

Strictly Confidential

For the Attention of Martin Dockrell
Public Health England



www.bat.com

18 June 2020

Dear Mr Dockrell

POSSIBLE BREACHES OF THE TOBACCO AND RELATED PRODUCT REGULATIONS 2016

We respectfully refer to our letter of 3 June 2020 in which British American Tobacco UK Limited (“**BAT**”) informed Trading Standards that Gallaher Limited, the UK subsidiary of Japan Tobacco International (“**JTI**”), are selling new cigarette products which are potentially in breach of the Tobacco and Related Products Regulations 2016 (TRPR). This letter is attached as Appendix 1 for reference.

In particular, we are aware of seven new JTI cigarette product formats which have been launched in the UK, namely: (i) Benson & Hedges New Blue Dual; (ii) Benson & Hedges New Superkings Green; (iii) Mayfair New Green; (iv) Sovereign New Dual; (v) Sterling New Dual; (vi) Sterling New Superkings Green; and (vii) Berkeley New Superkings Green (collectively, the “**New Cigarette Products**”).

We understand based on media reports that you are undertaking an investigation into these New Cigarette Products and related to this we wanted to provide you with the analysis which we have undertaken related to these products for your information.

Relevant legislation

As you will be aware, under TRPR, it is illegal to commercialise cigarettes or hand rolling tobacco which have a characterising flavour with this restriction now encompassing menthol flavours following 20 May 2020. A characterising flavour is defined in the TRPR as “a smell or taste other than one of tobacco which: (a) is clearly noticeable before or during consumption of the product; and (b) results from an additive or a combination of additives, including, but not limited to, fruit, spice, herbs, alcohol, candy, menthol or vanilla”¹.

We at BAT believe that both the letter and the spirit of the law is clear. We have removed all menthol from our cigarette and hand rolling tobacco products in the UK and we have not sought to include any other additive into such products in such quantities which could constitute a characterising flavour.

Menthol levels and expert sensorial analysis

For each of the New Cigarette Products we have undertaken a chemical analysis regarding the presence of menthol using Essentra, an independent and ISO accredited laboratory in the UK. In addition, BAT has conducted a detailed sensorial analysis of five of the New Cigarette Products,

¹ Section 15(1) of the Tobacco and Related Products Regulations 2016.

namely: (i) Benson & Hedges New Blue Dual; (ii) Benson & Hedges New Superkings Green; (iii) Mayfair New Green; (iv) Sovereign New Dual; and (v) Sterling New Dual (the “**Sensorially Tested Products**”), utilising a BAT expert product tasting panel based in Southampton who followed the approach recommended by the European Union and applied the highest industry standards.

The key results of our analysis were as follows:

- The Essentra analysis confirms that all of the New Cigarette Products: (i) contained levels of menthol in the tobacco used in such products with mean results ranging between 1.13 and 1.57 mg / g; and (ii) contained levels of menthol in the smoke from such products with mean results ranging between 0.15 and 0.21 mg / cigarette.

The detailed results of the Essentra analysis is set out in the table below:

| Sample | Laboratory Ref No | Menthol in Smoke (mg/cig) | | Menthol in Tobacco (mg/g) | |
|-------------------------------------|-------------------|---------------------------|------|---------------------------|------|
| | | Mean | SD | Mean | SD |
| Sterling NewDual | 59016 | 0.18 | 0.01 | 1.13 | 0.01 |
| Benson & Hedges NewDual | 59017 | 0.20 | 0.01 | 1.25 | 0.05 |
| Sovereign NewDual | 59018 | 0.17 | 0.01 | 1.22 | 0.04 |
| Sterling NewSuperkings Green | 59019 | 0.20 | 0.02 | 1.49 | 0.01 |
| Benson & Hedges NewSuperkings Green | 59020 | 0.21 | 0.01 | 1.57 | 0.36 |
| Berkeley NewSuperkings Green | 59021 | 0.15 | 0.06 | 1.57 | 0.21 |
| Mayfair NewGreen | 59022 | 0.15 | 0.01 | 1.35 | 0.02 |

- Both before and during consumption, our BAT expert panel identified clearly discernible floral, menthol (including wintergreen, spearmint and peppermint) and fruity (citric) flavour characteristics in all of the Sensorially Tested Products.
- Every member of the expert panel confirmed that they experienced a cooling sensation associated with smoking the Sensorially Tested Products. Our understanding is that this sensation can only be attributed to the presence of menthol in the products.

We believe that even small amounts of menthol added to a cigarette or tobacco product can give a distinct taste (other than tobacco) and a cooling experience. In addition, menthol can combine with other ingredients to make other flavours more noticeable than they would be in a product without menthol. In our view, we believe this is why other flavours in addition to mint, such as citric flavour notes, can be detected in these New Cigarette Products.

In our opinion these combined findings show that the New Cigarette Products have a characterising flavour. This is demonstrated by the flavours (both before and during consumption) and the cooling experience during smoking (consisting of mouthfeel, aftertaste and a sensation of a full experience) identified by our BAT expert sensory panel as being clearly noticeable.

We have attached the Essentra menthol level analysis as Appendix 2 and the results of our BAT sensorial analysis as Appendix 3.

JTI's marketing approach for New Cigarette Products

JTI are clearly targeting consumers who are used to smoking previously legal menthol loaded cigarettes with their New Cigarette Products. In particular we have identified the following:

- The products are stated to include a “new distinctive blend” in a “unique dual pack” to improve “freshness perception”.
- The use of green backgrounds / pack colorings in wholesale and retail communications – with connotations of mint and menthol.

