

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



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November 12, 2024

Michael Gerard Tyson
1900 Avenue of the Stars, 25th Floor
c/o Kia Kamran P.C.
Los Angeles, California 90067
info@Jbrands.com

RE: California Flavor Ban, Health & Safety Code § 104559.5
Notice of Determination 24-11-A4-1

Dear Mr. Tyson:

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).

As of January 1, 2025, Assembly Bill 3218’s modifications to the flavor ban law go into effect. Those modifications include a clarification that the flavor ban applies to products with a “cooling sensation.” *See* Cal. Health & Saf. § 104559.5(a).

This letter is to advise you that the Tobacco Unit of the California Department of Justice has reviewed referred packaging and promotional materials for the product(s) below and determined that they are presumptively **FLAVORED** under the California flavor ban law as of January 1, 2025. *Id.*

Determination Number	Reviewed Product(s)	UPC(s)	Determination
24-11-A4-1	Tyson 2.0 Vape Heavyweight Clear	Various	FLAVORED
24-11-A4-2	Tyson 2.0 Vape Iron Mike Clear	Various	FLAVORED
24-11-A4-3	Tyson 2.0 Vape Round 2 Clear	Various	FLAVORED

We specifically conclude:

- (1) Statements on your website communicate that the Reviewed Product(s) impart a cooling sensation. *See* TAB A.

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 December 12, 2024, 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,

/s/ Taylor Ann Whittemore

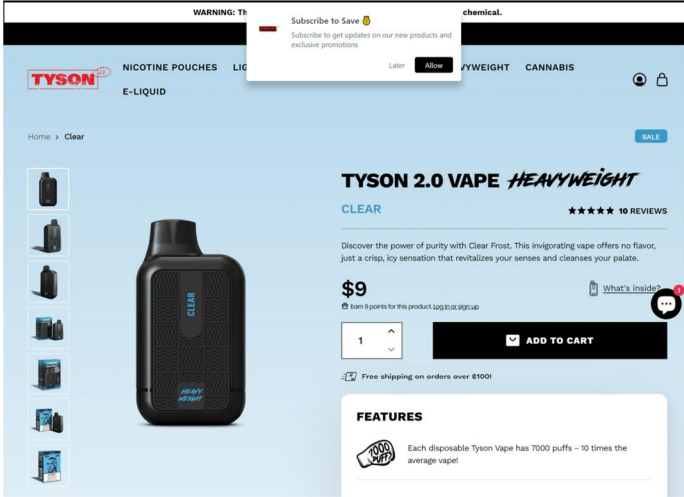
TAYLOR ANN WHITTEMORE
Deputy Attorney General

For **ROB BONTA**
Attorney General

TAB A – WEBSITE IMAGES

REVIEWED PRODUCT(S)

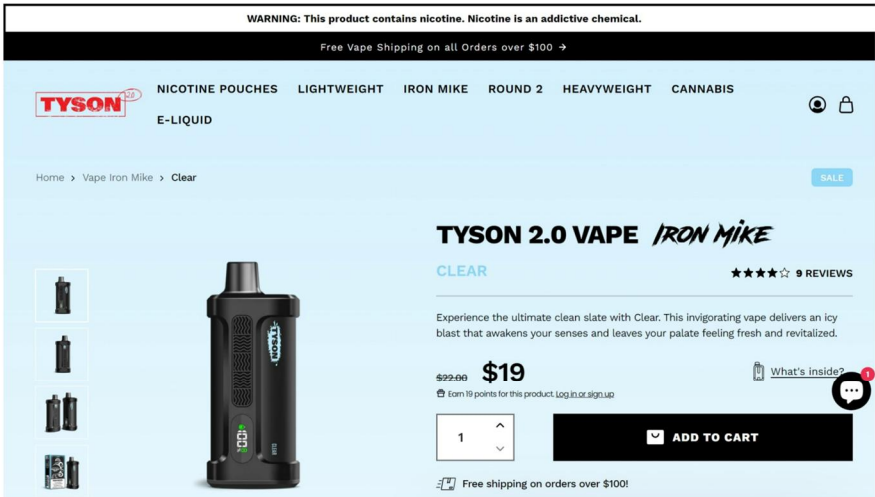
Tyson, Tyson 2.0 Vape Heavyweight Clear,
<<https://vapetyson.com/products/tyson-2-0-heavyweight-7000-puffs-disposable-vape-clear>> (as of Oct. 8, 2024).



The screenshot shows the product page for the Tyson 2.0 Vape Heavyweight Clear. The page layout includes a navigation bar with categories like 'NICOTINE POUCHES', 'E-LIQUID', 'HEAVYWEIGHT', and 'CANNABIS'. The main content area features a large image of the black vape device, a price of \$9, and an 'ADD TO CART' button. The product is described as 'CLEAR' and has 10 reviews. A 'SALE' badge is visible in the top right corner.

REVIEWED PRODUCT(S)

Tyson, Tyson 2.0 Vape Iron Mike Clear,
<<https://vapetyson.com/collections/tyson-2-0-iron-mike/products/tyson-2-0-iron-mike-15-000-hits-disposable-vape-clear>> (as of Oct. 8, 2024).



The screenshot shows the product page for the Tyson 2.0 Vape Iron Mike Clear. The page layout includes a navigation bar with categories like 'NICOTINE POUCHES', 'LIGHTWEIGHT', 'IRON MIKE', 'ROUND 2', 'HEAVYWEIGHT', and 'CANNABIS'. The main content area features a large image of the black vape device, a price of \$19 (with a crossed-out \$29.00), and an 'ADD TO CART' button. The product is described as 'CLEAR' and has 9 reviews. A 'SALE' badge is visible in the top right corner.

REVIEWED PRODUCT(S)

Tyson, Tyson 2.0 Vape Round 2 Clear, <<https://vapetyson.com/collections/tyson-vape-2-0-round-2/products/tyson-2-0-round-2-7500-puff-disposable-vape-clear>> (as of Oct. 10, 2024).

