



November 29, 2021

Mr. Mitch Zeller
Director, Center for Tobacco Products
U.S. Food and Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993-0002

Re: Social media marketing of nicotine pouch products to youth

Submitted by e-mail.

Dear Director Zeller:

As you are aware, Premarket Tobacco Product Applications (PMTAs) have been filed for the nicotine pouch products Velo (Reynolds American, Inc.) and Zyn (Swedish Match). We write to bring to your attention information indicating that these products are being marketed worldwide over social media platforms using images and strategies designed to make the products attractive to young people. No marketing order should be granted for these products without full FDA consideration of the risk that similar marketing will be directed at young people in the U.S. and without safeguards to ensure that such marketing will not occur.

We have attached a letter joined by more than 100 public health and other organizations from 53 countries calling on Facebook, Instagram, TikTok and Twitter to immediately end the promotion of nicotine pouches on their platforms, including paid promotion by influencers. The letter reports “an alarming increase in tobacco companies using social media platforms to advertise nicotine pouches to young people.” “On Instagram alone,” it states, “77 influencers paid to share content promoting Velo have posted thousands of images advertising the nicotine pouch to an audience of more than 537 million people around the world.” Images of Velo and Zyn social media marketing leave no doubt that this is a deliberate strategy to target young people by featuring young, high profile influencers engaged in sports activities, suggesting that nicotine pouches promote a healthy, active lifestyle. See <https://www.tobaccofreekids.org/media/2021/nicotine-pouch-h-marketing-examples>. In several instances, influencers offer special “promo codes” to followers to promote the sale of nicotine pouches on social media platforms. Velo is being marketed on social media through paid influencer posts to promote the sensory effects of nicotine, using slogans like “feeling the tingles!” A recent article in *The Guardian* reports popular DJ influencers recommending their favorite flavors of Velo and telling their tens of thousands of followers, “Product is so cool – especially for the clubs!” See <https://www.theguardian.com/business/2021/nov/08/firms-under-fire-for-using-uk-influencers-to-push-nicotine-products>

This is exactly the kind of marketing to young people that Juul and other e-cigarette companies perfected, causing an epidemic of youth e-cigarette use and nicotine addiction. While it is certainly the responsibility of social media platforms to curb such promotional activities, FDA also has a responsibility, in determining which tobacco products can be marketed in the U.S., to take such marketing behavior into account and to ensure that it not be repeated to target American youth.

Thank you for your consideration of our views.

Sincerely,

American Academy of Pediatrics

American Cancer Society Cancer Action Network

American Heart Association

American Lung Association

Campaign for Tobacco-Free Kids

Truth Initiative

Attached: Letter from more than 100 public health and other organizations from 53 countries calling on Facebook, Instagram, TikTok and Twitter to immediately end the promotion of nicotine pouches on their platforms

Mr. Mark Zuckerberg, CEO Facebook/Instagram
Ms. Vanessa Pappas, CEO Tik Tok
Mr. Jack Dorsey, CEO Twitter

October 26, 2021

Dear Mr. Zuckerberg, Ms. Pappas, and Mr. Dorsey,

We represent tobacco control, public health, corporate accountability, and consumer protection organizations fighting to reduce tobacco use and its deadly toll around the world. We are writing to you because we have observed an alarming increase in tobacco companies using social media platforms to advertise nicotine pouches to young people. While Facebook/Instagram, TikTok and Twitter all have policies designed to protect users from the predatory marketing tactics of tobacco and e-cigarette companies, current policies do not adequately address the marketing of nicotine pouches. The result has been the rampant marketing of addictive nicotine pouches to young social media users across all of your platforms.

We are calling on you all to prohibit the marketing of non-pharmaceutical oral nicotine products on your platforms – comprehensively updating existing policies to add these addictive and largely unregulated products to paid marketing and influencer marketing prohibitions on tobacco products and e-cigarettes.

