



March 11, 2015

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

Re: **Premarket Tobacco Product Application for Swedish Match North America  
Snus Product, General Wintergreen Portion White Large**

Dear Sir or Madam:

Swedish Match North America ("Swedish Match" or the "Company") submits this Premarket Tobacco Product Application (the "PMTA" or "Application") to the U.S. Food and Drug Administration ("FDA" or the "Agency") seeking a premarket approval order under Section 910(b) of the Federal Food, Drug, and Cosmetic Act ("FDCA" or the "Act"), as amended by the Family Smoking Prevention and Tobacco Control Act (the "Tobacco Control Act"), for its General Wintergreen Portion White Large product (SKU 4882) (the "Snus Product"). This PMTA is being submitted in connection with the Modified Risk Tobacco Product Application ("MRTPA") for General Wintergreen Portion White Large that was submitted to FDA's Center for Tobacco Products ("CTP") on or about June 10, 2014 and is currently pending before the Agency.

Prior to submitting the MRTPA, Swedish Match engaged in numerous communications with FDA about the submission, including meeting with FDA representatives on several occasions beginning in 2011 regarding the Agency's requirements for obtaining the requested MRTP order. In January 2014, FDA advised Swedish Match to submit a Substantial Equivalence Report ("SE Report") to cover the MRTPA's proposed labeling change for the Snus Product and certain other product changes. Accordingly, in June 2014, Swedish Match submitted an MRTPA and SE Report for General Wintergreen Portion White Large in a single regulatory submission in accordance with FDCA Section 911(l)(4). These submissions are currently pending before the Agency.

In early February 2015, CTP issued a Preliminary Finding Letter indicating that the pending SE Report does not, in its present form, support a determination of substantial equivalence. In a teleconference with the CTP Ombudsman and Office of Science Staff on February 12, 2015, the Agency reiterated its approach to substantial equivalence review, and suggested that the Company instead consider filing a PMTA for the Snus Product. Because of the similarity of the submission requirements and legal standards governing PMTAs and MRTPAs, FDA further advised the Company that it would not be required to resubmit the extensive data and information already provided in the MRTPA. Rather FDA indicated that it would accept a

PMTA consisting of a cover letter with cross-references to sections of the MRTPA containing the information required in a PMTA submission.<sup>1</sup> FDA further explained that all three applications—the MRTPA, the SE Report, and the PMTA—would proceed concurrently through FDA review. Although Swedish Match does not concede that the Company’s proposed changes to the packaging and/or labeling for General Wintergreen Portion White Large render it a “new tobacco product” for which either an SE Report or a PMTA is required, the Company nonetheless appreciates FDA’s advice and is submitting this PMTA accordingly. Notwithstanding this submission, the Company maintains its position on this issue and reserves the right to take future action in accordance therewith.

Swedish Match also appreciates FDA’s recognition that the MRTPA contains extensive data and information regarding the health effects of Swedish Snus—including more than 100,000 pages of evidence from governmental and academic cohort studies, clinical trials, premarket consumer perception research, and secondary data analysis and modeling. The Company believes that the MRTPA contains ample evidence to demonstrate that the Snus Product will (i) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users and (ii) benefit the health of the population as a whole, taking into account both users and non-users of tobacco products. The Company further believes that this same evidence is sufficient to establish that the Snus Product meets the PMTA standard of being “appropriate for the protection of the public health” with respect to the risks and benefits of the population as a whole, including users and nonusers of the product. Accordingly, and as directed by FDA, Swedish Match hereby provides the following information and cross-references in support of this PMTA:

***Company Name and Address:***

Swedish Match North America Inc.  
Two James Center  
1021 East Cary Street, Suite 1600  
Richmond, VA 23219

***Authorized Contacts:***

Gerard J. Roerty, Jr.  
Vice President, General Counsel & Secretary  
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<sup>1</sup> Consistent with the approach discussed on the February 2015 conference call, this PMTA has been organized in accordance with the statutory provisions governing such a submission, and not in accordance with FDA’s Draft PMTA Guidance. To the extent that the Agency’s Guidance requests information not otherwise cross-referenced herein (e.g., a list and summary of all Standard Operating Procedures, together with examples of relevant forms and records), Swedish Match submits that such information is (comprehensively) provided for in the MRTPA. In the Company’s view, the MRTPA—and, likewise, this PMTA via cross-reference—substantively addresses all the issues implicated by the non-binding recommendations in the Draft PMTA Guidance.

