

1 October 30, 2020

2  
3 Gerard J. Roerty, Jr.  
4 Vice President, General Counsel & Secretary  
5 SWEDISH MATCH USA, INC.  
6 Two James Center  
7 1021 East Cary Street, Suite 1600  
8 Richmond, VA 23219  
9 Phone: 804-787-5100  
10 e-mail: [Gerry.Roerty@Swedishmatch.com](mailto:Gerry.Roerty@Swedishmatch.com)  
11

12 FOOD AND DRUG ADMINISTRATION  
13 CENTER FOR TOBACCO PRODUCTS  
14 Document Control Center  
15 Building 71, Room G335  
16 10903 New Hampshire Avenue  
17 Silver Spring, MD 20993-0002  
18

19 **SUBJECT: PERIODIC REPORT for STN PM0000013**

20  
21 Dear Sir or Madam:

22 Swedish Match USA, Inc. ("Swedish Match" or "we") writes in regard to FDA's Marketing Order  
23 PM0000013 for General Classic Blend Portion White Large ("PM0000013"), included below as **Attachment**  
24 **A.2020-PM0000013.**

25 Section 910(f) of the FD&C Act requires a Postmarket Annual Report be submitted to FDA for any  
26 tobacco product in U.S. commerce by virtue of a Marketing Order issued under section 910(b) of the FD&C  
27 Act. Swedish Match submits that, to date, the new product contemplated under PM0000013 has not been  
28 introduced or delivered for introduction into interstate commerce in the U.S. Thus, no Postmarket Annual  
29 Report is required for the 12-month period from October 1, 2019 through September 30, 2020 for  
30 PM0000013.

31 Furthermore, Swedish Match submits that because the new product has never been introduced into  
32 U.S. commerce it has likewise never been discontinued and, as such, Swedish Match would not be obligated  
33 to contact the Office of Science prior to introducing the new product into U.S. commerce at some future  
34 date.  
35

36 For recordkeeping purposes, Swedish Match provides the following information relative to  
37 PM0000013 for the 12-month period from October 1, 2019 through September 30, 2020:

STN	PM0000013
Tobacco Product Name	General Classic Blend Portion White Large
Applicant	Swedish Match
Date of Report	10/30/2020
Reporting Period	10/1/2019 – 9/30/2020
Marketing Order Status USA	To date, the new product under Marketing Order PM0000013 has not been introduced or delivered for introduction into interstate commerce in the U.S. Additionally, the provisional product (SE0000138) was discontinued 1/15/2016 and its withdrawal acknowledged on 4/23/2018.
Marketing Status Outside USA	Commercially distributed in Sweden. No sales in E.U. member states. All other sales as governing law permits.

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39 Swedish Match submits that this submission and the information we are supplying in connection  
40 with this Report, are trade secret, proprietary information that is protected under state and federal law  
41 from public disclosure. This information should therefore be handled in accordance with the security  
42 procedures adopted by FDA in connection with enforcement of the FD&C Act.

43 If further information is required, please contact us.

44 Sincerely yours,

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46  
47 Gerald J. Roerty, Jr.

48 Vice President, General Counsel & Secretary

49 Document Attachments:

50 Attachment A.2020-PM0000013 – Marketing Order PM0000013

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DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration  
Center for Tobacco Products  
10903 New Hampshire Avenue  
Silver Spring, MD 20993

**MARKETING ORDER**

Swedish Match North America, Inc.  
Attention: Gerard Roerty, Jr., Vice President, General Counsel & Secretary  
Two James Center  
1021 East Cary Street, Suite 1600  
Richmond, VA 23219  
*via Certified Mail*

**FDA Submission Tracking Number (STN): PM0000013**

Dear Mr. Roerty:

The Food and Drug Administration (FDA) completed the review of your Premarket Tobacco Product Application (PMTA) submitted under section 910(b) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), for the following tobacco product:

<b>Applicant:</b>	Swedish Match North America, Inc.
<b>Tobacco Product Name:<sup>1</sup></b>	General Classic Blend Portion White Large - 12ct
<b>Tobacco Product Category:</b>	Smokeless Tobacco
<b>Tobacco Product Sub-Category:</b>	Portioned Snus
<b>Package Type:</b>	Plastic Can
<b>Package Quantity:</b>	10.8 g
<b>Characterizing Flavor:</b>	None
<b>Portion Count:</b>	12 pouches
<b>Portion Mass:</b>	900 mg
<b>Portion Length:</b>	34 mm
<b>Portion Width:</b>	14 mm
<b>Portion Thickness:</b>	5 mm
<b>Tobacco Cut Size:<sup>2</sup></b>	(b)(4)

<sup>1</sup> Brand/sub-brand or other commercial name used in commercial distribution

<sup>2</sup> The applicant provided fraction scale weight buckets to characterize the tobacco cut size. Therefore, the tobacco cut size cannot be represented with a single value and corresponding range limit.

