



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555  
Telephone: (916) 210-7353  
Facsimile: (916) 323-2319  
E-Mail: [Byron.Miller@doj.ca.gov](mailto:Byron.Miller@doj.ca.gov)

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)]**

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

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

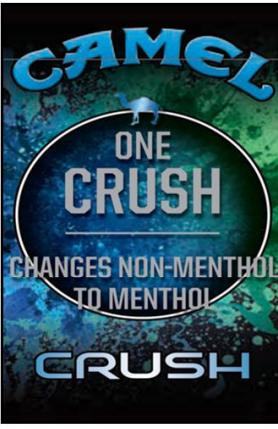
Sincerely,



**BYRON M. MILLER**  
Deputy Attorney General

For      ROB BONTA  
            Attorney General

**TAB A – PACKAGING IMAGES**

REVIEWED PRODUCT(S)	COMPARISON PRODUCT(S)
 The image shows a pack of Camel Crisp Non-Menthol Green cigarettes. The pack is primarily green with a textured, watercolor-like background. The Camel logo is at the top in a stylized green font. Below it, the words 'CRISP EXPERIENCE' are written in white. Underneath that, 'NON-MENTHOL SIGNATURE BLEND' is written. At the bottom, 'CRISP' is written in a large, bold, white font, with 'NON-MENTHOL GREEN' in smaller white text below it.	 The image shows a pack of Camel Crush Smooth Menthol King cigarettes. The pack is dark with a blue and white circular logo in the center. The logo contains the word 'CRUSH' in large white letters, with 'ONE' above it and 'CHANGES NON-MENTHOL TO MENTHOL' below it. The word 'CRUSH' is also repeated at the bottom of the logo.  The image shows a pack of Newport EXP Menthé cigarettes. The pack is dark with a green and white design. The word 'MENTHE' is at the top in a small white box. The word 'Newport' is written in large green letters, with 'EXP' in smaller letters below it. A green stylized 'N' is on the right side. At the bottom, it says 'BOLD & FLAVORFUL • MENTHOL'.

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

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**TAB B – PROMOTIONAL MATERIALS**

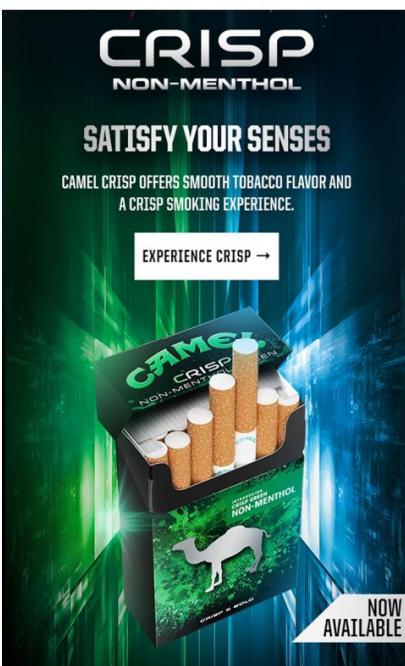
**REVIEWED PRODUCT(S)**

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>



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**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>

