

## 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:**<sup>1</sup> “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:**<sup>2</sup> “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.



<sup>1</sup> Senate Bill No. 793. [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB793](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB793)

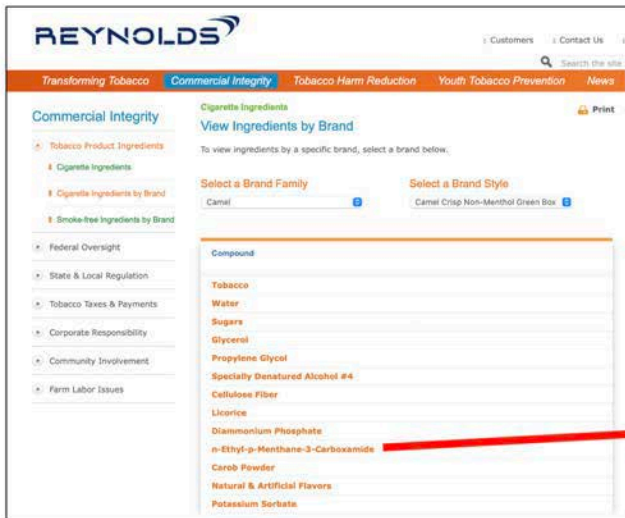
<sup>2</sup> Tobacco Product Standard for Menthol in Cigarettes (Proposed Rule 5/4/2022). 87 FR 26454 at 26455, 26488. <https://www.federalregister.gov/documents/2022/05/04/2022-08994/tobacco-product-standard-for-menthol-in-cigarettes>