Some of the world's largest cigarette companies including Altria, British American Tobacco, Imperial Brands, and Japan Tobacco International have recently introduced their own nicotine pouch brands. These products are part of tobacco companies' plan to both keep and addict new customers to nicotine.

Because your platforms do not explicitly prohibit non-pharmaceutical oral nicotine product marketing, recent monitoring has found cigarette companies are not only using influencers to promote nicotine pouches¹, they are also using paid ad platforms to serve ads for nicotine pouch brands such as Velo, Lyft and Zyn. On Instagram alone, 77 influencers paid to share content promoting Velo have posted thousands of images advertising the nicotine pouch to an audience of more than 537 million people around the world. According to Klear, more than 40 percent of the audience viewing this influencer content promoting Velo is under the age of 24.

Allowing the marketing of recreational products like nicotine pouches on social media platforms presents several public health and child safety concerns:

1. **Nicotine is addictive and its use has several known risks and adverse health consequences** including: (a) Exposure to nicotine during adolescence can have lasting negative consequences for brain development² and (b) There is substantial evidence that using nicotine in adolescence can increase the likelihood of nicotine addiction in adulthood, as well as future addiction to other drugs³.
2. **Marketing campaigns for nicotine pouches target young audiences and feature misleading product information.** Nicotine pouch marketing is currently leveraging established strategies the same companies have used to market cigarettes, e-cigarettes, and heated cigarettes including youth-friendly flavors, youthful imagery, and colorful packaging. The most visible nicotine pouch brands

seen on social media are British American Tobacco's "Lyft" and "Velo." Marketing campaigns for these brands appear to target young audiences in low- and middle-income countries. Marketing content – both through paid advertising and influencers – often features young, high-profile influencers engaged in sports activities suggesting product use is compatible with a healthy, active lifestyle. In several instances, influencers are facilitating the sale of nicotine pouches on social media platforms by offering "promo codes" and other incentives toward the purchase of nicotine pouches.

3. **Marketing campaigns for nicotine pouches encourage using the product along with the use of other tobacco and nicotine products, the promotion of which are prohibited on all social media platforms.** British American Tobacco, currently one of the most prolific users of social media to market their nicotine pouch brands, often uses language promoting poly-use of these products with content like: "*Stuck by the socket? Waiting for your nicotine device to charge? VELO pouches are charge-free, so they won't keep you waiting.*"⁴ British American Tobacco's own internal research shows at least half of the users of their oral nicotine products were not prior smokers⁵ and investor reports suggest the company is targeting new users.⁶ British American Tobacco's Velo is marketed on social media through paid influencer posts to **promote the sensory effects of nicotine** using slogans like "*feeling the tingles!*"⁷ and "*[T]here will be a tingling sensation at first, which is normal: it means the nicotine is working.*"⁸
4. **Many governments around the world seeking to protecting youth and reduce nicotine addiction are regulating nicotine pouches.** Governments are taking a variety of steps to regulate or ban these products including banning the sale or import of nicotine pouches⁹ (Germany¹⁰, Kazakhstan, Lithuania, New Zealand, Russia and Singapore), regulating nicotine pouches as a poisonous substance (Australia, Hong Kong, Malaysia), regulating as tobacco products subject to tobacco control laws (South Korea, Uzbekistan), and regulating these products as pharmaceutical products requiring the relevant medical/therapeutic authorization for sale (Chile, Canada¹¹, Finland¹², Japan, Malaysia, South Africa and Taiwan.)

Without swift action to close this loophole in your existing policies, tobacco companies will continue to undermine the progress you have made to ensure your platform is free of tobacco company marketing that exposes your most vulnerable community members to ads for addictive and toxic products. Your urgent assistance in addressing this public health threat is requested. Please contact Debra Rosen (drosen@tobaccofreekids.org; +1 202 296-5469) at the Campaign for Tobacco-Free Kids with questions or for further assistance.

