

EXECUTIVE SUMMARY

Swedish Match submits this amendment to its eight Modified Risk Tobacco Product Applications (MRTPAs) filed on 10 June 2014 for certain of its General Snus products. This amendment addresses the three deficiencies and two requests/recommendations identified in the Response Letter from the Center for Tobacco Products (CTP) dated 14 December 2016. While the Response Letter concluded that CTP could not grant the requested orders based on the initial MRTPA filings, Swedish Match was pleased that CTP also confirmed that the MRTPAs could be amended in certain ways that would allow the orders to be issued. In particular, the Response Letter noted that “changing the proposed claims, supplementing the evidence, and conducting new studies” in response to the enumerated deficiencies in the Response Letter could provide sufficient evidence to support issuance of modified risk orders for the General Snus products at issue.

Swedish Match has done exactly what CTP directed in preparing this amendment and believes that the filings now support issuance of the modified risk orders sought herein. In particular, Swedish Match accepts CTP’s recommendations (set forth in deficiencies 1 and 2) to retain the following warnings in its label and advertising “WARNING: This product can cause mouth cancer” and “WARNING: This product is not a safe alternative to cigarettes.” In addition, in response to deficiency 3, following consultation with CTP’s Office of Science (OS), Swedish Match conducted a rigorous, new consumer perception study entitled “Perceptions and Behavioral Intentions Study” to address the issues with its previous consumer perception study that CTP identified in deficiency 3. Based on the results of this study, a review of the scientific literature (including epidemiology studies), qualitative research performed by Swedish Match and information included in various communications from CTP, Swedish Match proposes to add the following claim to the General Snus label: “Using General Snus instead of cigarettes puts you at a lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis.”

The protocol for the new study was reviewed and amended based on feedback from OS in a telephone meeting on 13 September 2017. The new study used a control methodology to evaluate the likelihood of certain intention and use behaviors, the perceptions of absolute and relative risk, and the believability of three modified risk claims¹ among 10,532 users and non-users of tobacco exposed to video messages incorporating those claims compared to those exposed to the same video without the modified risk claims. All three of the claims performed well in terms of comprehension and perception of absolute and relative risk [including among the never user and young adult cohorts]. However, the claim “Using General Snus instead of cigarettes puts you at a lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis” had the greatest impact among current smokers.

¹ The three claims tested were: (1) Using General Snus instead of cigarettes puts you at lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis; (2) Using General Snus instead of cigarettes would significantly reduce harm and the risk of certain tobacco-related diseases to individual tobacco users; and (3) No tobacco is totally safe, but using General Snus instead of cigarettes puts you at a lower risk of chronic lung disease and other tobacco-related ailments.

The study results were striking. While the use of such a risk reduction claim in the context of a consumer education campaign would likely result in repeated consumer exposure to the risk reduction message, the study showed that a mere one-time viewing of the video had a significant [impact] on [smokers'] desire and intention to use General Snus [instead of cigarettes], but did not significantly increase the likelihood that non-users of tobacco would initiate use of the product. These results are particularly compelling in light of the FDA-acknowledged need to address common consumer misperceptions regarding the continuum of risk associated with tobacco products,² including the misperception that smokeless tobacco is as harmful as cigarettes,³ and the fact that US consumers are generally unfamiliar with the "snus" tobacco product. However, Swedish Match acknowledges CTP's concern that an MRTP claim not mislead consumers to believe that General Snus has no absolute risk. All consumer groups tested acknowledged that General Snus has risk, but that the risk relative to cigarette use was reduced.

These data comprehensively address the deficiencies cited in the Response Letter and, coupled with the scientific evidence that Swedish Match previously submitted, satisfy the modified risk criteria set forth in Section 911(g)(1) of the FDCA. Indeed, the Technical Project Lead (TPL) Report for the General Snus Premarket Tobacco Application (PMTA) prominently cites the "... voluntary, proprietary standard...", which Swedish Match refers to as GOTHIA TEK[®] and highlights the low levels of nitrosonornicotine (NNN), 4-(methylnitrosamino)-1-(3-pyridyl)-1-butanone (NNK), and other harmful and potentially harmful constituents (HPHCs) found in General Snus products. The new consumer perception study provides the final evidence necessary to support the modified risk order. Adding the "lower risk" statement to the General Snus labeling has the potential for significant harm reduction to those current smokers who switch to General Snus and benefit the public as a whole, including non-users of cigarettes by, for example, providing consumers with important comparative risk information and reducing their exposure to environmental (second-hand) tobacco smoke without increasing the likelihood

