Reply from Nordic Nicotine Pouches Alliance (NNPA) Regarding TRIS Notification: 2024/0482/DK (Denmark) *Draft Order on the labelling of and health warnings on tobacco substitutes.*

Nordic Nicotine Pouches Alliance (NNPA)

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The Nordic Nicotine Pouches Alliance (NNPA) is a Brussels-based platform for stakeholders advocating for nicotine pouches as an essential part of harm reduction among adult nicotine users within the EU. We promote responsible, effective, and harmonised European legislation that establishes clear guidelines for this product category to achieve specific goals, such as banning extreme nicotine levels or reducing usage among minors. Our main focus is information dissemination, but we continuously work to build support for our position from stakeholders who are representatives of a responsible value chain. NNPA is funded by European industry actors.

Summary of our position:

NNPA welcomes the demand for consumer relevant information such as nicotine content per unit.

NNPA acknowledges the need to regulate marketing, labelling, design and flavour descriptors that could be considered unduly attractive to underage persons; however, such restrictions must be balanced and proportional. A blanket ban on all descriptors (except two) of a product with no natural flavours cannot be motivated.

We consider that the proposed restrictions pre-empt the revision of the Tobacco Products Directive, violate the principle of non-discrimination and the freedom of trade and industry (Article 36 TFEU)

NNPA objects to broad restrictions of nicotine pouches since such restrictions are likely to have a negative effect on public health by reducing access to reduced risk alternatives beneficial to smokers as recognized by Bfr, COT and RIVM

# NNPA’s opinion and objections on 2024/0482/DK

The Danish government is updating the country’s laws on tobacco control and has notified the European Commission of the proposed changes. The amendments to the Order concern: information about nicotine content per nicotine pouch, nicotine cessation information and that any outer packaging should not contain elements or features which refer to taste, smell, flavorings or other additives or statements, with the exception of the words ‘with a tobacco taste’ or ‘with a menthol taste’.

The NNPA considers the proposed restrictions to pre-empt the revision of the Tobacco Products Directive but while voicing this concern, on a more general note welcomes the demand for consumer relevant information such as nicotine content per unit and nicotine cessation information.

NNPA acknowledges the need to regulate marketing, labelling, design and flavour descriptors that could be considered unduly attractive to underage persons; however, such restrictions must be balanced and proportional which is not the case for the Danish proposal.

Underage persons are not the intended target audience for nicotine pouches and the broader Danish prevention package already contain a number of far more effective and specific measures such as improved age verification and supervision that does not have an undue effect outside the intended target group i.e. underage persons.

While measures that are targeted at underage use can be necessary there are no public health risks that could justify broad restrictions on nicotine pouches. On the contrary, such restrictions are likely to have the opposite effect by reducing access to reduced risk alternatives beneficial to smokers as recognized by Bfr,[[1]](#footnote-2) COT[[2]](#footnote-3) and RIVM[[3]](#footnote-4).

We find the proposed restrictions to be unjustified and in violation of the principle of free movement of goods and to violate the principle of non-discrimination and the freedom of trade and industry (Article 36 TFEU). Nicotine pouches are consumed daily by around 1.4 million citizens across 25 EU Member States. The overwhelming majority of these consumers are adults that have switched away from smoking traditional tobacco cigarettes as pouches offer an alternative and significantly less risky way of consuming nicotine.

The ban is not proportionate since there is no scientific evidence or even statistical indications that suggests that nicotine users would be exposed to higher risk by placing nicotine pouches with flavour and attached descriptors on the market. Claiming that this very broad and unspecific measure is put in place to protect underage persons does not make it proportional nor motivated. The Member State that clearly excel at reducing tobacco harm, Sweden, has a general rule against marketing to persons below a certain age instead of a specific ban on descriptors showing that Denmark could achieve even more ambitious health objectives without this unwarranted and arbitrary limit of relevant consumer information on the package. Denmark will also reinforce for example age control and supervision which should be far more effective tools to curb underage use.

Flavour diversity is integral to the acceptance of nicotine pouches among adult smokers. Instead of outright bans on consumer relevant information or flavour restrictions, NNPA suggests regulating unsuitable flavour descriptors and marketing to mitigate potential appeal to youth.

In conclusion, we strongly oppose the proposed restrictions on flavor descriptors

För NNPA, Robert Casinge

Senior partner, regulatory affairs

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1. <https://www.bfr.bund.de/cm/349/health-risk-assessment-of-nicotine-pouches.pdf> [↑](#footnote-ref-2)
2. <https://cot.food.gov.uk/sites/default/files/2023-04/Publishable%20%20COT%20Oral%20nicotine%20pouches%20-%20final%20v1-0%20Acc%20V.pdf> [↑](#footnote-ref-3)
3. <https://www.rivm.nl/publicaties/nicotineproducten-zonder-tabak-voor-recreatief-gebruik> [↑](#footnote-ref-4)