- Trade communications make it clear that these products are the direct successor of JTI's previous menthol flavoured cigarettes.
- JTI spokesperson stating that these products still contain low levels of menthol in media statements.

In Ireland, where JTI's Irish subsidiary has introduced similar new menthol based products, it has engaged in the same marketing activity to that of its UK subsidiary, including the following:

- The products are stated to be "fresh tasting" and to have "fresh" flavour,
- The products are "TPD2 compliant blends" and "flavour ban compliant".
- The products are "fresh options".

Appendix 4 sets out examples of the above.

Consumer feedback on New Cigarette Products

In addition to our BAT expert sensorial analysis above, we have obtained some social media feedback which consumers of the New Cigarette Products have posted. Consumers have made statements such as:

"New sterling dual taste the same as menthol, looks like I'm not quitting smoking then."

"For anyone that thinks menthols are gone forever. They're not. Sterling new dual and b&h new dual are a 'special blend' to get round the law but they're menthol."

"I went to the shop today, and they said they got in today 'sterling dual new' they didn't know if they are menthol or not. I bought them and they are fully menthol..."

These statements clearly show that consumers taste mint / menthol when smoking the New Cigarette Products, further underlining in our opinion the presence of a characterising flavour. We have attached at Appendix 5 further examples of similar consumer feedback which we have collated.

Summary

As set out above, it is our understanding that you have commenced an investigation into whether these New Cigarette Products have a "characterising flavour" in breach of Section 15(1) of TRPR. We believe that there is clear evidence of such a breach based on the analysis which we have undertaken and the feedback we have seen from consumers.

We are concerned that the continued presence of these New Cigarette Products on the UK market undermines the Government's policy objectives at the time it introduced the ban and damages attempts by BAT to actively participate in reducing the health impact of our industry by offering consumers alternative Potentially Reduced Risk Products which do not contain tobacco (such as vapour). We request therefore you consider taking steps to suspend the sales of these new products pending the conclusion of your investigation.

Should you have any questions related to this letter or the analysis we have provided of if you would like any other input from BAT please do not hesitate to contact:

[Redacted]

We request that you take into consideration the information we have provided, and we would highly appreciate your guidance on the application of the law in this matter.

Yours faithfully

[Redacted]

[Redacted] **BAT UK & Ireland**

Strictly Confidential

Surrey Trading Standards



www.bat.com

3 June 2020

Dear Sir / Madam

Possible Breaches of The Tobacco & Related Products Regulations 2016 (“TRPR”)

British American Tobacco UK Limited (“**BAT**”) is a distributor of tobacco and potentially reduced risk nicotine products in the United Kingdom. BAT is a subsidiary of British American Tobacco plc and our purpose is to build A Better Tomorrow by reducing the health impact of our business through offering a greater choice of potentially reduced risk products for our consumers.

On 20 May 2020 the complete ban on cigarettes and hand rolling tobacco with any characterising flavour including menthol took effect. Characterising flavours other than menthol have already been banned since 20 May 2016. We at BAT have removed menthol from our cigarette products and have not sought to add any ingredient into our cigarettes and hand rolling tobacco in such quantities which may be considered as a characterising flavour. In addition, BAT has not launched any products which would be designed to be used with tobacco product packaging in order to recreate a menthol effect. We believe that both the letter and the spirit of the law are clear, and as such we have adjusted our cigarette and hand rolling tobacco product portfolio accordingly.

We are writing to you as the local Trading Standards Office of Gallaher Limited, the UK subsidiary of Japan Tobacco International (“**JTI**”), based in Webridge, Surrey. JTI are selling new cigarette products sold under the brand names Sterling New Dual, Sterling New Superkings Green and Benson & Hedges New Dual which it is marketing as having a “fresh taste” and being “flavour ban compliant”.

These products have attracted media criticism with articles appearing in The Daily Mail and The Sun on the 25 May and 26 May 2020 respectively. Copies of the articles are attached as an annex to this letter. In those articles, there are quotes from customers which claim they taste “fully menthol”, that “Sterling New Dual and B&H New Dual are a ‘special blend’ to get round the law but they’re menthol” and “....I bought them [Sterling New Dual] and they’re fully menthol”. Conservative MP Bob Blackman was quoted in the articles as saying “They [JTI] are cynically trying to circumvent a very sensible ban on cigarettes which are intended to make you quickly addicted to nicotine and a customer for life.” In the article appearing in The Sun, journalist Terri-Ann Williams states “The ban was supposed to have been on cigarettes with a “characterising flavour” such as menthol products, the new blend however smells and tastes like menthol...”.

Section 15(1) of TRPR prohibits the production or supply of cigarettes or hand rolling tobacco with a characterising flavour. A characterising flavour is defined in TRPR as “a smell or taste other than one of tobacco which is clearly noticeable before or during consumption of the product and results from an additive or combination of additives including, but not limited to, fruit, spice, herbs, alcohol, candy, menthol or vanilla”.

Section 16(1)(d) of TRPR also prohibits the production or supply of a tobacco product which includes an additive or additives that facilitate inhalation or nicotine uptake. The European Commission has stated that ingredients that have cooling effects, including menthol, facilitate inhalation (and likely result in increased nicotine uptake).¹

One of the clear purposes of Sections 15(1) and 16(1)(d) of TRPR is to remove menthol flavouring from cigarettes and tobacco products.

