

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Public: (916) 445-9555
Telephone: (916) 323-3770
Facsimile: (916) 323-0813
E-Mail: Dennis.Eckhart@doj.ca.gov

December 21, 2009

National Flea Market Assn.
3655 Torrance Blvd., Floor 3
Torrance, CA 90503

RE: **Federal Ban on Cigarettes and RYO Containing Certain Characterizing Flavors**

Dear Sir or Madam:

We want to tell you about an important new federal law that affects your members who sell cigarettes and other tobacco products. On June 22, 2009, the president signed into law the Family Smoking Prevention and Tobacco Control Act ("Act"). This is an historic step toward reducing the toll of disease and death that cigarette smoking exacts from smokers and their families – an estimated 400,000 deaths each year in the United States. Finding the use of tobacco products by children "a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults," Congress mandated a wide range of measures designed to reduce the attractiveness of cigarettes to minors.

Among the Act's provisions is an outright ban on any cigarette, roll-your-own tobacco ("RYO") and bidi that contains certain, specified natural or artificial flavors that "characterize" the flavor of the tobacco product or its smoke. This ban took effect on September 22, 2009. Cigarettes, RYO and bidis subject to the ban may no longer be manufactured, imported, distributed or sold in the United States, and are subject to seizure by federal, state and local law enforcement.

The Attorney General maintains a Tobacco Directory of cigarette and RYO brands that may lawfully be sold in California: <http://ag.ca.gov/tobacco/directory.php>. As a result of the federal ban, the Attorney General has removed several brands of flavored cigarettes and RYO from the directory.

We have enclosed a Special Notice from the Board of Equalization that includes a list of the banned flavors. Much more information for manufacturers, importers, distributors and retailers is available on the official website of the Food and Drug Administration, the agency charged with implementing the Act: www.fda.gov/TobaccoProducts/default.htm.

December 21, 2009

Page 2

We encourage you to get the word out to your members who sell tobacco. Please do not hesitate to contact me if you have any questions. You and your members can also contact us via the "contact us" button on our website or by leaving a voice message at (916) 565-6486.

Thank you.

Sincerely,



DENNIS ECKHART
Senior Assistant Attorney General
Tobacco Litigation and Enforcement Section

For EDMUND G. BROWN JR.
Attorney General

DPE:krl

Enclosure

SA2005103512