

**ROB BONTA**  
**Attorney General**

**State of California**  
**DEPARTMENT OF JUSTICE**



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November 12, 2024

Ryan Stump  
Chief Operating Officer & Agent  
Charlie's Holdings, Inc.  
1007 Brioso Drive  
Costa Mesa, CA 92627  
info@spreebar.com

Charlie's Holdings, Inc.  
Attn: Elaine Selan  
416 W San Ysidro Blvd  
L-1958  
San Ysidro, CA 92173

RE: California Flavor Ban, Health & Safety Code § 104559.5  
Notice of Determination 24-11-A10-1

Dear Mr. Stump:

Since December 21, 2022, California has restricted retailer possession, distribution, and sale of flavored tobacco products. *See* Cal. Health & Saf. § 104559.5. This California "flavor ban" law establishes a rebuttable presumption that a tobacco product is flavored where its manufacturer "has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor, including, but not limited to, text, color, images, or all, on the product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor." *Id.* at § 104559.5(b)(2).

As of January 1, 2025, Assembly Bill 3218's amendments to the flavor ban go into effect. This includes amending the definition of "tobacco products" to include "a product containing, made, or derived from. . . nicotinic alkaloids and nicotine analogs." Cal. Health & Saf. § 104559.5(a). The Reviewed Product(s) contain Metatine, a brand name for a "synthetic nicotine analogue." Sven E. Jordt & Sairam V. Jabba, *Introduction of Nicotine Analogue-Containing Oral Pouch Products in the United States* (Sep. 20, 2024) (Pre-Print), available at <<https://www.researchsquare.com/article/rs-5110349/v1>>. Furthermore, the flavor ban already applies to "electronic device[s] that deliver[] . . . other vaporized liquids to the person inhaling from the device." Cal. Health & Saf. § 104559.5(a).

This letter is to advise you that the Tobacco Unit of the California Department of Justice has reviewed referred packaging and promotional materials for the product(s) below and determined that they are presumptively FLAVORED under the California flavor ban law as of January 1, 2025. *Id.*

Determination Number	Reviewed Product(s)	UPC(s)	Determination
24-11-A10-1	Panchamama Blueberry Watermelon Pomegranate	Various	FLAVORED
24-11-A10-2	Panchamama Lemon Apple Ice	Various	FLAVORED
24-11-A10-3	Panchamama Mango Lemon Lychee	Various	FLAVORED
24-11-A10-4	Panchamama Peach Pear Ice	Various	FLAVORED
24-11-A10-5	Panchamama Strawberry Orange Banana	Various	FLAVORED
24-11-A10-6	Panchamama Strawberry Passionfruit Ice	Various	FLAVORED
24-11-A10-7	Panchamama Strawberry Kiwi Ice	Various	FLAVORED
24-11-A10-8	Panchamama Pineapple Lush Ice	Various	FLAVORED
24-11-A10-9	Spree Bar Rainbow Fruit	Various	FLAVORED
24-11-A10-10	Spree Bar Blue Razz Ice	Various	FLAVORED
24-11-A10-11	Spree Bar Strawberry Apple Melon	Various	FLAVORED
24-11-A10-12	Spree Bar Blood Orange Peach	Various	FLAVORED
24-11-A10-13	Spree Bar Watermelon Grapefruit	Various	FLAVORED
24-11-A10-14	Spree Bar Strawberry Mango	Various	FLAVORED
24-11-A10-15	Spree Bar Creamy Melon	Various	FLAVORED
24-11-A10-16	Spree Bar Sweet Spearmint	Various	FLAVORED
24-11-A10-17	Spree Bar Pineapple Coconut	Various	FLAVORED

We specifically conclude:

- (1) Statement(s) on your packaging and website communicate that the Reviewed Products(s) imparts flavors of fruit and/or mint. *See* TAB A.

The California flavor ban law restricts the retail distribution and sale of flavored tobacco products to California consumers. Under the California flavor ban law, retailers and their agents are subject to fines for the possession and sale of such flavored tobacco products. *See* Cal. Health & Saf. § 104559.5(f). Other state statutes and local ordinances may impose additional penalties on retailers or other vendors as well. *Id.* at § 104559.5(g); *see also* Cal. Bus. & Prof. § 17200. To encourage uniform application of the California flavor ban law, this Notice of Determination will be posted on the California Department of Justice’s public website.

You are encouraged to provide a copy to your California distributor and retailer customers as well.

If you believe these determinations or conclusions are in error, or if you believe any Reviewed Product(s) is properly classified as UNFLAVORED, we encourage you to submit a response with any supporting materials to the mailing or email address below on or before December 12, 2024, identifying the Notice of Determination number in your response. The Tobacco Unit will review any such submission and may, in its discretion, update, modify, or rescind this determination in response. In such case, an updated Notice of Determination will be issued.

