

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Menthol reimagined
Attachments: [image001.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

Good evening [REDACTED],

Thank you for your email.

As mentioned in my email below, the blends of some of our cigarette brands do contain low levels of flavourings which are added during the manufacturing process. This is allowed by UK and European law, so long as these additives do not result in the finished product having a “characterising flavour” – that is, a “clearly noticeable smell or taste other than one of tobacco”. Rather, the revised Tobacco Products Directive states that “The prohibition of tobacco products with characterising flavours does not preclude the use of individual additives outright, but it does oblige manufacturers to reduce the additive or the combination of additives to such an extent that the additives no longer result in a characterising flavour.” We have robust internal testing processes to ensure that the use of flavourings in our products meets these criteria.

That said, there is no mandatory or official testing method that JTI can use to determine whether finished products containing our new blend have a “characterising” flavour or not. The European Commission has established an Independent Advisory Panel (the IAP) to produce a methodology for the technical assessment of whether cigarettes and roll-your-own tobacco have a characterising flavour, but as far as JTI is aware no final methodology has yet been published. We are also not aware of any guidance published by the DHSC on this point.

The ingredient information of our new products was shared with the authorities at both UK and EU level via the EU Common Entry Gate (EU-CEG) prior to their being placed on the market, so there is full transparency throughout this process.

We note that the European Commission has adopted an implementing regulation (Regulation 2016/779), which sets out the steps that EU Member States and, for the moment, the UK and its regulatory authorities would need to take (with appropriate timelines) if they were concerned that a tobacco product had a characterising flavour, in contravention of the revised Tobacco Products Directive. These include:

- allowing the relevant manufacturer or importer to provide its own assessment of whether the relevant product imparts a characterising flavour;
- providing the manufacturer or importer with the opportunity to submit written observations, if the relevant Member State still considers that the product infringes the ban; and
- providing the Commission and other Member States with the opportunity to review and comment on a draft decision.

As I have said, JTI firmly believes that its products continue to comply fully with the law. Therefore, we would not expect that this procedure would need to be engaged but I draw it to your attention in any case.

I hope the above explanation is helpful. Please do let me know if I can be of further assistance. I confirm that we would be happy for you to share this information with the DHSC and to answer any questions that you or they may have.

Kind regards

[REDACTED]

From: [REDACTED]@surreycc.gov.uk>

Sent: 09 June 2020 15:51

To: [REDACTED]@jti.com>

Cc: [REDACTED]@jti.com>

Subject: FW: Menthol reimagined

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Hello [REDACTED],

I hope all is ok with you, I haven't heard from you in relation to this message sent on Monday.

Best regards

[REDACTED]

[REDACTED]

Buckinghamshire and Surrey Trading Standards
Consort House, 5-7 Queensway, Redhill RH1 1YB

Phone: [REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

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From: [REDACTED]

Sent: 08 June 2020 10:42

To: [REDACTED] <[\[REDACTED\]@jti.com](mailto:[REDACTED]@jti.com)>

Cc: [REDACTED] <[\[REDACTED\]@jti.com](mailto:[REDACTED]@jti.com)>

Subject: RE: Menthol reimagined

Hello [REDACTED],

Thank you for sending me this information.

IF the low level of flavouring does NOT give rise to a noticeable characterising flavour then the product is in all likelihood compliant. How that is tested I'm not sure.

Am I permitted to share this information with DHSC and get some insight from them about how a characterising flavour maybe assessed / tested ?

Best regards

[REDACTED]

[REDACTED]

[REDACTED]

Buckinghamshire and Surrey Trading Standards
Consort House, 5-7 Queensway, Redhill RH1 1YB

Phone: [REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

Are you ready for Brexit? <https://euexit.campaign.gov.uk/>



From: [REDACTED] <[\[REDACTED\]@jti.com](mailto:[REDACTED]@jti.com)>

Sent: 05 June 2020 16:37

To: [REDACTED] <[\[REDACTED\]@surreycc.gov.uk](mailto:[REDACTED]@surreycc.gov.uk)>

Cc: [REDACTED] <[\[REDACTED\]@jti.com](mailto:[REDACTED]@jti.com)>

Subject: RE: Menthol reimagined

Good afternoon [REDACTED],

As promised yesterday, here's our response to your questions.