California Specific “Non-Menthol” Cigarettes: Packs Identical to Menthol Brands



## 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

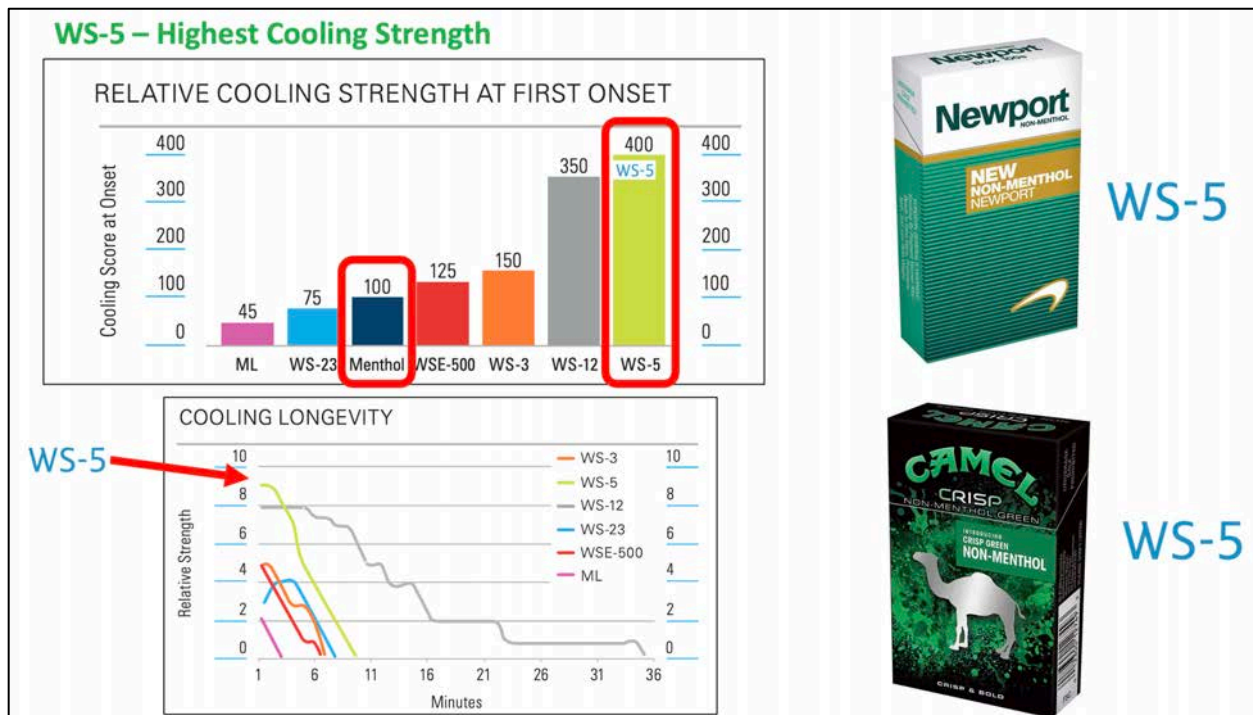


**WS-5**  
**n-Ethyl-p-Menthane-3-Carboxamide**  
**4X cooling intensity of menthol**

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



## Cooling effect of WS-5 is 4X that of Menthol



[https://www.symrise.com/fileadmin/symrise/Marketing/Scent\\_and\\_care/Aroma\\_molecules/symrise-symcool-A4-pages-eng.pdf](https://www.symrise.com/fileadmin/symrise/Marketing/Scent_and_care/Aroma_molecules/symrise-symcool-A4-pages-eng.pdf)

## 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

DISCOVER MORE



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

**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.

**KOOL “Non-Menthol”**


ONLY IN CALIFORNIA

KOOL NON-MENTHOL GREEN & BLUE

STILL BOLD  
STILL SMOOTH

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

Get Coupons





## “Tropical Oasis” is a Taste Descriptor

CRUSH OASIS PUTS A NEW  
TWIST ON YOUR FAVORITE  
CAPSULE EXPERIENCE –  
TRANSFORMING CAMEL'S  
ORIGINAL NON-MENTHOL BLEND  
INTO A TROPICAL OASIS.



Camel.com website

“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

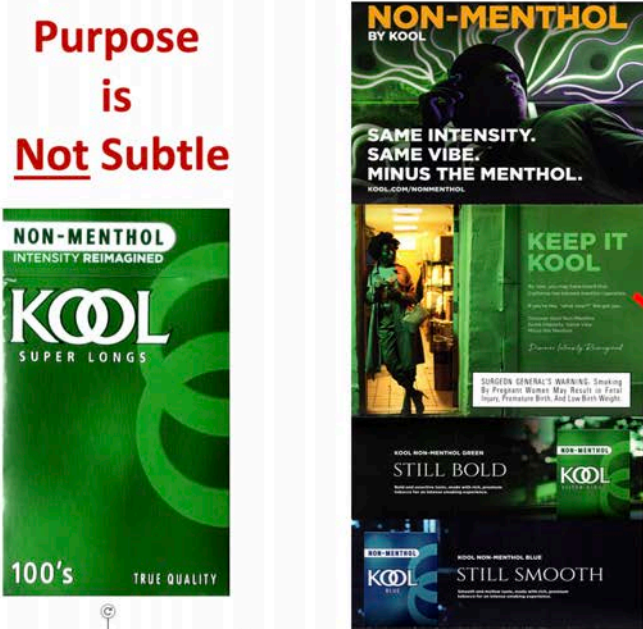
“Non-Menthol” For Menthol Smokers



From Newport Mailer 12-2022

**“Keep it Kool”** **If you’re like, “what now?!” We got you.**

**Purpose is Not Subtle**



**KEEP IT KOOL**

By now, you may have heard that California has banned menthol cigarettes.

**If you’re like, “what now?!” We got you.**

Discover Kool Non-Menthol. Same Intensity. Same Vibe. Minus the Menthol.

*Discover Intensity Reimagined*

KOOL Mailer 12-30-2022

**“Non-Menthol” KOOL Ads – “Same” . . . As your Menthols**



**NON-MENTHOL BY KOOL**

**SAME INTENSITY. SAME VIBE. MINUS THE MENTHOL.**

KOOL.COM/NONMENTHOL

**Discover INTENSITY REIMAGINED**

**DISCOVER KOOL NON-MENTHOL**

Your answer to California's menthol ban. Same Intensity. Same Vibe. Minus the Menthol.

My Profile Log Out Contact Us  
Our Products KOOL Coupons KOOLCOIN Rewards Content Vault Our Events

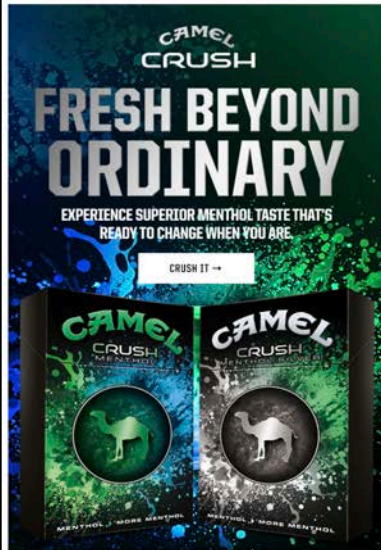
SURGEON GENERAL'S WARNING: Cigarette Smoke Contains Carbon Monoxide

<https://kool.com/nonmenthol/>



“Fresh” and “Cool” are the Most Common Menthol Advertising Buzzwords.

