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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,

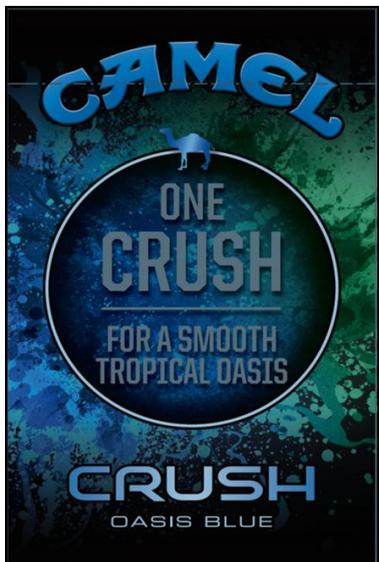


BYRON M. MILLER
Deputy Attorney General

For ROB BONTA
Attorney General

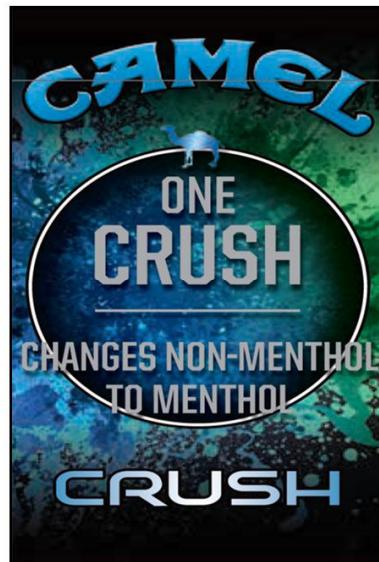
TAB A – PACKAGING IMAGES

REVIEWED PRODUCT(S)



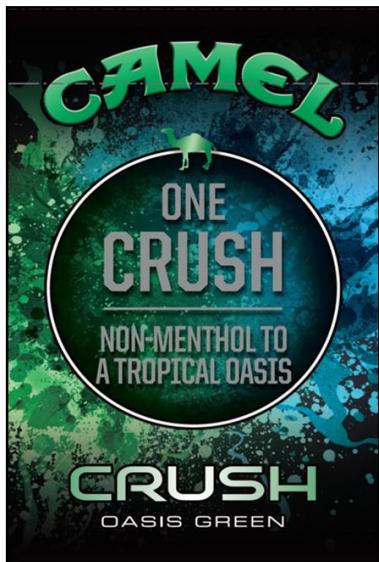
CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRUSH NON-MENTHOL OASIS BLUE KING BOX PACK", 2022 RENEWAL SUBMISSION.

COMPARISON PRODUCT(S)



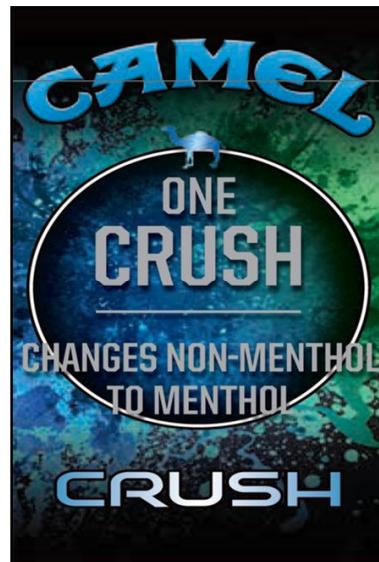
CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRUSH KING BOX", 2022 RENEWAL SUBMISSION.

REVIEWED PRODUCT(S)



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

COMPARISON PRODUCT(S)

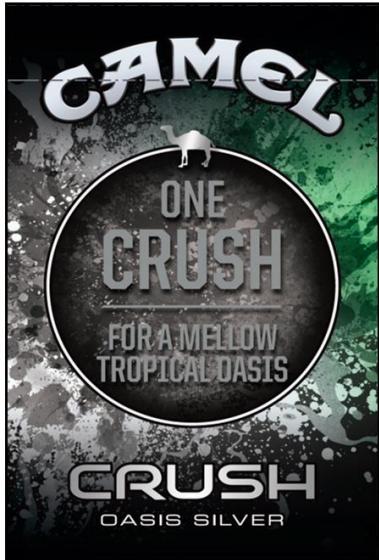


CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "CAMEL CRUSH KING BOX", 2022 RENEWAL SUBMISSION.

April 25, 2023

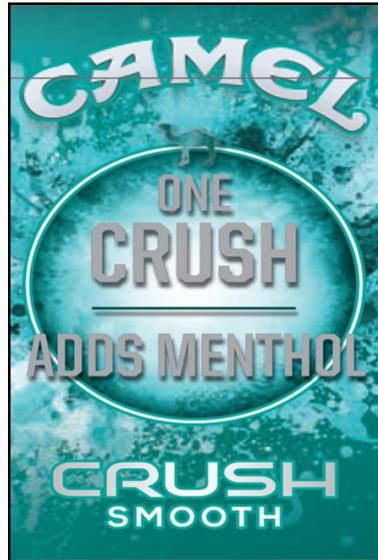
Page 5

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-medicates/nonmenthol/#collection-19>



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



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>