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***Name of New Tobacco Product:***

General Wintergreen Portion White Large

***Previous Regulatory History:***

Previous Regulatory Submission	FDA Submission Tracking Number (STN)	Date of Regulatory Submission and Associated Amendments	Date of Ingredient Listing Submissions
General Wintergreen Portion White Large Provisional SE (SKU 4882)	SE0000145	3/18/11 2/15/13	6/17/10 12/16/10 3/8/11 1/20/12 7/25/12 4/5/13
General Wintergreen Portion White Large MRTPA (SKU 4882)	MR0000029	06/10/14 12/03/14 12/09/14 01/27/15 02/20/15	—
General Wintergreen Portion White Large SE Report (SKU 4882)	SE0010533	06/10/14 11/06/14	—

***Dates of Prior Meetings with FDA:***

Swedish Match and CTP Staff discussed the Company's plan to submit this Application in a teleconference on February 12, 2015.

Separately, Swedish Match and CTP Staff met to discuss Swedish Match's plan to submit the MRTPA associated with this Application on the following dates:

- June 27, 2012
- December 19, 2012
- May 8, 2013
- December 19, 2013
- January 9, 2014
- March 12, 2014

***Review of the Application by the Tobacco Products Scientific Advisory Committee:***

Swedish Match does not request review of this Application by the Tobacco Products Scientific Advisory Committee ("TPSAC" or the "Committee"). However, if FDA chooses to refer the Application to TPSAC on its own initiative, the Company respectfully requests that the Committee's review be consolidated with its review of the MRTPA on April 9-10, 2015.

***Statement of Our Action to Comply with Requirements of Section 907 of the Act:***

Section 910(b)(1)(D) of the FDCA requires that a PMTA contain "an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard."

There are no tobacco product standards issued under FDCA Section 907 that are currently applicable to smokeless tobacco. Section 907 bans certain characterizing flavors in cigarettes, but no such ban applies to smokeless tobacco products. 21 U.S.C. 387g(a)(1)(A). Section 907 also mandates compliance with certain federally established pesticide tolerances, 21 U.S.C. 387g(a)(1)(B), but no such federal tolerances have been established to date. Because there are no Section 907 standards applicable to smokeless tobacco, there is no action required to be taken by Swedish Match in order to ensure that the Snus Product described in this Application complies with Section 907.

***Sample of Tobacco Product and Components Thereof:***

Section 910(b)(1)(E) of the Act requires such samples of the tobacco product and of components thereof as the Secretary may reasonably require. Although FDA has not issued any binding regulation requiring the submission of such samples or components, the Draft PMTA Guidance recommends that product samples be provided. In accordance with this non-binding Guidance, Swedish Match is working diligently to prepare such samples and will provide them to FDA under separate cover.

***Executive Summary:***

FDA's Draft PMTA Guidance requests an executive summary of the submission, including an overview of the application, a description of the tobacco product, a summary of the nonclinical and clinical studies and major findings, and an explanation as to why the marketing of the new

tobacco product is appropriate for the protection of public health. All such information may be found in the Summary of the MRTPA, on pages 83-137 of that submission.

\* \* \* \*

Swedish Match appreciates FDA's careful consideration of this Application and looks forward to working with the Agency to secure premarket approval under Section 910(b) for the Snus Product discussed herein. Please do not hesitate to contact the undersigned with any questions.

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Gerard J. Koerty, Jr.  
Vice President, General Counsel & Secretary  
Swedish Match North America