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October 13, 2023

Donald R. Levin
Chief Executive Officer
Republic Brands
2301 Ravine Way
Glenview, Illinois 60025

RE: California Flavor Ban, Health & Safety Code § 104559.5
Notice of Determination 23-10-A9

Dear Mr. Levin:

Since December 21, 2022, California has restricted retailer possession, distribution, and sale of tobacco product flavor enhancers. *See* Cal. Health & Saf. § 104559.5. A “tobacco product flavor enhancer” is “a product designed, manufactured, produced, marketed, or sold to produce a characterizing flavor when added to a tobacco product.” *Id.* at subd. (a)(15). A “characterizing flavor” is “a distinguishable taste or aroma, or both, other than the taste or aroma of tobacco, imparted by a tobacco product or any byproduct produced by the tobacco product. Characterizing flavors include, but are not limited to . . . menthol [or] mint . . .” *Id.* at subd. (a)(1).

This letter is to advise you that the Tobacco Unit of the California Department of Justice has reviewed referred packaging and promotional materials for OCB Flavor Card Menthol and OCB Flavor Card Fresh Burst (collectively, the “Reviewed Products”) and determined that they are tobacco product flavor enhancers under the California flavor ban law. *Id.*

Determination Number	Reviewed Product(s)	UPC(s)	Determination
23-10-A9-1	OCB Flavor Card Menthol	Various	FLAVOR ENHANCER
23-10-A9-2	OCB Flavor Card Fresh Burst	Various	FLAVOR ENHANCER

We specifically conclude:

- (1) Labeling and packaging for the Reviewed Products suggests that products are menthol or mint flavored. *See* TAB A.
- (2) Packaging for the Reviewed Products contains images of mint leaves and/or ice cubes. *See* TAB A.

- (3) Your website identifies the Reviewed Products as accessories to tobacco products. *See* TAB B.
- (3) The Reviewed Products are being marketed and sold alongside tobacco products. *E.g.* TAB C.

The California flavor ban law restricts the retail distribution and sale of tobacco product flavor enhancers to California consumers. Under the California flavor ban law, retailers and their agents are subject to fines for the possession and sale of such tobacco product flavor enhancers. *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 on or after November 13, 2023.

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 November 13, 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,

Taylor Ann Whittemore

TAYLOR ANN WHITTEMORE
Deputy Attorney General

For ROB BONTA
Attorney General

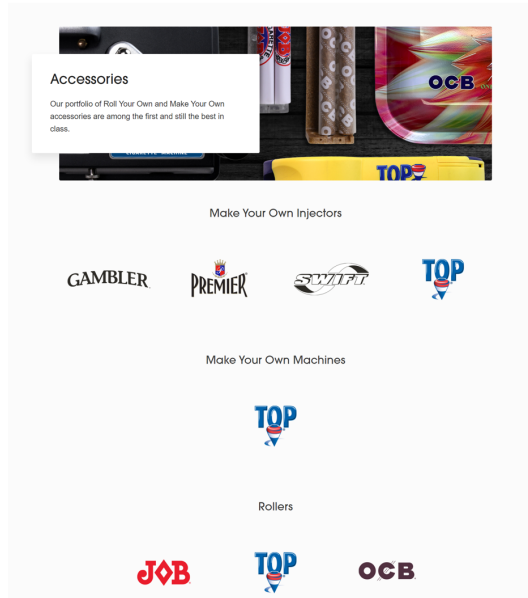
TAB A – PACKAGING IMAGES



TAB B – WEBSITE IMAGES

REVIEWED PRODUCT(S)

REPUBLIC BRANDS, "OUR BRANDS,"
ACCESSED AT
[HTTPS://REPUBLICBRANDS.COM/BRANDS](https://republicbrands.com/brands)



TAB C – OTHER IMAGES

REVIEWED PRODUCT(S)

SMOKE TOKES, "OCB FLAVOR CARDS,"
ACCESSED AT
[HTTPS://WWW.SMOKETOKES.COM/PRODUCTS/OCB-FLAVOR-CARDS](https://www.smoketokes.com/products/ocb-flavor-cards)

Home > OCB FLAVOR CARDS (25 cards per pack)

OCB FLAVOR CARDS (25 cards per pack)

View Prices
SKU: OCB-FCB

FLAVOUR
FRESH BURST | MENTHOL

Share via:
Facebook | Twitter | LinkedIn | Email

Features:

Elevate your smoking experience with OCB Flavor Cards. Each pack contains 25 Flavor cards that allow you to change the flavor of your smoking material effortlessly. Simply insert the flavor card into your pack, let it infuse, and enjoy a whole new flavor profile.

