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State of California
DEPARTMENT OF JUSTICE



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October 6, 2023

Jon Moore
CEO & President
Philip Morris, USA
6601 W Broad St.
Richmond, VA 23230-1723

RE: California Flavor Ban, Health & Safety Code § 104559.5

Dear Mr. Moore:

Since December 21, 2022, California has restricted retailer possession, distribution, and sale of flavored tobacco products. *See* Cal. Health & Saf. § 104559.5. On April 25, 2023, our office sent letters to registered cigarette and tobacco product manufacturers requesting flavor-related information regarding tobacco products sold or marketed in the state. Specifically, we requested manufacturers to “identify for each listed tobacco product whether your business represents that the product is ‘Flavored’ (i.e., it ‘contains a constituent that imparts a characterizing flavor’ within the meaning of Health & Safety Code section 104459.5) or is ‘Unflavored’ (i.e., that it does not ‘contain[] a constituent that imparts a characterizing flavor’ within the meaning of Health & Safety Code section 104459.5).”

This letter confirms that, on May 25, 2023, your company responded by identifying the below menthol cigarettes as flavored.

Certified Product(s)	UPC(s)	Product Status
Basic Menthol King Box	028200305312 028200305329	FLAVORED
Basic Menthol Gold 100 Box	028200304513 028200304520	FLAVORED
Basic Menthol Gold King Box	028200304216 028200304223	FLAVORED
Basic Menthol Silver 100 Box	028200304810 028200304827	FLAVORED
Basic Menthol Silver King Box	028200305114 028200305121	FLAVORED
Benson & Hedges Menthol 100 Box	028200172365 028200007230	FLAVORED
Benson & Hedges Luxury Menthol 100 Box	028200172808 028200007285	FLAVORED
Benson & Hedges DeLuxe Menthol 100 Box	028200173003 028200007308	FLAVORED
Chesterfield Menthol King Box	028200330413 028200330420	FLAVORED
Chesterfield Menthol 100 Box	028200330512	FLAVORED

	028200330529	
L&M Menthol 100 Box	028200310415 028200310422	FLAVORED
L&M Menthol King Box	028200310316 028200310323	FLAVORED
L&M Bold Menthol Box	028200315519 028200315526	FLAVORED
L&M Simple Tobacco Green Menthol Box	028200335715 028200335722	FLAVORED
Marlboro Menthol 100 Box	028200136404 028200003645	FLAVORED
Marlboro Menthol King Box	028200136107 028200003614	FLAVORED
Marlboro Menthol Blue 100 Box	028200137708 028200003775	FLAVORED
Marlboro Menthol Blue King Box	028200137609 028200003768	FLAVORED
Marlboro Menthol Gold 100 Box	028200147103 028200004710	FLAVORED
Marlboro Menthol Gold King Box	028200140104 028200004017	FLAVORED
Marlboro Menthol Silver 100 Box	028200148506 028200004857	FLAVORED
Marlboro Menthol Silver King Box	028200148100 028200004819	FLAVORED
Marlboro Menthol Smooth 100 Box	028200130303 028200003034	FLAVORED
Marlboro Menthol Smooth King Box	028200132307 028200003232	FLAVORED
Marlboro Midnight Menthol King Box	028200161307 028200061324	FLAVORED
Marlboro Menthol Special Blend Black King Box	028200584717 028200174789	FLAVORED
Marlboro Menthol Special Blend Black 100 Box	028200584816 028200174796	FLAVORED
Marlboro Menthol Slate King Box	028200599315 028200178251	FLAVORED
Marlboro Menthol Slate 100 Box	028200599414 028200178268	FLAVORED
Marlboro Black Menthol 72 Box	028200193506 02893527	FLAVORED
Marlboro Menthol Ice King Box	028200194909 02894924	FLAVORED
Marlboro Menthol Smooth Ice King Box	028200330611 028200330628	FLAVORED
Marlboro Bold Ice King Box	028200610010 028200179418	FLAVORED
Marlboro Green 72 Box	028200196200 028200009623	FLAVORED
Marlboro NXT King Box	028200317711 028200317728	FLAVORED
Nat's Menthol King Box	050545915253 050545915246	FLAVORED
Parliament Menthol Green King Box	028200179302 028200007933	FLAVORED
Parliament Menthol White 100 Box	028200178909 028200007896	FLAVORED
Parliament Menthol White King Box	028200178701 028200007872	FLAVORED
Parliament Menthol Silver King Box	028200181701 028200008176	FLAVORED
Virginia Slims Menthol Silver 120 Box	028200195906 028200009593	FLAVORED
Virginia Slims Menthol Gold 120 Box	028200173904 028200007391	FLAVORED

Virginia Slims Menthol Gold King Box	028200173409 028200007346	FLAVORED
Virginia Slims Menthol Silver King Box	028200174406 028200007445	FLAVORED
Virginia Slims Superslims Menthol King Box	028200177803 028200007780	FLAVORED
Virginia Slims Menthol King Box	028200177407 028200007742	FLAVORED

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.

Sincerely,

Taylor Ann Whitemore

TAYLOR ANN WHITEMORE
Deputy Attorney General

For ROB BONTA
Attorney General