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Based on our review of your PMTA, we find permitting the new tobacco product specified above to be marketed is appropriate for the protection of public health, and that you have met the other requirements of section 910(c) of the FD&C Act. Under the provisions of section 910, you may introduce or deliver for introduction into interstate commerce the new tobacco product specified above with the enclosed labeling.

### **RECORD RETENTION**

Under section 910(f) of the FD&C Act, we are requiring in this order that you retain the records listed below for a period of not less than 4 years from the date of distribution of the last batch of the new tobacco product specified above. These records must be legible, in the English language, and available for inspection and copying by officers or employees duly designated by the Secretary, upon request:

- PMTA submitted prior to product order
- Postmarket reports/postmarket status reports submitted to FDA, including adverse experiences and all relevant documentation associated with the experience
- Correspondence with FDA pertaining to authorized product
- Nonclinical or clinical study documentation including:
  - study protocols (including statistical analysis plan);
  - amendments showing the dates and reasons for each protocol revision;
  - Institutional Review Board (IRB) or Independent Ethics Committee (IEC) approvals;
  - Informed consent forms;
  - Correspondence with study monitors/investigators/contract research organizations/sponsors/IRB/IEC;
  - Investigator financial disclosure statements;
  - Progress reports;
  - Monitoring reports;
  - Adverse experience reports;
  - Case report forms/subject diaries/medical records/laboratory reports;
  - Subject data line listings/observations records;
  - Test article accountability records;
  - Study results/protocol summaries/study reports; and
  - Certifications and amendments to certifications.
- Records pertaining to the manufacture, in process and release testing, process (including any changes to the process, facility, or controls), packaging, and storage of product
- Records pertaining to the sale, marketing, distribution, or other disposition of the product
- Specimens of all labeling, labels, inserts/onserts, instructions, and other accompanying information
- Hazard analysis

## **POSTMARKET REPORTS**

### **I. Serious and Unexpected Adverse Experiences Reporting**

Under section 910(f) of the FD&C Act, we are requiring in this order that you report to the FDA all adverse experiences that are both serious and unexpected and your analysis of the association between the adverse experience and the tobacco product **within 15 calendar days** after the report is received by you. These experiences may become known to you through a response to a customer complaint, request, or suggestion made as a result of an adverse experience, tobacco product defect, or failure reported to you; or identified in the literature or media. Your information should be submitted with a cover letter that includes the following text in the subject line: **SERIOUS UNEXPECTED ADVERSE EXPERIENCE REPORT for STN PM0000013.**

For purposes of reporting under this order, serious adverse experience means an adverse experience that results in any of the following outcomes:

- Death;
- A life-threatening adverse event;
- Inpatient hospitalization or prolongation of existing hospitalization;
- A persistent or significant incapacity or substantial disruption of the ability to conduct normal life functions;
- A congenital anomaly/birth defect; or
- Any other adverse experience that, based upon appropriate medical judgment, may jeopardize the health of a person and may require medical or surgical intervention to prevent one of the other outcomes listed in this definition.

For purposes of reporting under this order, unexpected adverse experience means an adverse experience occurring in one or more persons in which the nature, severity, or frequency of the experience is not consistent with:

- The known or foreseeable risks associated with the use or exposure to the tobacco product as described in the PMTA and other relevant sources of information, such as postmarket reports and studies;
- The expected natural progression of any underlying disease, disorder, or condition of the persons(s) experiencing the adverse experience and the person's predisposing risk factor profile for the adverse experience; or
- The results of nonclinical laboratory studies.

### **II. Manufacturing Deviations**

You should promptly investigate all manufacturing deviations, including but not limited to those associated with processing, testing, packing, labeling, storage, holding and distribution. For products that have been distributed, if the deviation may negatively impact public health, you must promptly identify and report that deviation to the Center for Tobacco Products. See instructions below for submitting your regulatory correspondence.