Based on the initial consumer feedback presented in the articles and comments by the NGO Action on Smoking & Health (“**ASH**”), menthol is clearly noticeable, which strongly suggests that these products are in breach of Sections 15(1) and/or 16(1)(d) of TRPR. Our interpretation of Sections 15(1) and 16(1)(d) of TRPR is that no characterising flavour of any kind is permitted.

We are also aware that JTI have placed similar products on the market in Ireland sold under the brand names Silk Cut Choice Super Line Green and Mayfair Sea Green. We have undertaken a detailed sensory and chemical analysis of these products following the approach recommend by the EU and applying the highest industry standards. Our findings are that the products have a mint taste which would be clearly noticeable by a consumer, in addition to other clearly noticeable smells other than tobacco before and during consumption. According to the article in the Irish Times on 30 May 2020 (attached), the continued presence of menthol in these products was confirmed by JTI. Whilst we have not yet undertaken an analysis of the UK products mentioned above, it is our expectation that those products will have the same flavour characteristics as we have analysed in Ireland. We will send you our sensory and chemical analysis of these UK products due course.

As can be seen from the article in The Irish Times, Simon Harris, the Irish Minister for Health, has called on the European Union to investigate these products. We believe it to be in the public interest to draw your attention to these new product launches by JTI and the related news articles and we would strongly support that they warrant immediate investigation separately to any investigation by the European Union given the UK's departure from the European Union. We would request clarity from you on whether you believe these new products comply with the relevant sections of TRPR.

Yours faithfully

[Redacted signature]

[Redacted name]

BAT UK & Ireland

¹ See:

- [2010 SCENIHR report](#) on Addictiveness and Attractiveness of Tobacco Additives:
 - pp. 4 and 9 (noting that menthol is an additive that facilitates deeper inhalation);
 - p. 37: "*Certain ingredients have local anaesthetic effects. As a result coughing due to inhalation of irritating smoke is dampened and the smoker can inhale the smoke deeper (and more frequently). Examples are etheric oils, such as menthol and thymol.*"
- [2016 SCENIHR Opinion \(1\)](#) on Additives used in tobacco products. The report makes clear at several locations that additives with anaesthetic properties can facilitate inhalation (if used in sufficient quantities). See, e.g., pg. 33, noting "*Benzyl alcohol is a local anaesthetic that can facilitate tobacco smoke inhalation*". P. 50 also notes, for example: "*In addition, several additives and formulations are used to simulate menthol effects. Menthol induces anaesthetic and sensory effects, facilitates deeper inhalation and adds to the impact of nicotine*" (underlining added).
- [2016 SCHEER Opinion \(2\)](#) on Additives used in tobacco products. For example:
 - p. 37 states: "*Inhalation can be facilitated by certain additives leading to deeper and more frequent inhalation by the cigarette smoker resulting in an increase in lung exposure and nicotine uptake. Additives (e.g. menthol, theobromine and eucalyptol) can achieve this by enhancing sensory properties such as cooling effects or by having local anaesthetic and bronchodilating properties (Usmani et al., 2005).*"
 - p. 47 notes: "*Certain ingredients have local anaesthetic effects. As a result, coughing due to inhalation of irritating smoke is dampened and the smoker can inhale the smoke deeper (and more frequently). Examples are components of etheric oils, such as menthol and thymol (SCENIHR 2010).*"
 - p. 65 states: "*Based on the available data, menthol is concluded to impart a characterising flavour if added in sufficient amounts, facilitate inhalation and addictiveness of tobacco products and increase inhalation and nicotine uptake (concern categories A and C). Uncertainty is low. Further testing to show whether menthol is or is not addictive or does or does not increase attractiveness is not recommended in view of the strength of the data.*"

<https://www.dailymail.co.uk/news/article-8355881/Bosses-accused-sidestepping-ban-aimed-stopping-children-smoking.html>

The Daily Mail Online – 25 May 2020

The UK's best-selling tobacco company was yesterday accused of sidestepping a ban on the sale of menthol cigarettes aimed at stopping children smoking.

Japan Tobacco International, which makes Benson and Hedges and Sterling, has replaced several of its brands with an almost identically named and marketed new range. They are being advertised under the slogan 'menthol reimaged' and customers claim they taste 'fully menthol'.

Documents leaked to the Daily Mail show retailers have been told how to continue 'making a mint' from the £3.6billion-a-year UK market and boost sales after the ban.

Mint-flavoured cigarettes, which make up around one in four sales, were banned in Britain last Wednesday amid concerns they were luring young people. JTI launched its new range on the same day. Campaigners last night called for the Government to outlaw the new brands as well.

Tory MP Bob Blackman, chairman of the all party parliamentary group on smoking and health, said: 'They are cynically trying to circumvent a very sensible ban on cigarettes which are intended to make you quickly addicted to nicotine and a customer for life.'

'There are literally thousands of young people who get addicted to nicotine through menthol cigarettes. That was the point of the ban. This shows you can't trust big tobacco.'

Deborah Arnott, chief executive of Action on Smoking and Health, added: 'The industry has obeyed the letter of the law while in no way, shape or form following its spirit.'

Advertising in mainstream media is forbidden and JTI is urging retailers to promote its new range.

A handbook in association with the firm called 'making a mint' has been given to sellers.

