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By Email: [REDACTED]@surreycc.gov.uk

24 June 2020

Dear [REDACTED]

Japan Tobacco International (JTI) - Breach of Menthol Ban

We write further to our letter dated 17 June 2020.

As noted in our last letter we indicated that our investigations were ongoing in this matter and we would continue to share the results with you as and when we had them.

We are now in a position to share our second Sensory Panel Report (see attached).

You may recall that the first Sensory Panel Report tested products from three markets: the UK, Slovenia and Germany. This report focuses on the UK only and tests the four JTI New Dual products against JTI's original, fully mentholated Dual products available prior to 20 May 2020.

Throughout the report, the New Dual Range are described as the post-EUTPD products, whereas the original Dual products are referred to as the pre-EUTPD products.

Second Sensory Panel test results

The conclusions of the Second Sensory Panel are set out at page 2. In particular, the report notes that:

- 1) Each post-EUTPD product (the New Dual Range) is described as having a menthol taste impression and evoking a cooling effect. Both the menthol taste and cooling effect are "clearly noticeable".
- 2) Laboratory data (details of which are set out at page 3) supports the sensory analysis and identified the presence of menthol in both the cigarette and the smoke.

Background to testing methodology

The testing methodology is set out in part II of the Annex. As was the case with the First Sensory Report, it is important to note that:

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- The analysis was carried out by a panel of sensory experts in Hamburg, Germany. All panellists are pre-screened to ensure that their sense of taste and smell is sufficiently sensitive to detect flavours in tobacco. Aside from their expertise in sensory analysis, the panel members are regular consumers. They are not employed by, or part of, Imperial Brands plc or any of its subsidiaries.
- The testing was carried out fully blinded i.e. the panellists had no knowledge of the brands they were smoking, the market origin of those brands, or background to the testing.
- The aim of this second piece of analysis was to ascertain whether there was a significant difference between the original Dual and the New Dual products. In particular to identify any sensorial differences between the two product ranges.

Next steps

The Second Sensory Panel test results clearly evidence that all four products from the New Dual range have a menthol taste impression. Whilst it is noted that the menthol taste impression is less intense than the original Dual range (which is unsurprising as those products were clearly marketed as menthol and crushball products), the menthol taste in the New Dual range remains “clearly noticeable”.

This sensory evidence is supported by the chemical analysis of the product, which identifies menthol in both the cigarette and in the smoke.

This is further compelling evidence that JTI has breached Reg 15 of the TRPRs and that enforcement action should be taken without delay to prevent these unlawful products from continuing to be sold.

Yours sincerely,

Imperial Tobacco Limited