As you mention, JTI has recently launched a New Dual Range of cigarettes to comply with the prohibition on characterising flavours which took effect from 20 May 2020 pursuant to Regulation 15(1) of the TRP Regulations. We no longer produce cigarettes with a characterising menthol flavour (including flavoured capsule cigarettes) for the UK market and we have changed the names of several of our cigarette brands (by adding "New") to reflect this. The Dual descriptor has been retained in recognition of the new dual pack which features two non-detachable chambers, each containing 10 cigarettes.

The blends of some of our cigarette brands do contain low levels of flavourings which are added during the manufacturing process. This is not prohibited by UK and European law, so long as these additives do not result in the finished product having a "characterising flavour" – that is, a clearly noticeable smell or taste other than one of tobacco. The New Dual Range contains very low levels of menthol flavouring which does not give rise to a clearly noticeable smell or taste of menthol.

These cigarettes are therefore fully compliant with UK law.

I hope the above explanation is helpful and do let me know if I can be of further assistance.

Kind regards,
[REDACTED]

From: [REDACTED]

Sent: 04 June 2020 12:19

To: [REDACTED] <[\[REDACTED\]@surreycc.gov.uk](mailto:[REDACTED]@surreycc.gov.uk)>

Cc: [REDACTED] <[\[REDACTED\]@jti.com](mailto:[REDACTED]@jti.com)>; [REDACTED] <[\[REDACTED\]@jti.com](mailto:[REDACTED]@jti.com)>

Subject: RE: Menthol reimagined


Good morning [REDACTED],

I'm very well thank you – I hope you are to.

Let me look into your questions and I'll get back to you.

Incidentally, [REDACTED] has moved (virtually if not physically yet!) to a new position within JTI based in Geneva. Many of his responsibilities have now passed to [REDACTED], so please do include her in any correspondence you might have.

I'll be in touch as soon as I have a response for you.

[REDACTED]
Corporate Affairs
jti.com/uk


JTI UK
JTI UK, Members Hill
Br [REDACTED] eybridge, UK
T [REDACTED]

JTI's UK trading company is Gallaher Limited.

From: [REDACTED] <[\[REDACTED\]@surreycc.gov.uk](mailto:[REDACTED]@surreycc.gov.uk)>

Sent: 04 June 2020 12:11

To: [REDACTED] <[\[REDACTED\]@jti.com](mailto:[REDACTED]@jti.com)>; [REDACTED] <[\[REDACTED\]@jti.com](mailto:[REDACTED]@jti.com)>

Subject: Menthol reimagined

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Hello,

I hope you are both well.

It has been brought to our attention that JTI has recently launched a number of new products in the UK aimed at menthol smokers, namely Sterling New Dual, Benson & Hedges New Blue Dual, Benson & Hedges New Dual, and Sovereign New Dual (the **New Dual Range**).

JTI is advertising and promoting the New Dual Range to tobacco retailers under the slogan "*menthol reimagined*" and appears to be positioning the range as direct replacements for its previous menthol cigarette products

Regulation 15 of The Tobacco and Related Products Regulations 2016 (the **TRP Regulations**) prohibits the production and supply of cigarettes or hand rolling tobacco with a “characterising flavour”. Characterising flavour is defined 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...menthol...*”

Obviously we have received a number of queries about these products.

Please could you explain to me how they achieve a menthol flavour and how these comply with the legislation.

Many thanks for your help.

Kind regards

[REDACTED]

[REDACTED]

Buckinghamshire and Surrey Trading Standards

Consort House, 5-7 Queensway, Redhill RH1 1YB

Phone: [REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

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