



Dear Board of Health Representative,

My name is Peter Brennan, and I am the executive director of the New England Convenience Store and Energy Marketers Association (NECSEMA), an association that represents and promotes the interests of the convenience store and transportation fuel industries across New England. NECSEMA represents over 7,000 retail and energy marketers, including over 3,600 in Massachusetts alone. NECSEMA's top priority is to protect and promote the retail and energy marketer industry, and the tens of thousands of jobs our members create and maintain in New England.

I write to you today on behalf of a retail member who has recently informed NECSEMA that a supplier member of ours, R. J. Reynolds Tobacco Co., plans to launch two new Newport SKUs for sale in the Commonwealth of Massachusetts. In particular, we understand that R. J. Reynolds will introduce two products in Massachusetts under the trade names Newport Non-Menthol Blend Box and Newport Non-Menthol Blend 100 Box on or about January 1, 2025.¹ We understand from R. J. Reynolds that these are tobacco-flavored products that do not impart any cooling sensation and do not contain a characterizing flavor other than the taste or odor of tobacco, and that the products are accordingly not flavored products under the Massachusetts Flavor Ban. I attach a recent trade communication from R. J. Reynolds to Massachusetts retailers including NECSEMA members that provides additional detail on these new product introductions.

First, NECSEMA understands that while the Newport Non-Menthol Blend trade dress has not been previously used, these are not new tobacco products. Instead, these products are simply rebranded products (changes to a legally-marketed product's name and/or label graphics that do not require FDA pre-market review before a manufacturer makes such changes). We understand that R. J. Reynolds notified the FDA that it intended to market cigarettes already authorized by the FDA and marketed as non-menthol cigarettes as Newport Non-Menthol Blend 100 Box and Newport Non-Menthol Blend Box. In other words, the Newport Non-Menthol Blend products are non-menthol, regular, traditional tobacco-flavored cigarettes.

Second, we understand that R. J. Reynolds sought and obtained authorization for these products from the FDA, and in the course of doing so informed the FDA about the specific composition and formula of the products (i.e., the ingredients). We also understand that the FDA has acknowledged that both the Newport Non-Menthol Blend Box and Newport Non-Menthol Blend 100 Box products have a "characterizing flavor" of "tobacco."

¹ The Newport Non-Menthol Blend Box and Newport Non-Menthol Blend 100 Box products are both listed on the Massachusetts Tobacco Directory. See <https://www.mass.gov/doc/tobacco-product-directory-sorted-by-brand/download>.

Finally, R. J. Reynolds shared with us that there is a detailed ingredient list for both the Newport Non-Menthol Blend Box and Newport Non-Menthol Blend 100 Box that displays the weight of each ingredient with incredibly precise detail down to the 22nd decimal place. While these ingredients are highly confidential and proprietary R. J. Reynolds trade secrets, we understand that the ingredient lists demonstrate that these products do not contain any cooling agents or other additives that impart a characterizing flavor other than tobacco (as you know, there are flavorants included in these products—as is the case with nearly all tobacco products, *see, e.g.*, Philip Morris USA's Cigarette Tobacco & Flavor Ingredient list, *available at*: <https://www.philipmorrisusa.com/-/media/Project/Altria/PMUSA/Products/Our-Products-and-Ingredients/pmusa-tobacco-and-flavor-ingredients.pdf>).

We would be pleased to discuss this matter with you further should you have any questions.

Sincerely,



Peter A. Brennan, Esq.



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Non-Menthol Blend