Sincerely,
Abtab Khan Shawon, Bangladesh
ACT Health Promotion, Brazil
Action on Smoking and Health (UK), UK
African Tobacco Control Alliance - ATCA, Togo
Airspace Action on Smoking and Health, Canada
Alianza Bolivia Libre Sin Tabaco, Bolivia
American Heart Association, United States
American Lung Association, United States
ASH (US), United States

ASH Canada, Canada
 ASH Finland, Finland
 ASH Thailand, Thailand
 Association "Health Mission", Belgrade, Serbia, Serbia
 Association for the Treatment of Tobacco Use and Dependence (ATTUD), United States
 Austrian Council on Smoking and Health, Austria
 Campaign for Tobacco-Free Kids, United States
 Cancer Society of Finland, Finland
 Center for Economics and Community Development, Vietnam
 Center for public health & environment education, India
 Centre for Combating Tobacco, Sri Lanka
 Centre for Health and Gender Equality, India
 Centre for Multi Disciplinary Development Research, India
 Chromatic, Pakistan
 CIET, Uruguay
 Coalition "Tamekisiz Kyrgyzstan", Kyrgyzstan
 Coalition for a Tobacco Free Palau, Palau
 Coalition for Tobacco Free Odisha, India
 Comision Nacional Permanente de Lucha Antitabaquica -COLAT, Peru
 Comité National Contre le Tabagisme, CNCT, France
 Corporate Accountability, United States
 Danish Cancer Society, Denmark
 Development and Policies Research Center (DEPOCEN) - Vietnam, Vietnam
 Development Organisation of the Rural Poor, Bangladesh
 Dhaka Ahsania Mission, Bangladesh
 DNF (Demain sera Non-Fumeur), France
 European Network for Smoking and Tobacco Prevention - ENSP, Belgium
 Focus NGO, Mongolia
 Foundation "Smart Health - Health in 3D", Poland
 Fund "Saluat Astana", Kazakstan
 Fundación Anáas, Colombia
 FUNDACION BOLIVIA SALUDABLE/ALIANZA POR LA SALUD, Bolivia
 Gracias No Fumo SC, México
 Healthy Romania Generation 2035 Association, Romania
 Indonesian Youth Council for Tobacco Control (IYCTC), Indonesia
 Institute of Public Health , Republic of North Macedonia, North Macedonia
 InterAmerican Heart Foundation, United States
 InterAmerican Heart Foundation Argentina, Argentina
 International Institute for Legislative Affairs, Kenya
 Irish Heart Foundation, Ireland
 JAMAICA COALITION FOR TOBACCO CONTROL, Jamaica
 Kenya tobacco control alliance, Kenya
 Kosovo Advocacy and Development Centre - KADC, Kosovo
 Lentera Anak Foundation, Indonesia
 Lithuanian Tobacco and Alcohol Control Coalition, Lithuania
 México Salud-Hable Coalition, México
 National Alliance for Tobacco Control, Pakistan
 National Council Against Smoking, South Africa
 National Health Association, Norway, Norway
 National Heart Foundation of Bangladesh, Bangladesh