It is subtitled 'Everything you need to know to successfully navigate the menthol ban'.

It says: 'The legislation makes it very difficult for manufacturers to communicate directly with existing adult smokers.'

'Retailers should ensure staff are aware of the alternative options on offer so they are able to inform them.'

It added that there were 'a raft of distinctive new blends and unique taste alternatives'.

JTI communications director Mark Yexley has called the new law a 'fresh opportunity'.

The legislation is part of the Government's drive for a smoke-free society by 2030.

But a survey commissioned by smokers' group Forest found 39 per cent of smokers are oblivious to the new regulations.

Customer Ellie Rylance posted on Twitter the day of the ban: 'For anyone who thinks menthols have gone forever, they're not.'

'Sterling New Dual and B&H New Dual are a 'special blend' to get round the law but they're menthol.'

Another wrote: 'I went to the shop today and they said they got in 'Sterling New Dual'. They didn't know if they were menthol. I bought them and they're fully menthol.'

A JTI UK spokesman said: 'JTI UK no longer sells menthol flavoured cigarettes, including capsule products.'

'We are confident that all of our products are fully compliant with UK law.'

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<https://www.thesun.co.uk/news/11708546/firm-accused-getting-around-cigarette-ban-new-menthol-reimagined-range/>

The Sun Online – 26 May 2020

A TOBACCO firm has been accused of dodging the menthol cigarette ban after it launched a "new blend" under the same name.

Japan Tobacco International (JTI) has created a new range of products that charities claim still provide customers with a menthol taste, despite not actually containing any menthol.

Last week mint flavoured cigarettes were banned in the UK after concerns that the products are the cause of many people becoming addicted to smoking from an early age.

Speaking to The Sun, the chief executive from Action on Smoking and Health (ASH) said JTI, that make well known brands such as Benson and Hedges had given retailers across the UK new advice on the products.

Deborah Arnott from ASH said the new products still taste like menthol but don't actually contain any.

Ms Arnott said while the firm has obeyed the law it is "not following the spirit".

This is while a "Making a Mint" document had also been produced by Scottish Local Retailer magazine to educate and inform the trade on the new ban. The audience was tobacco buyers and not consumers.

The products are being sold under the "menthol reimagined logo" and could take in some of the revenue from the £3.6 billion-a-year UK market.

An online training course seen by The Sun shows how JTI is marketing the new products.

Sterling New Superkings Green are the new products and are the same as Sterling Superkings Green, while the latest version from Benson & Hedges is Benson & Hedges New Superkings Green, which had been Benson & Hedges Superkings Blue Dual.

The ban was supposed to have been on cigarettes with a "characterising flavour" such as menthol products, the new blend however smells and tastes like menthol, but does not actually contain it.

Speaking to the Daily Mail, Conservative MP Rob Blackman said the company was "cynically trying to circumvent a very sensible ban on cigarettes which are intended to make you quickly addicted to nicotine and a customer for life.

"There are literally thousands of young people who get addicted to nicotine through menthol cigarettes. That was the point of the ban. This shows you can't trust big tobacco."

Customers on social media claimed they were still able to get menthol products despite the ban having been implemented.

Some said the "Sterling New Dual", were a blend of product and meant they could still get the menthol taste.

The legislation put in place by the government is part of a push for a smoke-free society by 2030.

The move from JTI comes after rival group Philip Morris promoted a "menthol heated-tobacco stick".

Philip Morris are said to have described the UK's ban as a huge opportunity for the market and have even hired new staff to help push the new products.

An investigation by the Bureau of Investigative Journalism found that the company had promoted menthol kits and trials for new customers.

These included half-price tobacco sticks, that included four menthol flavours.

Ms Arnott added: "ASH has written to the Government to ask for an investigation into these new cigarettes which Japan Tobacco International say contain a special tobacco blend which tastes like menthol. If this required the addition of any ingredient other than tobacco, then these products are illegal.

"If they are made of a magical tobacco blend that tastes like menthol, then JTI may have obeyed the letter of the law but in no way, shape or form is the company following its spirit."

In a statement, a spokesperson for JTI said: "JTI products always comply with all relevant legislation and regulation. The menthol ban forms part of the wider EUTPDII legislation, however the ban does not apply to cigars and cigarillos.

"JTI UK no longer sells menthol flavoured cigarettes (including capsule products) as menthol flavoured cigarettes have been banned from 20 May 2020. We are confident that all of our products are fully compliant with UK law.

"We have taken steps to support our retail customers by educating them about the changes in the law to try to ensure that they were not unlawfully selling menthol and capsule stock following the deadline.

"Minors should not smoke and should not have access to tobacco products and this belief is central to JTI's Code of Conduct, marketing practices, operational policies and the way JTI does business."

The Irish Times – 30 May 2020

<https://www.irishtimes.com/business/retail-and-services/minister-calls-on-eu-to-act-against-tobacco-firms-undermining-menthol-ban-in-ireland-1.4266132?mode=amp>

BEGIN

[Simon Harris](#), the Minister for Health, has called for [European Union](#) intervention against certain tobacco companies that he believes are “undermining” a ban on menthol-flavoured cigarettes that was introduced in Ireland this month as a measure to prevent young people from taking up smoking.

The menthol market was estimated at up to 18 per cent of the total cigarettes market here, or about €252 million, before the introduction of the ban across the EU on May 20th.

