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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)]

**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>

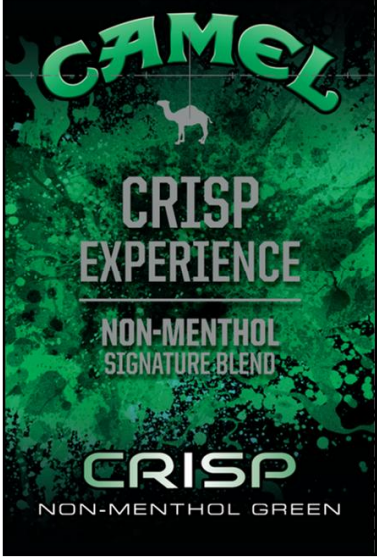

Sincerely,



**BYRON M. MILLER
Deputy Attorney General**

For **ROB BONTA
Attorney General**

TAB A – PACKAGING IMAGES

REVIEWED PRODUCT(S)	COMPARISON PRODUCT(S)
 <p>The image shows the front of a Camel Crisp Non-Menthol Green cigarette pack. The background is a dark, textured green. At the top, the word "CAMEL" is written in a large, stylized, light green font. Below it is a small silhouette of a camel. The text "CRISP EXPERIENCE" is centered in a bold, white font. Below that, "NON-MENTHOL SIGNATURE BLEND" is written in a smaller white font. At the bottom, "CRISP" is written in a large, white font, with "NON-MENTHOL GREEN" in a smaller white font underneath.</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 background with a green swoosh and the text "MENTHE 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