



### Episode Details:

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Title: Episode 26: Nicotine Pouches and Other “Modern” Oral Nicotine Products

Description: In this episode, we talk about nicotine pouches like "Zyn" and other so-called "modern" oral nicotine products, how they are being marketed and sold in the retail environment, and options for regulating this small but rapidly growing product segment with concerns about youth initiation in mind.

### Transcription:

You're listening to the Counter Tobacco Podcast. I'm your host for today, CounterTobacco.org Managing Editor Mollie Mayfield. On this podcast, we aim to highlight the role the tobacco industry's influence at the point of sale plays in tobacco use and tobacco-related harm and what's being done to reduce that influence and to improve community health and health equity. Today, we're talking about nicotine pouches and other quote unquote “modern” oral nicotine products and how they are showing up in the retail environment today.

So first of all, what are oral nicotine products? The term includes products such as oral nicotine pouches, dissolvables like nicotine lozenges and nicotine toothpicks, as well as recreational nicotine gum. To describe each a little bit more:

**Oral nicotine pouches** are similar to the spitless, smokeless tobacco product “snus,” except that the pre-filled pouches, designed to be placed between a user's lip and gum, contain nicotine powder rather than tobacco leaf. This nicotine is still, in most cases, derived from tobacco, though there are some companies at least claiming that the nicotine they are using is synthetic. More on that later in the show. There are at least 28 brands out there, but some of the more popular brands you might have seen on store shelves include “Zyn” (which is owned by Swedish Match and which also has the largest market share currently), as well as on! (owned by Altria), Velo (owned by RJ Reynolds), and Rogue (owned by Swisher International). These nicotine pouches also use nicotine salts, which have a lower pH than free base nicotine and therefore can deliver higher doses of nicotine (and more quickly) without as much irritation to the throat. These nicotine salts are also what's used in popular 4<sup>th</sup> generation pod-mod e-cigarettes like Juul.

**Dissolvables** include products like recreational nicotine lozenges, tablets, and nicotine toothpicks. Many of the same brands that sell nicotine pouches also have a line of lozenges, including on!, Velo, and Rogue. Nicotine toothpicks are sold by brands like Pixotine, Smart Toothpicks, Crave, and Nic-Picks. While not on the market currently, tobacco companies have in the past also marketed and sold dissolvables in the form of “strips” – think like Listerine mouthwash strips, but made with nicotine. These failed to gain significant traction at the time, but today's other dissolvable nicotine products don't appear to be running into the same issue so far.

Some tobacco companies have also introduced **recreational nicotine gums**, like the brand “Lucy.” Rogue also has a recreational nicotine gum.

It’s important to note that these products are NOT approved by the FDA as cessation products. The amount of nicotine they contain varies, but some products include up to 7x the amount of nicotine present in nicotine replacement therapy products, which are limited to 4 mg. In fact, these high nicotine concentrations present concerns that these products, which are often available in flavors that appeal to youth, could actually lead to greater nicotine dependence among users.

### **So where and how are these products being sold?**

Well, if you’ve been to a convenience store recently, chances are you’ve seen an advertisement for one of these products and/or seen them on the shelves. They’re being sold most places other tobacco products are being sold.

Nicotine pouches like Zyn are the fastest growing subcategory of tobacco, with sales for growing [by nearly 500%](#) in the first half of 2020. Zyn was first introduced in a few western US markets in 2016, but was sold at around 100,000 stores across the country by January of this year.

Some of these products are also sold at pop-up events. At one point, as it expanded sales from the West Coast to the Midwest and then the East, Zyn opened a sleek [“pop-up” store in Chicago](#) to promote the product (similar to the heated tobacco product IQOS flagship stores that are now popping up).

They come in a range of flavors – from mint and menthol flavors to coffee and cinnamon to fruit flavors like mango, citrus, and black cherry. And some even come in “concept flavors” like “Smooth” and “Chill,” which the brand Zyn markets as “flavor-ban approved.” Using these types of flavor names has been a common tobacco industry strategy to try and circumvent bans on the sale of flavored tobacco products, and it looks like companies are making that same play with these new products as well. The range of flavors these products are offered in presents a concern for youth use, since we know that flavors are a key factor in youth tobacco use initiation, with over 80% who have ever used tobacco starting with a flavored product.

Oral nicotine products are also being marketed as products that can be used anytime, anywhere, including when you cannot smoke. And they can be used discreetly, which is raising additional concerns for youth use.

In some cases, they’re also illegally being marketed for smoking cessation purposes – though again, to be clear – these are not approved by the FDA as smoking cessation aids, and there’s no evidence that they are effective for cessation.

Concerningly, I’ve also seen them placed right alongside cessation products in retail stores – including in pharmacies that still sell tobacco.

They’re being marketed as “tobacco-free,” or “tobacco-leaf free,” which may lead potential consumers to perceive them as healthier or lower risk – even though they have not been proven to be so and have not been authorized for marketing as a modified risk product by the FDA.