Anti-smoking groups, including Ash Ireland, a part of the [Irish Heart Foundation](#), have also strongly criticised moves by certain companies for allegedly “circumventing” the ban with replacement products that seek to exploit loopholes.

It singled out for criticism Philip Morris International, the maker of Marlboro, which has just introduced a new product onto the Irish market that described the retailers as a “menthol blend without methylation”.

Philip Morris said it believes it is still in compliance with the ban because, it claims, the cigarette doesn’t taste of menthol when it is smoked. It also criticised any Irish retailers that are still illegally selling its old menthol Marlboro Green brand, which The Irish Times found available to purchase in a Dublin convenience store yesterday.

Compliance

[Japan Tobacco International](#) (JTI), the Silk Cut maker that is ultimately one-third owned by the Japanese state, also argued that its new replacement brand, Silk Cut Choice Green, is in compliance with the ban, despite admitting it uses menthol flavourings in its manufacturing.

Rival tobacco companies that have chosen not to introduce substitutes for menthol cigarettes also criticised the moves by JTI and Philip Morris.

“We believe both the letter and spirit of the law is clear and as such we are not launching any cigarette brands or accessories with menthol-type properties,” said [Simon Carroll](#), the Ireland country manager for British American Tobacco, whose subsidiary here is PJ Carroll.

JTI and Philip Morris both advertised their new brands as replacements or substitutes for their old menthol cigarettes to Irish retailers in the April issue of trade magazine, Retail News.

Philip Morris ran a full-page ad with a green coloured theme for a new product called Marlboro Bright, which it said was a “menthol blend without methylation”. It told The Irish Times on Friday that the new brand was a “non-mentholated traditional cigarette”,

although it is clearly targeted at smokers who were previously smokers of menthol cigarettes.

JTI also ran a clutch of full-page ads for its offerings in the magazine. The company was recently criticised by anti-smoking campaigners in Britain for a publication about how to “navigate” the ban that was distributed to retailers by a trade publisher, “in association with JTI”. It was called “Making a Mint”.

“The regulations permit the use of flavourings such as menthol, vanilla and spice provided that the use of such flavourings does not produce a clearly noticeable smell or taste other than one of tobacco,” it said.

Under review

“We conduct robust internal testing processes to determine that the use of flavourings in our products does not produce a clearly noticeable smell or taste other than one of tobacco. All JTI tobacco blends continue to comply fully with the law.”

Mr Harris indicated yesterday that it was a matter for the State’s Environmental Health Service to determine if individual products meet the ban, and that the “effectiveness” of tobacco control legislation is kept under review.

“It is clear there are many tobacco companies attempting their products and undermining the objective of the [ban]. Minister Harris believes this should be dealt with at EU level,” said a spokeswoman.

Ministers in Germany also called for intervention this week in relation to flavouring products that are sold to consumers to add in the taste of menthol after purchase.

Dr [Pat Doorley](#), chairperson of Ash Ireland, said that “menthol, by its pleasant flavours, makes tobacco products more attractive to consumers, especially children”.

“We are not surprised that the tobacco industry has tried to circumvent the ban by substituting mint flavouring. When the industry fails to prevent public health policy measures from being enacted they frequently resort to other tactics such as court challenges,” he said.

END



1004

Quantitative Determination of Menthol in Tobacco and Mainstream Smoke

Customer: BAT Dev & Tech Centre

[Redacted]

Procedure

A total of 10 samples were received in sealed packet for the measurement of menthol in tobacco and mainstream smoke. All results are based on the mean of three replicates.

Methodology

Menthol in Mainstream Smoke – SM130 based on IS 13110
Menthol in Tobacco – HT 210 In House Method

Results - The results are shown in the table on page 2





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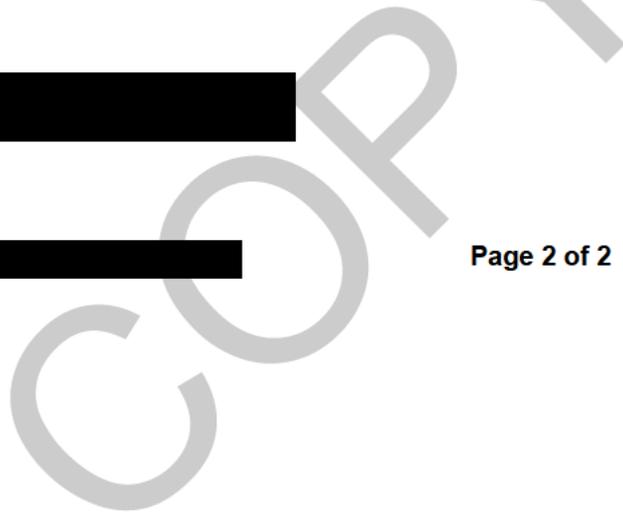
| Sample | Laboratory Ref No | Menthol in Smoke (mg/cig) | | Menthol in Tobacco (mg/g) | |
|--------------------------------------|-------------------|---------------------------|------|---------------------------|------|
| | | Mean | SD | Mean | SD |
| Sterling New Dual | 59016 | 0.18 | 0.01 | 1.13 | 0.01 |
| Benson & Hedges New Dual | 59017 | 0.20 | 0.01 | 1.25 | 0.05 |
| Sovereign New Dual | 59018 | 0.17 | 0.01 | 1.22 | 0.04 |
| Sterling New Superkings Green | 59019 | 0.20 | 0.02 | 1.49 | 0.01 |
| Benson & Hedges New Superkings Green | 59020 | 0.21 | 0.01 | 1.57 | 0.36 |
| Berkeley New Superkings Green | 59021 | 0.15 | 0.06 | 1.57 | 0.21 |
| Mayfair New Green | 59022 | 0.15 | 0.01 | 1.35 | 0.02 |

