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>
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<tbody>
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<td>23-04-A1-1</td>
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<td>23-04-A1-2</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>012300127356</td>
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</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)**

- Camel Crush One Crush
  - For a smooth tropical oasis
  - Oasis Blue

**COMPARISON PRODUCT(S)**

- Camel Crush One Crush
  - Changes non-menthol to menthol

**Notes**

- Images from the California AG Package Repository, R.J. Reynolds, "Camel Crush Non-Menthol Oasis Blue King Box Pack", 2022 Renewal Submission.

- Images from the California AG Package Repository, R.J. Reynolds, "Camel Crush King Box", 2022 Renewal Submission.

**REVIEWED PRODUCT(S)**

- Camel Crush One Crush
  - Non-menthol to a tropical oasis
  - Oasis Green

**COMPARISON PRODUCT(S)**

- Camel Crush One Crush
  - Changes non-menthol to menthol

**Notes**

- Images from the California AG Package Repository, R.J. Reynolds, "Camel Crush Non-Menthol Oasis Green King Box Pack", 2022 Renewal Submission.

- Images from the California AG Package Repository, R.J. Reynolds, "Camel Crush King Box", 2022 Renewal Submission.
REVIEWED PRODUCT(S)

COMPARISON PRODUCT(S)

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

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/non-menthol/collection-21

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>
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<th>Determination Number</th>
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<td>23-04-A2</td>
<td>Camel Crisp</td>
<td>012300127509</td>
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<td></td>
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</tbody>
</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.
(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.

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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)

COMPARISON PRODUCT(S)

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.
TAB B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)


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.

NOW AVAILABLE

EXPERIENCE CRISP →

REVIEWED PRODUCT(S)


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

NOW AVAILABLE
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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<td>23-04-A3-1</td>
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<td>Newport EXP Non-Menthol Max</td>
<td>026100219906, 026100219937, 026100219999, 026100220025</td>
<td>FLAVORED</td>
</tr>
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</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.

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Sincerely,

BYRON M. MILLER
Deputy Attorney General

For ROB BONTA
Attorney General
### TAB A – PACKAGING IMAGES

<table>
<thead>
<tr>
<th>REVIEWED PRODUCT(S)</th>
<th>COMPARISON PRODUCT(S)</th>
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<td><img src="image5" alt="Newport EXP Plat" /></td>
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CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT EXP NON-MENTHOL MIX", 2022 RENEWAL SUBMISSION.

CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT MENTHOL KING BOX", 2022 RENEWAL SUBMISSION.

CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT EXP MENTHE BOX", 2022 RENEWAL SUBMISSION.
TAB B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)


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.

<table>
<thead>
<tr>
<th>Determination Number</th>
<th>Reviewed Product(s)</th>
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<td>Kool Non-Menthol</td>
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<td>23-04-A4-2</td>
<td>Kool Blue Non-Menthol</td>
<td>090500110378</td>
<td>FLAVORED</td>
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</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 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.
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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Office of the Attorney General
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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

<table>
<thead>
<tr>
<th>REVIEWED PRODUCT(S)</th>
<th>COMPARISON PRODUCT(S)</th>
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<tr>
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<td><img src="image2" alt="Kool Blue Menthol" /></td>
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<td><img src="image3" alt="Kool Filter Kings Non-Menthol" /></td>
<td><img src="image4" alt="Kool Menthol" /></td>
</tr>
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</table>

*Images courtesy of the Pennsylvania AG Package Repository.*
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

- Kool Non-Menthol
  - Same Intensity, Same Vibe, Minus the Menthol
  - 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>
<th>Determination Number</th>
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<th>Determination</th>
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<td>23-04-A5</td>
<td>Newport Non-Menthol Green</td>
<td>026100911459, 026100911428, 026100911541, 026100911510</td>
<td>FLAVORED</td>
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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 A – PACKAGING IMAGES

REVIEWED PRODUCT(S)

COMPARISON PRODUCT(S)

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

CALIFORNIA AG PACKAGE REPOSITORY, R.J. REYNOLDS, "NEWPORT MENTHOL KING BOX", 2022 RENEWAL SUBMISSION.
TAB B – PROMOTIONAL MATERIALS

REVIEWED PRODUCT(S)

NEWPORT K-2 MENTHOL

Introducing what's next IN FRESH

THE MENTHOL BAN IS HERE BUT WE'VE GOT YOU COVERED, CALIFORNIA.