

From: Sandeep Aggarwal s 9(2)(a)
Sent: Monday, 21 August 2023 8:06 am
To: Diana Sarfati s 9(2)(a); Jane Chambers s 9(2)(a)
Subject: XXII Corporation: Low Nicotine Retail Tobacco Deployment

Dr Diana Sarfati	Jane Chambers
Director-General of Health	Group Manager Public Health Policy
Ministry of Health	Ministry of Health
WELLINGTON	WELLINGTON

Dear Dr Sarfati and Jane

National Retail Group (NRG) is working locally with XXII Corporation to introduce low nicotine smoked tobacco products into the New Zealand market. We hope in Q4 2023 or Q1 2024. This is what we wish to brief the Ministry about given the Regulations are yet to be released on testing method.

NRG is aware of FCTC disclosure requirements but wish to meet with Public Health Policy and the Tobacco Control Unit given low nicotine tobacco's introduction, does raise unique challenges under the *Smokefree Environments and Regulated Products Act 1990*.

As you will be well aware it is illegal to advertise or promote regulated products that raises an awareness issue among daily smokers who are notoriously difficult to reach. It puts less addicting low nicotine tobacco into bind that without temporary legislative changes, commercialisation would be unlikely until 2025. This risks consumer shock. Early introduction is needed because word of mouth is the only tool, under law, we have. Early introduction facilitates the public policy objectives.

Our concern is that 1 April 2025 will act like a guillotine where just a handful of relatively unknown brands will suddenly replace long established brands and known tastes. This makes the earliest introduction of alternatives, such as what we represent, important.

As such, we would like to explore if legislative and excise changes are possible to differentiate low nicotine tobacco within plain packaging e.g. US FDA MRTP wording incorporated into health warnings. A key point impeding introduction is the excise rate, which treats low nicotine tobacco identical to highly addictive smoked tobacco.

Finally, validation trials of low nicotine tobacco with target communities; such as heavy smokers done with the Ministry and with the Universities. This could be done in parallel with potential changes that would speed introduction into the New Zealand market.

A meeting as you can see, would be highly beneficial.

Yours sincerely,

Sandeep Aggarwal

Director

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PROACTIVELY RELEASED



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31 August 2023

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Ref: 2023030903

Tēnā koe Sandeep

Thank you for your email on 21 August 2023, I appreciate you taking the time to write.

I acknowledge your invitation to brief Manatū Hauora (the Ministry of Health) on your plans to introduce low nicotine smoked tobacco products into the New Zealand market.

Representatives from the Tobacco Regulatory Authority (TRA) would be happy to meet with you to discuss this matter. I have asked them to contact you to arrange a suitable time and place to meet.

Please note that Manatū Hauora is not in a position to discuss tobacco control policy matters with sector representatives at this time, and the TRA's focus for the meeting will be on regulatory compliance.

Thank you again for taking the time to write.

Nāku noa, nā



Alison Cossar

**Acting Group Manager, Public Health Policy and Regulation
Public Health Agency | Te Pou Hauora Tūmatanui**