td>Camel Crush Oasis Green</td>
<td>012300127325</td>
<td>FLAVORED</td>
</tr>
</tbody>
</table>

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.
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)

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

CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, “CAMEL CRUSH KING BOX”, 2022 RENEWAL SUBMISSION.

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

CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, “CAMEL CRUSH KING BOX”, 2022 RENEWAL SUBMISSION.
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)


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.

<table>
<thead>
<tr>
<th>Determination Number</th>
<th>Reviewed Product(s)</th>
<th>UPC(s)</th>
<th>Determination</th>
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<tr>
<td>23-04-A2</td>
<td>Camel Crisp</td>
<td>012300127509, 012300127530</td>
<td>FLAVORED</td>
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</table>

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.
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.

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California Department of Justice
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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 B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)


![Image of Camel Crisp Non-Menthol](image)

A CRISP NEW EXPERIENCE
CAMEL CRISP OFFERS SMOOTH TOBACCO FLAVOR AND A CRISP SMOKING EXPERIENCE FROM THE VERY FIRST DRIP. THE RESULT - A TASTE THAT SATISFIES THE SENSES.

REVIEWED PRODUCT(S)


![Image of Camel Crisp](image)

SATISFY YOUR SENSES
CAMEL CRISP OFFERS SMOOTH TOBACCO FLAVOR AND A CRISP SMOKING EXPERIENCE.

EXPERIENCE CRISP →

NOW AVAILABLE
REVIEWED PRODUCT(S)

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 →
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.

<table>
<thead>
<tr>
<th>Determination Number</th>
<th>Reviewed Product(s)</th>
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<tr>
<td>23-04-A3-1</td>
<td>Newport EXP Non-Menthol Mix</td>
<td>026100220087 026100660159 026100660180 026100660241 026100660272 026100220179</td>
<td>FLAVORED</td>
</tr>
<tr>
<td>23-04-A3-2</td>
<td>Newport EXP Non-Menthol Max</td>
<td>026100219906 026100219937 026100219999 026100220025</td>
<td>FLAVORED</td>
</tr>
</tbody>
</table>

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.
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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California Department of Justice
1300 “I” Street, PO Box 944255
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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)**

1. **Newport EXP**
   - Bold & Flavorful • Non-Menthol

2. **Newport EXP**
   - Balanced & Flavorful • Non-Menthol

**COMPARISON PRODUCT(S)**

1. **Newport Boost**
   - Squeeze the Filter
   - Boost Your Menthol
   - Menthol to More Menthol

2. **Newport EXP Menthé**
   - Bold & Flavorful • Menthol

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**NOTICE**

CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, *NEWPORT EXP NON-MENTHOL MAX*, 2022 RENEWAL SUBMISSION.

CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, *NEWPORT EXP NON-MENTHOL MIX*, 2022 RENEWAL SUBMISSION.

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 MENTHÉ BOX*, 2022 RENEWAL SUBMISSION.
TAB B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)


![Image of Newport EXP with text: Experience the unexpected California]


![Image of Newport EXP with text: The CALIFORNIA MENTHOL BAN is here. A fresh experience now awaits...]

REVIEWED PRODUCT(S)


![Image of Newport EXP with text: discover more]


![Image of Newport EXP with text: Fresh Intensity made for you, CALIFORNIA

Experience the unexpected]
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.

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.

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.

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Sincerely,

BYRON M. MILLER
Deputy Attorney General

For ROB BONTA
Attorney General
TAB A – PACKAGING IMAGES

**REVIEWED PRODUCT(S)**

**NON-MENTHOL**

**KOOl BLUE**

**TRUE QUALITY**

PENNSYLVANIA AG PACKAGE REPOSITORY, ITQ, "KOOl BLUE NON-MENTHOL."

**COMPARISON PRODUCT(S)**

**KOOl BLUE**

**PROVIDES A SMOOTH, RICH TASTE BY BLENDING TOBACCO WITH PREMIUM MENTHOL. SINCE 1933, OUR BLENDS HAVE BEEN ENJOYED BY SMOKERS WHO SEEK A TRUE MENTHOL EXPERIENCE.**

PENNSYLVANIA AG PACKAGE REPOSITORY, ITQ, "KOOl BLUE BOX MENTHOL."

---

**REVIEWED PRODUCT(S)**

**NON-MENTHOL**

**KOOl FILTER KINGS**

**TRUE QUALITY**

PENNSYLVANIA AG PACKAGE REPOSITORY, ITQ, "KOOl NON-MENTHOL."

**COMPARISON PRODUCT(S)**

**KOOl**

**FILTER KINGS**

**PROVIDES A SMOOTH, RICH TASTE BY BLENDING TOBACCO WITH PREMIUM MENTHOL. SINCE 1933, OUR BLENDS HAVE BEEN ENJOYED BY SMOKERS WHO SEEK A TRUE MENTHOL EXPERIENCE.**

PENNSYLVANIA AG PACKAGE REPOSITORY, ITQ, "KOOl MENTHOL."

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TAB B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)

Kool Non-Menthol Green
Still Bold

Kool Non-Menthol Blue
Still Smooth


COMPARISON PRODUCT(S)

Kool Green
Go Bold

Kool Blue
Be Smooth


REVIEWED PRODUCT(S)

Non-Menthol by Kool

Same Intensity. Same Vibe. Minus the Menthol.

Introducing Kool Non-Menthol
Now Available

Keep It Kool

Kool Rewards
Sign Up! Stack Up! Cash In!

That’s Good for a $1 Coupon

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.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>23-04-A5</td>
<td>Newport Non-Menthol Green</td>
<td>026100911459, 026100911428, 026100911541, 026100911510</td>
<td>FLAVORED</td>
</tr>
</tbody>
</table>

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.

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Sincerely,

BYRON M. MILLER
Deputy Attorney General

For ROB BONTA
Attorney General
TAB B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)

[Image of Newport promotional material with text: THE MENTHOL BAN IS HERE BUT WE’VE GOT YOU COVERED, CALIFORNIA.]

[Image of Newport promotional material with text: NEVER COMPROMISE, CALIFORNIA Introducing what’s next IN FRESH]

Stanford Research into the Impact of Tobacco Advertising is featured, accessed at: https://tobacco.stanford.edu/garrett/menthol-medicines/non-menthol-collection-4