The Marketing of Newly Introduced “Non-Menthol” Cigarettes in California Expressly Communicates to Consumers the Presence of a Characterizing Flavor

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Both Senate Bill No. 793 California and the FDA’s Proposed Menthol Product Standard prohibit “Non-Menthol” cigarette marketing in a manner which either explicitly or implicitly suggests that the brand possesses a characterizing flavor.

SB No. 793 States:¹ “There is a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer’s agents or employees, in the course of their agency or employment, 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.”

FDA’s Proposed Menthol Policy States:² “Flavor representations (including descriptors), either explicit or implicit, in or on the labeling (including packaging) or advertising of tobacco products” and “Any other means that impart flavor or represent that the tobacco product has a characterizing flavor.”

Advertising of the newly introduced California-specific “Non-Menthol” cigarettes (Camel, Newport, and Kool) includes both explicit and implicit messaging that these products deliver a characterizing flavor (see illustrations which follow). These advertisements are transparent in their targeting of menthol smokers. In addition, their package coloring and design is essentially identical to their predecessor menthol products. This systematic transgression of the SB No. 793 marketing limitation is justification for their removal from the market.

¹ Senate Bill No. 793. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB793
California Specific “Non-Menthol” Cigarettes: Packs Identical to Menthol Brands

Newport “Non-Menthol”

Classic Newport Menthol

“Non-Menthol”

MENTHOL

KOOL

MENTHOL

KOOL

100’s TRUE MENTHOL | SL

“Non-Menthol” Crush

Menthol Crush

MENTHOL

CAMEL

MENTHOL

CAMEL

Menthol

CAMEL

TROPICAL OASIS

CAMEL

TROPICAL OASIS
California Specific “Non-Menthol” Cigarettes: Contain WS-5 Cooling agent

Camel Crisp “Non-Menthol” Green Box

WS-5
n-Ethyl-p-Menthane-3-Carboxamide
4X cooling intensity of menthol

https://rjrt.com/commercial-integrity/ingredients/brand-compounds/

Newport “Non-Menthol” Green

WS-5
n-Ethyl-p-Menthane-3-Carboxamide
4X cooling intensity of menthol

https://rjrt.com/commercial-integrity/ingredients/brand-compounds/
Cooling effect of WS-5 is 4X that of Menthol

The Advertising Buzzwords for “Non-Menthol” Brands Closely Adhere to the Playbook of Menthol Promotion.
“Non-Menthol” Brands Advertise “Taste”

If the new additive is flavorless & odorless - Why advertise **TASTE?!**

**New fresh taste, same satisfaction**

**INTRODUCING THE non-menthol for menthol SMOKERS**

new fresh taste, same satisfaction

From https://www.newport-pleasure.com/secure.html

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**Available in:**

- **Bold & Assertive TASTE**
- **Smooth & Mellow TASTE**

Available in a bold and assertive taste, and a smooth, mellow taste. Made with rich premium tobacco for an intense smoking experience.

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**KOOL “Non-Menthol”**

**ONLY IN CALIFORNIA**

Available in a bold and assertive taste, and a smooth, mellow taste. Made with rich premium tobacco for an intense smoking experience.
“Non-Menthol” Brands Are Abundantly Clear About their Target market:
The Menthol Cigarette Smoker – With the Clear Implication that they are a Similar Cigarette

Purpose is Not Subtle

“Non-Menthol” For Menthol Smokers

From Newport Mailer 12-2022
“Fresh” and “Cool” are the Most Common Menthol Advertising Buzzwords.
A “Taste” That Satisfies the “Senses”

How can this NOT be a Flavored Tobacco Product?

CAMEL CRISP OFFERS SMOOTH TOBACCO FLAVOR AND A CRISP SMOKING EXPERIENCE FROM THE VERY FIRST DRAW.
THE RESULT – A TASTE THAT SATISFIES THE SENSES.

Menthol Cigarette

“Non-Menthol” Cigarette

Satisfy Your Senses

stir the senses

How can a “Non-Menthol” “Satisfy Your Senses” if it does not stimulate them?
The Marketing of Newly Introduced “Non-Menthol” Cigarettes in California

“Non-Menthol” Kool

“Bold” & “Smooth” describe taste

Menthol KOOL Ad
“Intense Menthol”

“Non-Menthol” KOOL Ads
“Intensity Reimagined”

Intensity Describes Taste

https://kool.com/nonmenthol/
For a Comprehensive Overview of Menthol Cigarette Advertising:

Advertising Created & Continues to Drive the Menthol Tobacco Market: Methods Used by the Industry to Target Youth, Women, & Black Americans.

Full Report: high-resolution PDF link (1.62Gb) / low-resolution PDF link (46.4Mb)

Executive Summary: high-resolution PDF link (6.2Mb)

For an Online Collection of Menthol Cigarette Advertising:
https://tobacco.stanford.edu/cigarettes/menthol-medicates/