### III. Periodic Reporting

Under section 910(f) of the FD&C Act, we are requiring in this order that you submit, on an annual basis, beginning October 2016, unless otherwise notified, the following information in a postmarketing annual report to help FDA determine whether continued marketing of your tobacco product is appropriate for the protection of public health or whether there are or may be grounds for withdrawing or temporarily suspending such order. For the 12- month reporting period, the report must include:

1. A single submission with a cover letter that includes the following text in your subject line: **PERIODIC REPORT for STN PM0000013**. The cover letter should include the STN and corresponding tobacco product name, applicant name, date of report, reporting period, and marketing order status outside the United States.
2. A summary of how the tobacco product continues to be appropriate for the protection of the public health which includes:
  - a. A status report of ongoing studies and a summary of completed studies about the tobacco product conducted by, or on behalf of, the applicant;
  - b. A summary of significant findings on publications not previously reported and include full articles. Any new scientific data (published or otherwise) should also be reported on the likelihood of product use by current users of tobacco products within the same tobacco product category, current users of tobacco products in other tobacco product categories, former users of any tobacco product, and youth and young adults;
  - c. A summary of adverse experiences with this tobacco product reported to you, providing a listing and analysis (accompanied by a statement of any changes to the reference risk information and a summary of important risks, including the nature, frequency, and potential risk factors) of all adverse experiences including those serious and unexpected adverse experiences reported previously.
  - d. A summary of sales and distribution of the tobacco product: Total U.S. sales reported in dollars, units, and volume with breakdowns by US census region, major retail markets, and channels in which the product is sold (e.g., convenience stores, food and drug markets, big box retailers, internet/online sales, tobacco specialty shops);
  - e. Data on current product users. Data should be collected about new users, current users, those who have switched tobacco products, and multiple product users. The results should be broken down by key demographic variables including age, gender, and race/ethnicity. Also, any change in the intended target market for the product should be reported. The data described above may include sales data and post-marketing analysis.
3. A description of each change made to the manufacturing, facilities or controls during the reporting period, including:
  - a. A comparison of each change to what was described in the PMTA;
  - b. The rationale for making each change; and
  - c. A certification that the reported change did not result in any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or any other additive or ingredient) of the tobacco product; the basis for concluding that each change did not result in any modification to the final product.

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4. A summary of all manufacturing deviations, including those associated with processing, testing, packing, labeling, storage, holding and distribution and indicate a deviation that may affect the characteristics of the final product.
5. Full-color copies of all advertising for the tobacco product that has not been previously submitted, along with the original date the advertisements were first disseminated and the date the advertisements were discontinued; and
6. In all annual reports, include a description of any or all labeling changes and submit revised full color final printed labeling.
  - a. The labeling should include all the panels, be presented in the actual size and color with legible text.
  - b. For the first annual report only, submit all final printed labeling (actual labeling for each required warning distributed with the product); include labels, inserts/onserts, instructions, and other accompanying information or materials for this product.

In accordance with 40 CFR 1506.6, we will make your environmental assessment publicly available.

This order authorizing the marketing of this new tobacco product does not mean FDA “approved” the new tobacco product specified above; therefore, you may not make any express or implied statement or representation directed to consumers that conveys, or misleads or would mislead consumers into believing, among other things, that the new tobacco product specified above is “approved” by FDA. See Section 301(tt) of the FD&C Act. This marketing order is subject to withdrawal or temporary suspension under section 910(d) of the FD&C Act.

We remind you that all regulated tobacco products, including the new tobacco product specified above, are subject to the requirements of Chapter IX of the FD&C Act and its regulations. These requirements currently include, but are not limited to, annual registration, listing of products, listing of ingredients, reporting of harmful and potentially harmful constituents, and payment of user fees. There are also packaging, labeling, and advertising requirements with which you must comply. It is your responsibility to ensure the tobacco product specified above complies with all applicable statutory and regulatory requirements. FDA will monitor your compliance with these applicable statutes and regulations.

If you discontinue the manufacture, preparation, compounding or processing for commercial distribution this tobacco product and later decide to reintroduce the product into the market, please contact the Office of Science to discuss if additional information is necessary.

For more information on your responsibilities under the FD&C Act, we encourage you to visit our website at <http://www.fda.gov/TobaccoProducts>. You may also obtain information by contacting FDA’s Center for Tobacco Products at 1-877-CTP-1373, [AskCTP@fda.hhs.gov](mailto:AskCTP@fda.hhs.gov), or [SmallBiz.Tobacco@fda.hhs.gov](mailto:SmallBiz.Tobacco@fda.hhs.gov).

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We remind you all regulatory correspondence can be submitted via the FDA Electronic Submission Gateway (<http://www.fda.gov/esg>) using eSubmitter or by mail to:

Food and Drug Administration  
Center for Tobacco Products  
Document Control Center  
Building 71, Room G335  
10903 New Hampshire Avenue  
Silver Spring, MD 20993-0002

We are unable to accept regulatory submissions by electronic mail.

If you have questions, you may contact Asia Brown, MHSA, Regulatory Health Project Manager, at (240) 402-3833.

Sincerely,

Digitally signed by David Ashley -S  
Date: 2015.11.10 06:01:52 -05'00'

David L. Ashley, Ph.D.  
RADM, US Public Health Service  
Director  
Office of Science  
Center for Tobacco Products

Enclosure

General Classic Blend Portion White Large - 12ct