**Flavor Determination [Determination Number(s)]**

**Office of the Attorney General  
California Department of Justice  
1300 "I" Street, PO Box 944255  
Sacramento, California 94244-2550  
[Tobacco@doj.ca.gov](mailto:Tobacco@doj.ca.gov)**

**<https://oag.ca.gov/tobacco/contact>**

Sincerely,

*/s/ Taylor Ann Whittemore*

TAYLOR ANN WHITTEMORE  
Deputy Attorney General

For ROB BONTA  
Attorney General

### TAB A – PACKAGING IMAGES

#### REVIEWED PRODUCT(S)

Panchamama, Products  
<<https://enjoypachamama.com/products/>>, as of Nov. 5, 2024.



#### BLUEBERRY WATERMELON POMEGRANATE

Dive into a refreshing fusion where juicy blueberries, sweet watermelon, and tangy pomegranate create a burst of flavor in every puff. This vibrant blend is perfect for those who crave a luscious and invigorating vape.

#### REVIEWED PRODUCT(S)

Panchamama, Products  
<<https://enjoypachamama.com/products/>>, as of Nov. 5, 2024.



#### LEMON APPLE ICE

Experience the zesty tang of lemon and the crisp sweetness of apple, all enhanced with a cool, icy finish. This invigorating e-liquid delivers a refreshing and delightful vaping experience.

REVIEWED PRODUCT(S)

Pachamama, Products  
<<https://enjoypachamama.com/products/>>, as of Nov. 5, 2024.



**MANGO LEMON LYCHEE**

Indulge in the exotic trio of ripe mango, zesty lemon, and succulent lychee. This tropical blend offers a unique and tantalizing taste adventure with every inhale.

REVIEWED PRODUCT(S)

Pachamama, Products  
<<https://enjoypachamama.com/products/>>, as of Nov. 5, 2024.



**PEACH PEAR ICE**

Enjoy the harmonious blend of juicy peaches and crisp pears, perfectly complemented by a refreshing icy undertone. This delightful e-liquid offers a smooth and stimulating vape.

**REVIEWED PRODUCT(S)**

Panchamama, Products  
<<https://enjoypachamama.com/products/>>, as of Nov. 5, 2024.



**STRAWBERRY ORANGE BANANA**

Savor the delightful medley of sweet strawberries, tangy oranges, and creamy bananas. This fruity combination delivers a balanced and mouthwatering vape experience.

**REVIEWED PRODUCT(S)**

Panchamama, Products  
<<https://enjoypachamama.com/products/>>, as of Nov. 5, 2024.



**STRAWBERRY PASSIONFRUIT ICE**

Dive into the delicious blend of sweet strawberries and exotic passionfruit, finished with a refreshing icy twist. This e-liquid provides a tropical and uplifting vaping experience.

**REVIEWED PRODUCT(S)**

Pachamama, Products  
<<https://enjoypachamama.com/products/>>, as of Nov. 5, 2024.



**STRAWBERRY KIWII ICE**

Delight in the classic pairing of juicy strawberries and tangy kiwi, enhanced by a cool, icy finish. This refreshing e-liquid offers a perfectly balanced and revitalizing vape.

**REVIEWED PRODUCT(S)**

Pachamama, Products  
<<https://enjoypachamama.com/products/>>, as of Nov. 5, 2024.



**PINEAPPLE LUSH ICE**

Enjoy the tropical sweetness of ripe pineapple and juicy watermelon, perfectly balanced with a crisp, icy finish. This e-liquid delivers a refreshing and luscious vaping experience, perfect for any time of day.

REVIEWED PRODUCT(S)

Spree Bar, Products  
<<https://spreebar.com/products/>>, as  
of Nov. 5, 2024.

# RAINBOW FRUIT

Ruby hasn't found her way yet, she's kind of a mess. But a good mess. The kind of mess who is always there for her friends; who plans the best parties, calls you on your birthday and picks you up at the airport (but she might be a little late).



REVIEWED PRODUCT(S)

Spree Bar, Products  
<<https://spreebar.com/products/>>, as  
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# BLUE RAZZ ICE

A painting prodigy, in his own mind, Rick hopes to one day see his work hanging in world renowned venues. But, for now, he pridefully teaches... helping his students dig deep into their souls to express themselves.