With OCB Flavor Cards, you have the power to customize your smoking experience and experiment with different flavors. Whether you prefer a fruity burst, a refreshing menthol sensation, or any other flavor option available, the flavor cards will enhance the taste of your smoking material.

Related Products

- POP Progress King Size Rolling Papers and Flavor Filter Tips - Greenberry Jam 13.2 20packs - 12 Tips / 24 Pkchls **View Prices**
- Zig Zig 1 1/4 Unbleached Corans 24 Pack **View Prices**
- Pop Corans 1 1/4" Silver Phen-Rolled Corans with Flavor Additives - 4000ct Bulk **View Prices**
- Zig Zig 70's Ultra Thin Corans 24 Pack **View Prices**

REVIEWED PRODUCT(S)

SMOKER'S OUTLET ONLINE, "OCB FLAVOR CARD - MENTHOL,"
ACCESSED AT
[HTTPS://WWW.SMOKERSOUTLETONLINE.COM/ACCESSORIES/OCB-FLAVOR-CARD-MENTHOL.HTML](https://www.smokersoutletonline.com/accessories/ocb-flavor-card-menthol.html)

Smoker's Outlet Online

Search entire store here.

DAILY DEALS Sign In / Up Cart (0 items)

Tobacco - Tubes - RYO Supplies - Cigars - Pipes - Accessories - Lighters - New 420 - More - Me - Free

SAVE \$5

OCB Flavor Card - Menthol

☆☆☆☆ 0 REVIEWS | ADD YOUR REVIEW Availability: In stock

The OCB Flavor Card is a great way to add a cool refreshing flavor and aroma to many products. You just take the flavor card out of the pack, put it into your favorite bag, jar, or pack with your dry materials, and in 1-3 hours you have the great flavor of menthol added to your product. It's a great way to fight the cold and flu season by just adding one of these cards to the bottom of your favorite box of tissues and in just a few hours your tissues will have the soothing relief of menthol.

Buy a box of 25 and Save!

\$1.44

Get up to 1 point(s) for purchase! Login to see an actual value.
Buy 25 for \$19 each and **save 17%**

1 for total \$1.44 **ADD TO CART**

Facebook | Twitter | Wish List | Compare | Feedback

Sign up for price alert

DETAILS MORE INFORMATION REVIEWS

The OCB Flavor Card is a great way to add a cool refreshing flavor and aroma to many products. You just take the flavor card out of the pack, put it into your favorite bag, jar, or pack with your dry materials, and in 1-3 hours you have the great flavor of menthol added to your product. It's a great way to fight the cold and flu season by just adding one of these cards to the bottom of your favorite box of tissues and in just a few hours your tissues will have the soothing relief of menthol.

REVIEWED PRODUCT(S)

RYO DISTRIBUTION, "OCB FLAVOR CARD MENTHOL"
ACCESSED AT
HTTPS://RYODIST.COM/NEW-PRODUCTS/OCB-FLAVOR-CARD-MENTHOL/

The screenshot shows the RYO Distribution website interface. At the top, there is a dark navigation bar with the RYO DISTRIBUTION logo on the left, a search bar in the center, and user account options on the right. Below the navigation bar is a red 'ALL CATEGORIES' button and a horizontal menu with links for HOME, ABOUT, SHIPPING & RETURNS, and RYO RETURN POLICY. The main content area has a breadcrumb trail: Home > New Products > OCB Flavor Card Menthol. On the left side, there is a vertical list of categories with right-pointing arrows. The central focus is a large image of two OCB Flavor Card Menthol packages: a green box and a green pack, both featuring the OCB logo and 'MENTHOL' text. Below this image is a smaller thumbnail of the same products. At the bottom of the product image area, the text 'OCB Flavor Card Menthol' is displayed.