Approved by:

[Redacted Signature]

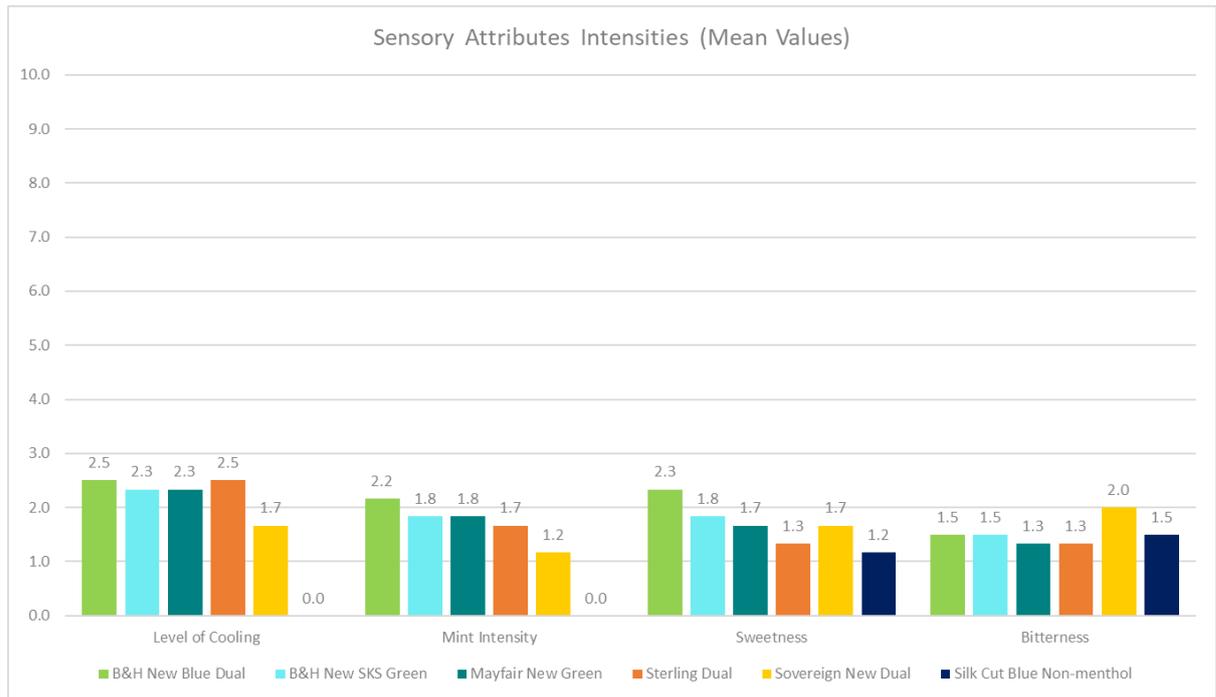
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Appendix 3

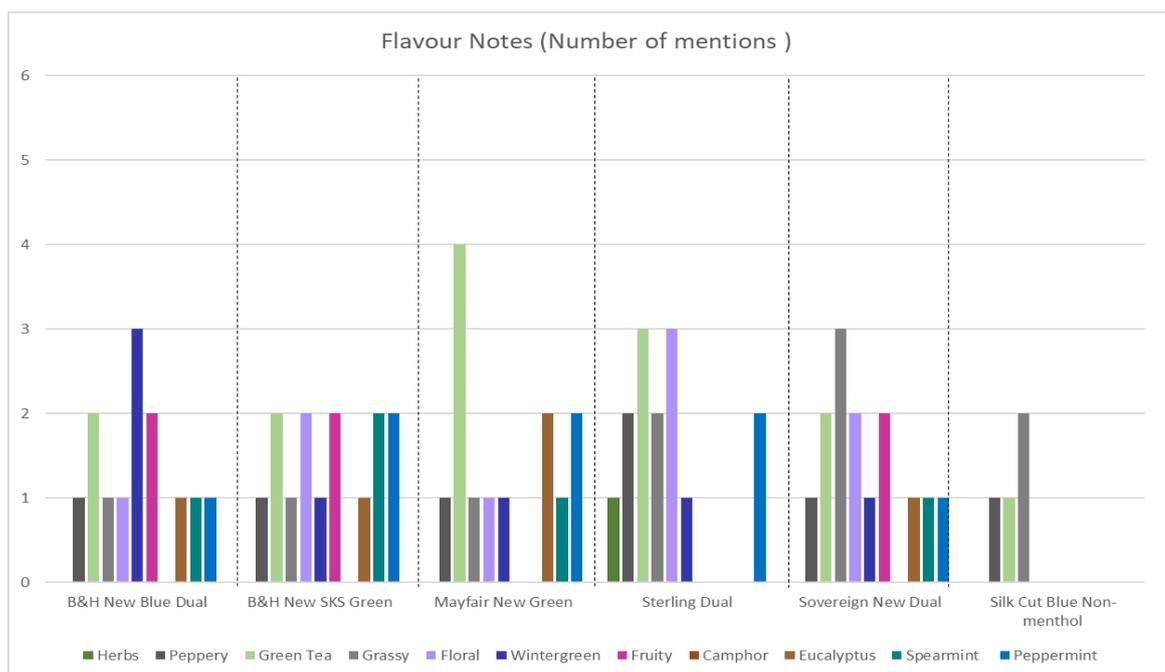
1. Cooling and Mint are perceived in all JTI newly launched products.



