

**IN THE SUPREME COURT OF CALIFORNIA**

THE PEOPLE ex rel. BILL LOCKYER, )  
as Attorney General, etc., )  
) )  
Plaintiff and Respondent, )  
) )  
v. )  
) )  
R.J. REYNOLDS TOBACCO COMPANY, )  
) )  
Defendant and Appellant. )  
\_\_\_\_\_ )

S121009  
Ct.App. 2/2 B160571  
Los Angeles County  
Super. Ct. No. KC036109

**BY THE COURT:**

**MODIFICATION OF OPINION**

The opinion in the above-entitled case, filed on December 22, 2005 and appearing at 37 Cal.4th 707, is hereby modified as follows:

1. The second sentence of the Factual and Procedural Background, on page 713 is modified to state that the defendant gave away cartons and packages containing a total of 108,155 packs of cigarettes.

2. The first sentence of footnote 5 on page 723 is modified to insert the word “and” and to strike the words “and certain point-of-sale advertising,” so that it reads: “The Massachusetts Attorney General’s regulations also barred free distributions of cigarettes in public places, and self-service displays of cigarettes.”

This modification does not affect the judgment.