

New Oral Nicotine Products

Emerging Issues and Continuing Public Health Concerns



AMERICA'S NO.1*
NOW EXTRA STRONG

9 MG
TOBACCO-FREE
NICOTINE POUCHES

ZYN
COOL MINT

NEW 9MG

NOW YOU CAN
TOBACCO-FREE NICOTINE POUCHES

*Source: Nielsen, Unit Sales, Nicotine Pouch Category, Total US, Jan-Aug 2021. Produced by Swedish Match.

This product contains nicotine which is a highly addictive substance. (18)

America's No. 1 Now Extra Strong®, (Zyn Ad. 2023)

NOW YOU
TINGLE.

YOU'VE GOT VELO

18+ ONLY. THIS PRODUCT CONTAINS NICOTINE AND IS ADDICTIVE. KEEP OUT OF REACH OF CHILDREN.

VELO

VELO

VELO

VELO

VELO

VELO

DISCREET



Scope and Themes

Health Considerations

Availability

Placement & Packaging

Promotion

Pricing



Sales and Promotion

\$1.06 billion
(2022)

5.63 billion lozenges,
pucks, or pouches



→ Sales increase of **700%**
from 2019 to 2022

→ Sales of higher
concentration products rose
more dramatically





Health Considerations



Nicotine Concentration and Mode

- **1.5mg - 12mg of nicotine per pouch – can also be 25mg +**
- **~50% nicotine absorption when ingested (~11% when inhaled)**
- **Nicotine salts much smoother than freebase nicotine – can pack in more nicotine**
- **May be claimed as chemically synthesizes (synthetic) – no neurochemical or physiological differences shown**
- **Nicotine impact on brain development and cardiovascular health; TSNA_s**

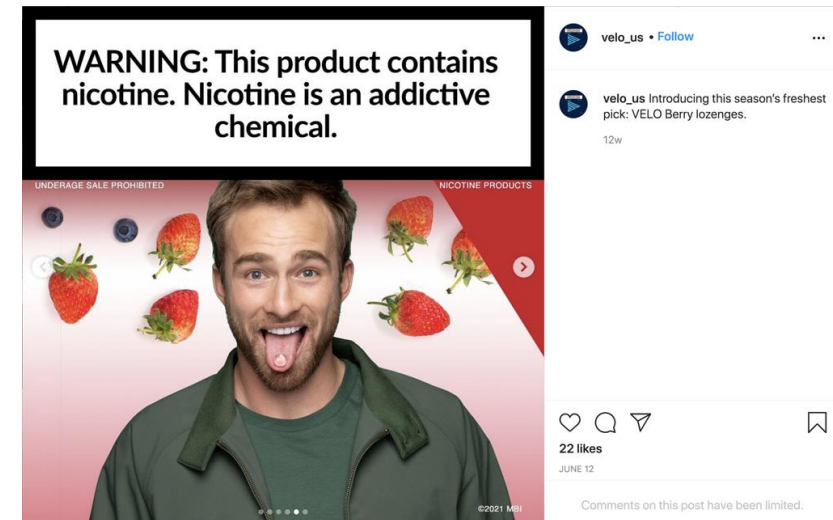


Availability



Availability

- **Found in age-gated establishments**
- **Found in all-age entry establishments**
 - Gas stations, convenience and grocery stores, etc.
- **Sold online**





Placement & Packaging



Placement & Packaging

- **Currently, only cigarettes and smokeless tobacco are prohibited from self-service displays**
 - Also lack of parity around pack size regulations, warning statement space on packaging
 - Fewer restrictions around imagery that imitates packaging for food products or are particularly youth-oriented





Promotion



⚠ This product contains nicotine
Nicotine is an addictive chemical



WARNING: This product contains nicotine. Nicotine is an addictive chemical.



77 NICOTINE POUCHES

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NICOTINE POUCHES 77

ENJOY WHEREVER YOU WANT

” 100% TOBACCO FREE

→ READ MORE

ZYN
rewards

ENJOY ZYN.
COLLECT POINTS.
CLAIM REWARDS.

START EARNING →



Pricing



Pricing

- **\$4 - \$5 = average price (15 pouches)**
 - Half to one-third the price of a pack of cigarettes
 - Exempt from certain state taxes
 - Fewer coupon/discount restrictions



Federal Regulation



Federal Regulation

- **All products are supposed to receive pre-market authorization to be marketed legally**
 - Manufacturers have the onus to prove their products are “appropriate for the protection of the public health”
 - As of April 2024, only 4 such product types have been authorized – none of which are on the market today
 - Sales of unauthorized products remain widespread
 - FDA issued 100+ warning letters in April 2024 to retailers out of compliance with MLSA
 - Violations occurred over just a five-month period
- **Other issues:**
 - Addressing claims of synthetic nicotine and agency jurisdiction – April 2022



State Regulation



State Regulation

- **May be outside of state definition of tobacco products**
- **May be outside of state definition for electronic cigarettes**
 - Recognition of non-applicability of tobacco and/or vaping-related retail zoning restrictions, flavored product sales restrictions, discounting policies, taxation, etc.
- **Continuing difficulties for states – online sales, direct advertisements or indirect product sponsorships**
- **Lack of nicotine concentration limit at federal level**





Key Policy Considerations



Key Policy Considerations

- **Appropriate consideration of definitions and inclusion/exclusion in state or local regulatory frameworks.**
 - Regulating “tobacco” / Regulating “nicotine”
- **Ensure that there is *intentional* tax regulatory framework, the funds from which support addiction prevention and cessation.**
- **Leveraging zoning regulations to restrict the density/proximity of nicotine retailers near youth-serving locations**
- **Consider how flavored products are targeted in particular communities across the country**





Individual-Level Treatments vs Population-level Policies





Thank you!

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