The chart above is based on the means of the absolute panellists ratings of the assessed attributes on a 11-point scale.

2. Fruity notes (described as citric) were perceived by the panellists in the newly launched JTI products, mainly in the rod aroma.

Flavour Profile – CATA attributes (n=6)



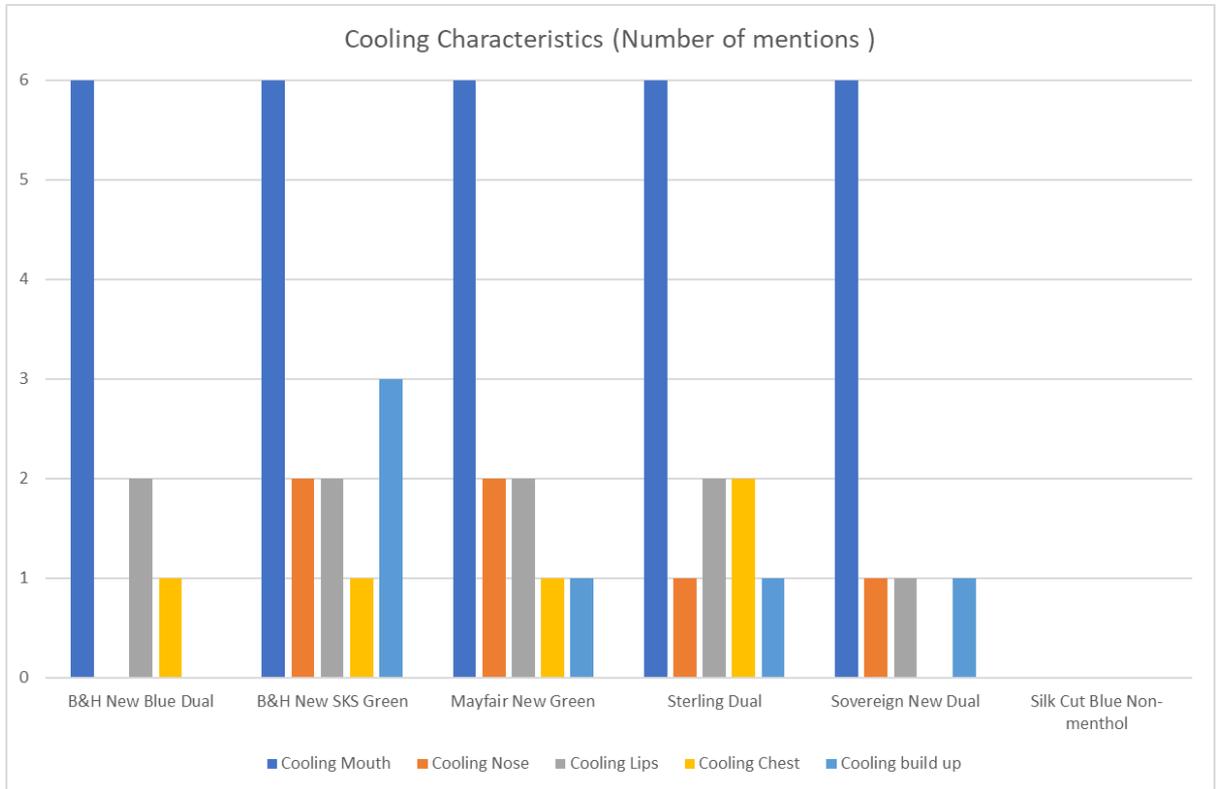
The above chart is based on the number of panellists that selected specific flavour attributes from a list (Check All That Applies).

Maximum possible number of mentions = 6

Appendix 3

- Cooling was noticed in all newly launched products and it was perceived mainly in the mouth.

Physiological perception – CATA attributes (n=6)



The above chart is based on the number of panellists that selected specific flavour attributes from a list (Check All That Applies).

Maximum possible number of mentions = 6

Results

- Cooling and mintiness were noticed in all products.
- The products presented a green, floral and fruity (citric) character. As displayed in the graphs, the flavour of the newly launched JTI products presented quite often herbal, mint, floral and fruity notes as noticed also in JTI products launched in other European markets post menthol ban.
- With regards to physiological cooling perception, the products presented cooling mainly in the mouth.

Appendix 4

Article in Kam City, 1 April 2020

<https://www.kamcity.com/namnews/products-promotions/jti-to-launch-alternative-products-ahead-of-menthol-ban/>

JTI To Launch Alternative Products Ahead Of Menthol Ban

Japan Tobacco International (JTI) has announced that it will be launching a series of new alternative products with “distinctive tobacco blends” plus product and pack innovations ahead of the Menthol and Capsule cigarette ban that comes into force from 20 May.

The ‘New Dual’ range (available across Sterling New Dual, Benson & Hedges New Blue Dual, Sovereign New Dual and Benson & Hedges New Dual) provides adult smokers with a new distinctive tobacco blend in a unique dual pack which now includes two sections of ten cigarettes.

