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November 12, 2024

Dummy Vapes LLC
1416 NW 82ND AVE
Miami, Florida 33126
info@dummyvapes.com

RE: California Flavor Ban, Health & Safety Code § 104559.5
Notice of Determination 24-11-A2-1

To Whom It May Concern:

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).

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. *Id.*

Determination Number	Reviewed Product(s)	UPC(s)	Determination
24-11-A2-1	Dummy Classic Clear	Various	FLAVORED

We specifically conclude:

- (1) Statements on your website communicate that the Reviewed Products(s) impart a tropical flavor. *See* TAB B.

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**

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

Sincerely,

/s/ Taylor Ann Whittemore

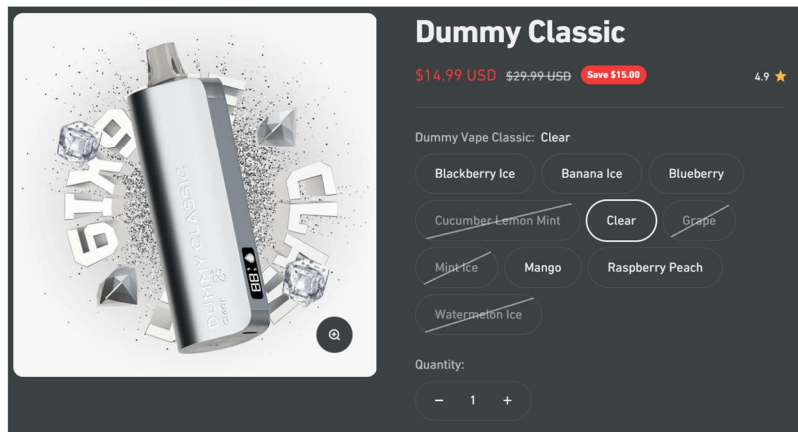
TAYLOR ANN WHITTEMORE
Deputy Attorney General

For ROB BONTA
Attorney General

TAB A – PACKAGING IMAGES

REVIEWED PRODUCT(S)

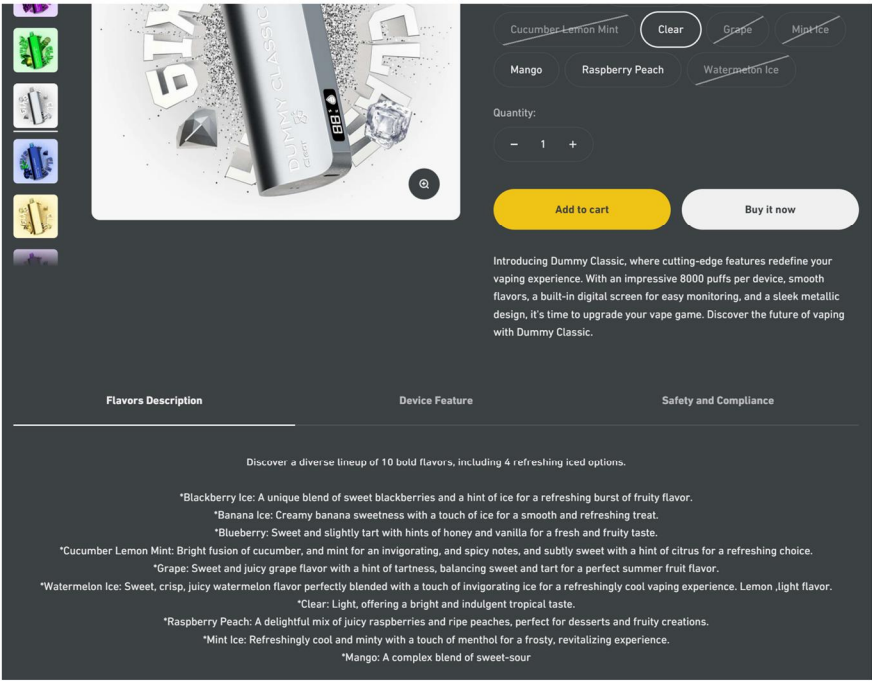
Dummy Vapes, Dummy Classic Clear, <<https://dummyvapes.com/products/dummy-vape-classic?variant=46718084415781>> (as of Oct. 10, 2024)



TAB B – WEBSITE IMAGES

REVIEWED PRODUCT(S)

Dummy Vapes, Dummy Classic Clear, <<https://dummyvapes.com/products/dummy-vape-classic?variant=46718084415781>> (as of Oct. 10, 2024)



Introducing Dummy Classic, where cutting-edge features redefine your vaping experience. With an impressive 8000 puffs per device, smooth flavors, a built-in digital screen for easy monitoring, and a sleek metallic design. It's time to upgrade your vape game. Discover the future of vaping with Dummy Classic.

Flavors Description	Device Feature	Safety and Compliance
Discover a diverse lineup of 10 bold flavors, including 4 refreshing iced options.		
*Blackberry Ice: A unique blend of sweet blackberries and a hint of ice for a refreshing burst of fruity flavor.		
*Banana Ice: Creamy banana sweetness with a touch of ice for a smooth and refreshing treat.		
*Blueberry: Sweet and slightly tart with hints of honey and vanilla for a fresh and fruity taste.		
*Cucumber Lemon Mint: Bright fusion of cucumber, and mint for an invigorating, and spicy notes, and subtly sweet with a hint of citrus for a refreshing choice.		
*Grape: Sweet and juicy grape flavor with a hint of tartness, balancing sweet and tart for a perfect summer fruit flavor.		
*Watermelon Ice: Sweet, crisp, juicy watermelon flavor perfectly blended with a touch of invigorating ice for a refreshingly cool vaping experience. Lemon, light flavor.		
*Clear: Light, offering a bright and indulgent tropical taste.		
*Raspberry Peach: A delightful mix of juicy raspberries and ripe peaches, perfect for desserts and fruity creations.		
*Mint Ice: Refreshingly cool and minty with a touch of menthol for a frosty, revitalizing experience.		
*Mango: A complex blend of sweet-sour		