They're being sold for relatively cheap. A study conducted by Dr. Illana Raskin at Stanford found that average prices for a container of nicotine pouches was about \$5 on average, but prices also varied by brand and across the 30 cities included in the study. That means they are often as cheap or cheaper than a pack of cigarettes.

They're also being offered with price promotions and coupons, which we know when offered on cigarettes, encourage price-sensitive youth to experiment and to progress to regular smoking.

Data on actual youth use is currently lacking, but the products are being included in this year's National Youth Tobacco Survey, so hopefully we'll have more data soon. But we do have some data that the Truth Initiative collected in 2020 that shows a concerning level of youth use, with 13% of 15-24 year olds reporting using oral nicotine pouches within the past 30 days

### **So how could these products be regulated or better regulated at the point of sale?**

Number one, with **comprehensive definitions**. First, given the relative novelty of these products and that some of them are using synthetic nicotine, it's important to take a look at how your local jurisdiction or state defines "tobacco products," whether they have a definition for "alternative nicotine products" or something similar, and how existing regulations might apply to these new oral nicotine products or not.

Unfortunately, the FDA definition of "tobacco product" only includes nicotine derived from tobacco right now, but states and many local jurisdictions can regulate nicotine products as tobacco products regardless of whether the nicotine is synthetic.

There is also a case to be made that synthetic nicotine products could be regulated by the FDA as drugs, similar to the way nicotine replacement therapies are. That's a larger topic for another time, but I'll link to a paper arguing for just that in the show notes.

Oral nicotine products could also be regulated with **flavor restrictions**. Again, with comprehensive definitions, these products can be included in bans on the sale of all flavored tobacco and nicotine products.

In addition, many of the same point-of-sale strategies that we are familiar with from other products can be applied to these as well, ensuring that regulation of new oral nicotine products at the point of sale is part of a comprehensive commercial tobacco control plan, including making sure retailers that selling these products are licensed to do so; restricting the number, location, and density of retailers where any tobacco products can be sold; and raising prices - complementing excise taxes by setting minimum floor prices and prohibiting price discounts and promotions.

Some are also advocating for **nicotine limits** to reduce the harm of these products. This likely could either come in the form of a product standard from the FDA limiting the amount of nicotine contained in a dose, or there could be sales restrictions on the products based on nicotine concentrations.

In fact, last month, a group of over 31 Attorney Generals sent [a letter to the FDA](#) asking them not to approve any e-cigarettes *or oral nicotine products* with flavors other than tobacco or with high levels of nicotine and asked the FDA to also ensure that these products are also not marketed to youth. While the

FDA has denied marketing orders for some e-cigarette products during their premarket review process so far, they have not yet issued any decisions on oral nicotine products that submitted premarket review applications, at least as of the recording of this podcast. That means that no nicotine pouches have been authorized for sale or for marketing by the FDA, and given that we are now past the September 9, 2021 deadline for FDA review, it means that these products *should* no longer be on the market without such a marketing authorization. But it's up to FDA discretion to enforce their removal, and it doesn't seem like they are making that much of a priority at this point.

### **So what's the bottom line here?**

Well, there are certainly some concerns with this still small but rapidly growing product segment – particularly with the appeal to youth and potential for youth initiation.

While noncombusted products like these may be less dangerous than cigarettes (as in the case of e-cigarettes) if people who use them switch from smoking entirely, but they still have their own health risks, including addiction to nicotine, which can harm the developing brains of adolescents and is also harmful to pregnant people and developing fetuses. And none of these products have received authorization from the FDA to be marketed as a modified risk tobacco product, and it's unclear which if any have applied for that status.

We don't know yet how the FDA will choose to treat many of these new products during their premarket review and what conditions they might place on their marketing, including ways to further limit marketing to youth and youth appeal, but we can hope that it would include restrictions on flavors.

We can and should continue to monitor how these products are marketed and sold at in the retail environment, where youth and adults alike are exposed to tobacco product advertising and displays, which we know lead youth to start using tobacco products, keep people who are currently using tobacco hooked, and make quit attempts more difficult.

It's also important to remember that while tobacco companies may be touting these products under the veil of "harm reduction" and their transition to a "smoke-free future," – don't be fooled – their goal is the same as it ever has been – profit. Profit that comes at the expense of human health and the tolls of addiction. And while they're now profiting off these products as well, they're also continuing to aggressively market and promote their most deadly products: cigarettes and other combusted products, which we know are the #1 cause of preventable death and disease.

One final request before we sign off here – help us document how these products are being sold and marketed across the country! When you see these products or advertisements for them at convenience stores and other tobacco retailers in your community, take a photo and send it in to our media gallery on [CounterTobacco.org](https://www.Countertobacco.org)!

While you're there, you can also learn more about the different policy options we talked briefly about today, find additional resources, and more.

That's all for today! Thanks for listening, and I look forward to you joining us again next time!