The same distinctive blend will also be available across Sterling New Superkings Green, Benson & Hedges New Superkings Green, Berkeley New Superkings Green and Mayfair New Green. In addition, the new Sovereign Dual range also contains a new ‘Flow Tech’ centre hole in the filter, which provides further product differentiation within the market.



Stephane Berset, JTI's Marketing Vice President, commented: “The upcoming Menthol and Capsule cigarette ban will mean that adult smokers will be looking for a range of new alternatives. Therefore, we’ve worked to evolve our portfolio to cater to these needs with a raft of pack and filter innovations, distinctive new blends and unique taste alternatives, so adult smokers can continue to choose quality tobacco products they know and trust.”



MENTHOL BAN 2020



THE 'NEW DUAL' RANGE

A new distinctive blend
in a unique dual pack.

Available in the following brands:



Features 2 non detachable chambers,
improving freshness perception



Sterling
'New Dual'



Benson & Hedges
'New Blue Dual'



Benson & Hedges
'New Dual'



Sovereign
'New Dual'



This new distinctive blend is also available in:



Sterling
New Superkings Green



Benson & Hedges
New Superkings Green



Berkeley
New Superkings Green



Mayfair
New Green

A FRESH ALTERNATIVE
 INNOVATIVE BLEND. FRESH TASTE. SAME QUALITY.

NEW BLEND
 FLAVOUR BAN COMPLIANT
 10 x 20 CIGARETTES

SEA GREEN
MAYFAIR

SO AVAILABLE IN SUPERKINGS
 FROM IRELAND'S N°1
 VALUE CIGARETTE BRAND

MAYFAIR
 A MODERN EXPRESSION OF QUALITY

Toradh caithimh tobac – bás. Smoking kills.

CHARACTERISING FLAVOUR BAN

WHEN DO THESE RULES COME INTO EFFECT?
 3E
 15/04/2019

WHAT IS BEING AFFECTED?
 15/04/2019

WHICH PRODUCTS ARE AFFECTED BY THIS BAN?
 15/04/2019

MAYFAIR SEA GREEN & SILK CUT CHOICE GREEN
 New Nicot. New EPD2 Compliant Blends
 15/04/2019

MAYFAIR CHOICE RED & GREEN CAPSULE
 Leaf Wrapped Double Capsule Cigarettes
 15/04/2019

LOGIC COMPACT 3 NEW MENTHOL FLAVOURS
 Polar Menthol, Spearmint, Peppermint
 15/04/2019

YOUR PARTNER THROUGH CHANGE

Toradh caithimh tobac – bás. Smoking kills.

NEW FRESH OPTIONS TO REPLACE FLAVOURED CIGARETTES

Affected 3E/15 **Substitute** **Alternative**

MAYFAIR CHOICE SILK CUT 15 → MAYFAIR CHOICE SILK CUT 15
 MAYFAIR CHOICE SILK CUT 15 → MAYFAIR CHOICE SILK CUT 15
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 MAYFAIR CHOICE SILK CUT 15 → MAYFAIR CHOICE SILK CUT 15
 MAYFAIR CHOICE SILK CUT 15 → MAYFAIR CHOICE SILK CUT 15

logic.

MAYFAIR CHOICE SILK CUT 15

YOUR PARTNER THROUGH CHANGE

Toradh caithimh tobac – bás. Smoking kills.

Appendix 5

[Redacted]

I wish I knew that my last menthol was going to be goodbye 😞

10:29 · 20/05/2020 · [Twitter for iPhone](#)

4 Likes

[Redacted] [\[Redacted\]](#)

There's a loophole, ask for 'sterling dual new'

 1   2 

[Redacted]

PSA- for anyone that thinks menthols are gone forever. They're not. Sterling new dual and b&h new dual are a 'special blend' to get round the law but they're menthol xx

20:56 · 19/05/2020 · [Twitter for iPhone](#)

3 Likes

These seem to be new , not sure how they get around the ban , but they have 🤖



1:59 PM · May 20, 2020 · Twitter for iPhone

2 Retweets · 14 Likes

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- 👤 [redacted] 2 6 📌
- 👤 [redacted] 2 2 📌
- 👤 [redacted] 2 2 📌

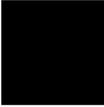
[redacted] 6d
why they banning menthol cigs and then now you can buy menthol strips to flavour your cigs 🤖🤖
[independent.co.uk/life-style/men...](https://www.independent.co.uk/life-style/men...)

💬 1 🔄 📌 📤

[redacted]
also they've literally just bought out these 'new sterling dual's that aren't as strong but are still menthol, & are apparently legal...
2:17am · 21 May 2020 · Twitter for iPhone

[redacted] 21h
Just to let y'all know who smoke menthol. Buy "sterling dual New" they're just the same pretty much 🤖🤖🤖🤖🤖

💬 🔄 📌 📤

  1d
new sterling dual taste the same as menthol, looks like i'm not quitting smoking then
   2 



I went to the shop today, and they said they got in today "sterling dual new" they didn't know if they are menthol or not. I bought them and they are fully menthol... idk if the new name is a loophole around the ban but they are fully menthol 😞
11:18pm · 20 May 2020 · Twitter for iPhone

2 Replies **1** Retweet **4** Likes

 
Sterling Dual 'new' - basically the same without the click. Fag companies love a loophole
12:20 · 20/05/2020 · Twitter for Android

2 Likes