### “Fresh” in Menthol Cigarette Advertisements



Fresh Beyond Ordinary



Fresh on the Scene



Refresh Yourself

### “Non-Menthol” Cigarette

Fresh in  
“Non-Menthol”  
Cigarette  
Advertisements



Newport Mailer 12-2022



**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.


**“Non-Menthol” Cigarette**



A CRISP NEW EXPERIENCE

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**




stir the senses

**SATISFY YOUR SENSES**

stir the senses

How can a “Non-Menthol” “Satisfy Your Senses” If it does not stimulate them?

**“Non-Menthol” Cigarette**



Satisfy Your Senses

CAMEL CRISP OFFERS SMOOTH TOBACCO FLAVOR AND A CRISP SMOKING EXPERIENCE.

EXPERIENCE CRISP →

NOW AVAILABLE

Camel e-mail

### Menthol Cigarette

ONE CRUSH TAKES YOU FROM NON-MENTHOL TO A TROPICAL OASIS

### “Non-Menthol” Cigarette

DISTINCTLY BOLD

ONE CRUSH TAKES YOU FROM NON-MENTHOL TO A TROPICAL OASIS

NEW NON-MENTHOL

### Menthol Cigarette

“Bold” describes taste

### “Non-Menthol” Cigarette

DISTINCTLY BOLD

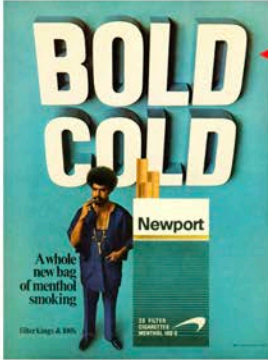
ONE CRUSH TAKES YOU FROM NON-MENTHOL TO A TROPICAL OASIS

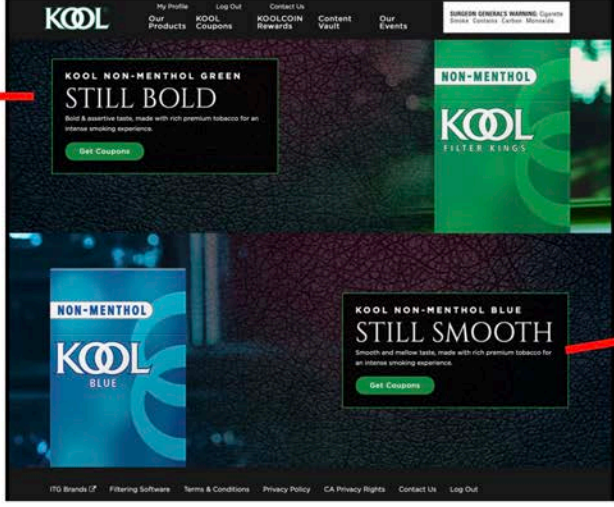
NEW NON-MENTHOL




**“Non-Menthol” Kool**

**Menthol Newport**





**Menthol Kool**



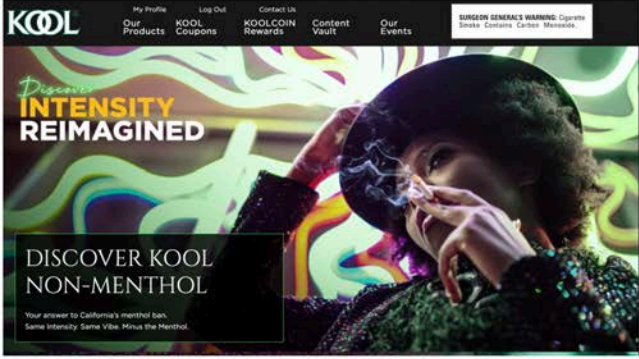
**“Bold” & “Smooth” describe taste**

<https://kool.com/nonmenthol/>

**Menthol KOOL Ad**  
**“Intense Menthol”**



**“Non-Menthol” KOOL Ads**  
**“Intensity Reimagined”**



**Intensity Describes Taste**

## **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.**

Jackler RK, Ramamurthi D, Willett J, Chau C, Muoneke M, Zeng A, Chang M, Chang E, Bahk JR, Ramakrishnan A. *SRITA Research Paper*.

**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/>