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To:

Cc:

Dear

**Menthol flavoured cigarettes**

We are writing to you in our capacity as the UK Competent Authority for the management and publication of notifications for tobacco and herbal products for smoking.

As you are aware, the sale of cigarettes with characterising flavours, including menthol has been prohibited since 20<sup>th</sup> May 2020 under [The Tobacco and Related Products Regulations 2016](#)

Japan Tobacco International SA have notified a number of products about which we would like some further information. These cigarette products are listed below:

First Submission Date	Submission Type	Product ID	Brand Name(s)	Launch Date(s)
12/03/2020	Reporting of information on a new product	00003-20-50153	Benson & Hedges New Blue Dual	13/03/2020
12/03/2020	Reporting of information on a new product	00003-20-50152	Benson & Hedges New Blue Dual	13/03/2020
25/02/2020	Reporting of information on a new product	00003-19-61992	Benson & Hedges New Blue Dual	26/02/2020
12/03/2020	Reporting of information on a new product	00003-20-50149	Benson & Hedges New Dual	13/03/2020
12/03/2020	Reporting of information on a new product	00003-20-50148	Benson & Hedges New Dual	13/03/2020
19/02/2020	Reporting of information on a new product	00003-19-61950	Benson & Hedges New Dual	20/02/2020
25/02/2020	Reporting of information on a new product	00003-20-50043	Benson & Hedges New Superkings Green	26/02/2020
19/02/2020	Reporting of information on a new product	00003-20-50041	Benson & Hedges New Superkings Green	20/02/2020
17/02/2020	Reporting of information on a new product	00003-20-50046	Berkeley New Superkings Green	18/02/2020
13/02/2020	Reporting of information on a new product	00003-20-50042	Berkeley New Superkings Green	14/02/2020
25/02/2020	Reporting of information on a new product	00003-19-61946	Mayfair New Green	26/02/2020

25/02/2020	Update of existing product – other information.	00003-19-61949	Sovereign New Dual	26/02/2020
17/03/2020	Reporting of information on a new product	00003-20-50292	Sterling New Dual	18/03/2020
12/03/2020	Reporting of information on a new product	00003-20-50151	Sterling New Dual	13/03/2020
12/03/2020	Reporting of information on a new product	00003-20-50150	Sterling New Dual	13/03/2020
19/02/2020	Reporting of information on a new product	00003-20-50044	Sterling New Superkings Green	20/02/2020
19/02/2020	Reporting of information on a new product	00003-20-50045	Sterling New Superkings Green	20/02/2020
18/12/2019	Reporting of information on a new product	00003-19-61991	Sterling Dual New (SG added on 23/6)	19/12/2019

We note your promotional claims appearing in the trade press, including these [here](#) and [here](#) regarding the New Dual range that has been added to some new and existing brand ranges. These are Sterling New Dual, Benson & Hedges New Blue Dual, Sovereign New Dual and Benson & Hedges New Dual ranges. These are being marketed as continuing to provide adult smokers with an innovative and distinguished combination of blended tobacco.

We would remind you that under the *Tobacco and Related Products Regulations 2016 Parts 3 & 4*, producers of tobacco products to the UK market are required to comply with regulations regarding the characteristic flavouring of cigarettes and fulfil your responsibilities to provide information on ingredients and emissions of such products.

It is a criminal offence to breach these regulations, and the maximum penalty for such an offence is copied below. Public Health England is in direct dialogue with Trading Standards colleagues about this issue, as we work to ensure that non-compliant products are not available on the UK market:

## Penalties

**51.** A person guilty of an offence under these Regulations is liable—

(a) on summary conviction—

(i) in England and Wales to imprisonment for a term not exceeding three months, or a fine or both, or

(ii) in Scotland, to imprisonment for a term not exceeding twelve months, or a fine not exceeding level 5 on the standard scale, or both;

(iii) in Northern Ireland, to imprisonment for a term not exceeding three months, or a fine not exceeding level 5 on the standard scale, or both; or

(b) on conviction on indictment to imprisonment for a term not exceeding 2 years, or a fine, or both.

You are required to confirm that the products you have notified comply fully with UK regulations and do not contain menthol or other characterising flavours. We are seeking clarification to your claim that the ‘menthol’ effect is achieved through a blend of tobacco and precisely how this effect is achieved. PHE will, in addition, be commissioning independent product testing.

We request that you provide us with all the associated/relevant documentation for these products within 15 days from the date of this letter, including those submitted to the European Union Common Entry Gate.

It is our intention to publish a summary of the correspondences and information you provide. However, we will exclude information that you have marked as commercially/trade sensitive. Where there may be some disagreement about this, we are happy to discuss what content is not published or is redacted.

All communication in this matter should be conducted in writing and addressed to [tobacco.notification@phe.gov.uk](mailto:tobacco.notification@phe.gov.uk)

Kind regards,

[Redacted]

[Redacted]

**END**