² See FDA, FDA Announces Comprehensive Regulatory Plan to Shift Trajectory of Tobacco-Related Disease, Death, Jul. 28, 2017, available at <https://www.fda.gov/newsevents/newsroom/pressannouncements/ucm568923.htm> ("A key piece of the FDA's approach is demonstrating a greater awareness that nicotine... is delivered through products that represent a continuum of risk... The FDA is committed to encouraging innovations that have the potential to make a notable public health difference and inform policies and efforts that will best protect kids and help smokers quit cigarettes."). See also, e.g., Remarks by Dr. Gottlieb on Nicotine and the Role of Science in Regulation, Feb. 23, 2018, available at <https://www.fda.gov/NewsEvents/Speeches/ucm598073.htm> (describing difficulty "[f]or the layman" to distinguish risks associated with nicotine and tobacco generally); Remarks by Dr. Gottlieb on the Regulation of Nicotine, Oct. 19, 2017, available at <https://www.fda.gov/newsevents/speeches/ucm581314.htm> (describing consumer misperceptions about the safety of nicotine and tobacco products); Remarks by Dr. Scott Gottlieb, Protecting American Families: Comprehensive Approach to Nicotine and Tobacco, Jul. 28, 2017, available at <https://www.fda.gov/newsevents/speeches/ucm569024.htm> ("[W]e must acknowledge that there's a continuum of risk for nicotine delivery... And we must recognize the potential for innovation to lead to less harmful products, which, under FDA's oversight, could be part of a solution.");

³ See Lynn T. Kozlowski, Origins in the USA in the 1980s of the warning that smokeless tobacco is not a safe alternative to cigarettes: a historical, documents-based assessment with implications for comparative warnings on less harmful tobacco/nicotine products, *Harm Reduction Journal* 15:12 (2018), available at <https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-018-0228-8> (describing research indicating that individuals may misinterpret messages about absolute risk as indicating comparative risk [i.e., that smokeless tobacco is just as harmful as cigarettes]).

of their initiating tobacco use. Swedish Match therefore believes that the evidence submitted supports issuance of a modified risk order pursuant to Section 911(g)(1).

Amendment Format and Contents

As requested by CTP, Swedish Match prepared a “response amendment” to fully address the three deficiencies cited in the MRTPA partial decision correspondence. The amendment is organized in the same fashion as was previously done for the eight General Snus MRTPA Advice/Information Request (AIR) responses: citing the language for each of the three deficiencies and providing a narrative response and linking to relevant studies. The amendment also includes a response to two Requests/Recommendations relating to the Dynamic Population Model and the format of the systematic literature review.

Deficiency 1: Retain the “WARNING: This product can cause mouth cancer” label

Swedish Match accepts CTP’s request to retain the “WARNING: This product can cause mouth cancer” label.

Deficiency 2: Retain the “WARNING: This product is not a safe alternative to cigarettes” label

Swedish Match accepts CTP’s request to retain the “WARNING: This product is not a safe alternative to cigarettes” label.

In addition, Swedish Match developed three modified risk health claims to be potentially used together with the currently mandated warning statements for smokeless tobacco products. The three proposed claims listed below were selected based on a review of the scientific literature, qualitative research performed by Swedish Match, and statements made by CTP in the PMTA TPL Report and the MRTPA partial decision.

- Claim 1: Using General Snus instead of cigarettes puts you at a lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis.
- Claim 2: Using General Snus instead of cigarettes would significantly reduce harm and the risk of certain tobacco-related diseases to individual tobacco users.
- Claim 3: No tobacco is totally safe, but using General Snus instead of cigarettes puts you at a lower risk of chronic lung disease and other tobacco-related ailments.

Deficiency 3: New consumer perception study

Swedish Match has conducted a new consumer perception study entitled “Perceptions and Behavioral Intentions Study” to address this deficiency. The purpose of this study was to determine how the three proposed modified risk claims impacted various cohorts of adult consumers’ perceptions of health risks of using General Snus and their behavior intentions regarding tobacco. The study utilized a test versus control methodology to assess the impact of

three General Snus videos, each containing one modified risk claim (serving as the test) versus one General Snus video not containing a modified risk claim (serving as the control).

Based on the totality of evidence from this study, Swedish Match believes that Claim 1 (***“Using General Snus instead of cigarettes puts you at a lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis.”***) is the most impactful and proposes to use this MRTPA claim in marketing/advertising.