REVIEWED PRODUCT(S)

Spree Bar, Products  
<<https://spreebar.com/products/>>, as  
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# STRAWBERRY APPLE MELON

Stacey is as starry eyed as they come. She is moving from small town America to Los Angeles to follow her dreams. **Will she make it onto the silver screen?**



REVIEWED PRODUCT(S)

Spree Bar, Products  
<<https://spreebar.com/products/>>, as  
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# BLOOD ORANGE PEACH

Born and raised in Brooklyn, Bonnie began singing at a very young age. **Her voice is triumphant and overpowers all ears it touches. She's the one to watch for...**

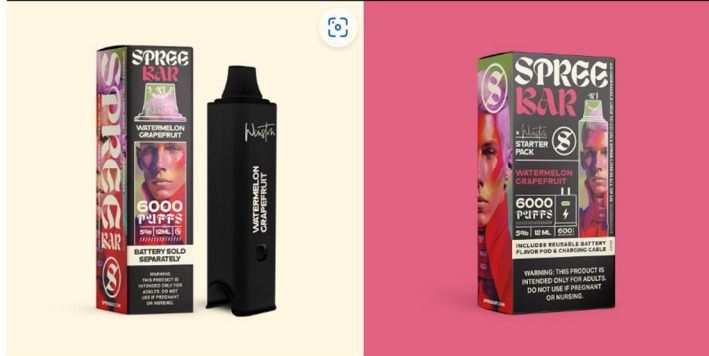


REVIEWED PRODUCT(S)

Spree Bar, Products  
<<https://spreebar.com/products/>>, as  
of Nov. 5, 2024.

# WATERMELON GRAPEFRUIT

Winston is a history buff, he simply  
can't help it. **He tells the tales of  
people long ago to anyone who will  
listen... not many do...**



REVIEWED PRODUCT(S)

Spree Bar, Products  
<<https://spreebar.com/products/>>, as  
of Nov. 5, 2024.

# STRAWBERRY MANGO

A fashion mogul and philanthropist,  
Moe somehow finds the time to enrich  
his community, his company, and his  
family. **He also finds time for his  
obsession... that killer stash, duh!**



REVIEWED PRODUCT(S)

Spree Bar, Products  
<<https://spreebar.com/products/>>, as  
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# CREAMY MELON

Maya, the AI android from the future.  
We don't know much about her and  
she kind of scares us...



REVIEWED PRODUCT(S)

Spree Bar, Products  
<<https://spreebar.com/products/>>, as  
of Nov. 5, 2024.

# SWEET SPEARMINT

A model from just 4 years of age, **Suki**  
longs to pursue her real passion:  
**becoming an equestrian.** Her love of  
horses engulfs Suki but a demanding  
schedule keeps her far from the  
stables.



REVIEWED PRODUCT(S)

Spree Bar, Products  
<<https://spreebar.com/products/>>, as  
of Nov. 5, 2024.

# PINEAPPLE COCONUT

Muscular and proud, Peter is a body builder. Judged critically by his family for his choice of careers, Peter struggles to connect with them but has found a brand new family in his community of athletes.



## TAB B – WEBSITE IMAGES

**REVIEWED PRODUCT(S)**

Panchamama, Product Information  
<<https://enjoypachamama.com/about-2/>>, as of Nov. 5, 2024.

**Metatine™ is a patented non-nicotine compound that provides adult users with a strong sense of satisfaction that is largely indistinguishable from traditional vape products.**

A synthetically derived molecule that is structurally similar to, but chemically different from other vaping alkaloids, Metatine is not made from, and does not contain, nicotine. In its natural state, Metatine is a colorless, odorless, liquid. It is considered an active ingredient and is currently found (only!) in premium PACHAMAMA e-liquid. Products containing Metatine may not be sold to anyone under the age of 21.

**WHAT MAKES METATINE UNIQUE?**

Metatine does not contain nicotine and is not derived from tobacco; accordingly Metatine products are exempt from nicotine excise taxes in many states, which can result in massive savings for retailers and consumers. Please check your local laws and regulations. Metatine can be combined with many flavors and is legal to sell in nearly all 50 states. Please check your local laws and regulations.

**HOW DOES METATINE COMPARE TO NICOTINE?**

Metatine, when delivered via PACHAMAMA, provides the same satisfaction, pleasure and enjoyment as traditional tobacco products and nicotine e-cigarettes. Of note, while Metatine is chemically distinct from nicotine, it may still be addictive, may have a toxicity profile similar to nicotine, and should only be used by current adult tobacco users and vapers, and never by minors (persons under the age of 21).

**REVIEWED PRODUCT(S)**

Spree Bar, Products  
<<https://spreebar.com/products/>>, as of Nov. 5, 2024.

**FEATURING OUR PROPRIETARY INGREDIENT**

**Metatine™**

SPREE BAR is pre-filled with flavored e-liquid containing proprietary Metatine™. Metatine is a synthetically derived molecule that is structurally similar to, but chemically different from, other vaping alkaloids. Although Metatine produces the same sensation as nicotine and may also be addictive, Metatine is not made or derived from tobacco or nicotine, and Metatine does not consist of or contain nicotine from any source.

SPREE BAR products containing Metatine (and no tobacco-derived materials or nicotine) do not meet the definition of a "tobacco product" in the Federal Food, Drug, and Cosmetic Act and do not require a Pre-Market Tobacco Application (PMTA) to be sold in the US.

**LEARN MORE**