NATIONAL INSTITUTE OF HEALTH OF THE MINISTRY OF THE REPUBLIC OF ARMENIA,
 Armenia
 Nava jeevan trust, India
 NGO "Network of Responsible People", Ukraine
 NGO Advocacy Center LIFE, Ukraine
 NGO "CIVIL HOLDING "GROUP OF INFLUENCE", Ukraine
 Norwegian Cancer Society, Norway, Norway
 OxySuisse, Switzerland
 Pakistan National Heart Association (PANA), Pakistan
 Parents Against Vaping e-cigarettes, United States
 PECUC, India
 Population Development, RH and Right's NGO Network, Mongolia
 Pratyasha anti-drug's club, Bangladesh
 PROGGA (Knowledge for Progress), Bangladesh
 Prohealth.id, Indonesia
 Red Nacional Antitabaco de Costa Rica, Costa Rica
 RENATA, Costa Rica
 RURAL RECONSTRUCTION ORGANISATION, India
 Salud Justa MX, México
 SITAB (the Italian Society of Tobaccology), Italy
 Slovenian Coalition for Public Health, Environment and Tobacco Control, Slovenia
 Smoke Free Israel, Israel
 Smoke Free Partnerships, Brussels
 Smoke-free Cities Asia Pacific Network (SCAN), Philippines
 Smokefree Kazakstan Coalition, Kazakstan
 Sociedad uruguaya de tabacologia, Uruguay
 Society for the Protection of the Rights of the Child, Pakistan
 Southeast Asia Tobacco Control Alliance, Thailand
 Stichting tegen Kanker - Fondation contre le Cancer, Brussels
 STOP, Global
 Student Anti Narcotics Division, Pakistan
 Swiss Association for Tobacco Control, Switzerland
 Tamil Nadu Tobacco Control Network, India
 Tanzania Tobacco Control Forum (TTCF), Tanzania
 The Heart Foundation of Jamaica, Jamaica
 The International Union Against Tuberculosis and Lung Disease (The Union), France
 The Standing Committee of European Doctors (CPME), Belgium
 Tobacco Control Alliance in Georgia, Georgia
 Tobacco Endgame - Alleanza per un'Italia senza Tabacco, Italy
 Tobacco Free Association of Zambia, ZAMBIA
 Unfairtobacco, Germany
 University of Bath Tobacco Control Research Group, UK
 Unnayan Shamannay, Bangladesh
 Vital Strategies, United States
 VIVID - Institute for the Prevention of Addiction, Austria
 Voices for Interactive Choice and Empowerment (VOICE), Bangladesh
 Voluntary Health Association of India (VHAI), India
 XQNS Spain, Spain
 Young Professionals' Alliance for Health - YouPAH, Sri Lanka
 Zambia Heart and Stroke Foundation, Zambia

¹ The Guardian, “Tobacco giant bets £1bn on influencers to boost ‘more lung-friendly’ sales” Feb 20, 2021 <https://bit.ly/3wsy630>

² U.S. Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. pages. 104-105; 125.

³ U.S. Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, CDC; 2016. p. 104-105.

⁴ @Velo.Global. Instagram. <https://www.instagram.com/p/CKrGGGo5o1T0/>. Accessed February 5, 2021.

⁵ The Bureau of Investigative Journalism, “New products, old tricks? Concerns big tobacco is targeting youngsters” Feb 21, 2021 <https://bit.ly/3pkIGZP>

⁶ The Guardian, “Tobacco giant bets £1bn on influencers to boost ‘more lung-friendly’ sales” Feb 20, 2021 <https://bit.ly/3wsy630>

⁷ @mehwishhayatofficial (4.5M followers). Pakistan. Available at: https://www.instagram.com/p/CD_j6jhn5Z9/. August 17, 2020 post. Accessed February 5, 2021.

⁸ @renattamoeloe (2.2M followers). Indonesia. Available at: <https://www.instagram.com/p/CGhfQX8lOXb/>. October 19, 2020 post. Accessed February 5, 2021.

⁹ Country examples of regulatory action are sourced from the Tobacco Intelligence Global Regulatory Tracker (July 2021). Note that the regulatory examples do not represent an exhaustive list of regulatory action globally. Further, global regulatory measures related to oral nicotine pouches and other non-pharmaceutical oral nicotine delivery products are emerging and these country examples are subject to change.

¹⁰ Banned as an unlawful food product

¹¹ For products delivering 4 mg/dose or more nicotine, products delivering less than 4 mg/dose are considered a natural health product. All oral nicotine pouches require approval from Health Canada to be legally sold in Canada and no brand has been authorized as of date.

¹² For products delivering 4 mg/dose or more nicotine.