

## **BVTE Product and Marketing Standards for Tobacco-Free Nicotine Pouches**

Tobacco-free nicotine pouches (hereinafter “products”) are stimulants for adult nicotine and/ or tobacco consumers. The pouches contain mostly starch, plant fibres, flavours and nicotine. The pouch is put in the mouth and placed under the upper lip. The nicotine is absorbed through the oral mucosa. After use, the product is removed from the mouth and discarded.

Nicotine is an addictive substance. We, therefore, do not trivialize the risks of nicotine-containing products.

Since these products do not contain tobacco, they are not subject to the European and German regulations on tobacco and related products. To guarantee a high level of consumer protection, we, the BVTE member companies, have therefore agreed to comply with voluntary minimum standards regarding the quality and marketing of tobacco-free nicotine pouches.

We use responsible, not misleading advertising and take consumer and youth protection very seriously. Our marketing activities are not aimed at children and young people. In advertising, we only address adult consumers of nicotine-containing products.

The BVTE product and advertising standards serve to ensure fair competition based on performance and oblige BVTE member companies to comply with the following regulations on the production and presentation of the product, the protection of minors as well as on the risks of consumption.

### **A. Production, Display and Labelling of Tobacco-Free Nicotine Pouches**

#### **1. Quality of Ingredients**

We exclusively use nicotine of pharmaceutical quality (according to USP/EP). In addition, we only use substances of high purity in our production, which pose no risk to human health.

#### **2. Nicotine Content**

We limit the maximum content of nicotine in these products to 20mg per pouch/unit.

#### **3. Labelling of Ingredients**

All ingredients of the product are listed in descending order of their weight in a list of ingredients on the packaging. The nicotine content of the product (in mg per pouch/unit) is clearly and visibly indicated on the packaging separate from the list of ingredients.

#### **4. Health Warnings**

On the packaging, we use the following health warning, distinctly legible and clearly visible: "This product contains nicotine: a highly addictive substance."

## **5. Additional Notes; Vulnerable Groups**

Tobacco-free nicotine pouches are not intended for ingestion. We point this out on the packaging in an appropriate form (e.g. "Do not swallow the product/ Not suitable for ingestion").

On the packaging, we point out in an appropriate way that the product is only intended for adult consumers and should not be consumed by people who belong to special risk groups.

We refrain from packaging design that would be particularly attractive to children and adolescents.

## **6. Legal Regulations**

Furthermore, we strictly comply with all statutory regulations related to product composition and packaging design.

# **B. Protection of Children and Minors**

## **1. Regulations Prohibiting Sales to Minors**

In the over-the-counter retail and mail order business, tobacco-free nicotine pouches must only be sold to people who are of age. We strictly adhere to the statutory youth protection regulations (§ 10 Youth Protection Act) and also appeal to our business partners to consistently observe the laws prohibiting the sale of nicotine-containing products to minors.

## **2. Advertising for Tobacco-Free Nicotine Pouches**

We exclusively address adult consumers with the advertising for tobacco-free nicotine pouches. We do not use advertising motifs and messages that would target children and adolescents.

### **a) Advertising Presentation**

- aa)** We do not display situations, environments or objects that are typical of the world of children and adolescents such as comic and cartoon figures, toys, sweets, ice cream, fast food and lemonade
- bb)** We do not display people in advertising who are below 25 years of age.
- cc)** We do not display people who are very popular with children and adolescents such as actors, actresses and pop stars and we also do not quote or report their statements.
- dd)** We do not use names, terminology and statements in advertising that are part of the vocabulary typically used by children and adolescents.
- ee)** We do not suggest in advertising that the consumption of tobacco-free nicotine pouches would contribute to athletic, professional or sexual success.

## **b) Advertising Messages**

- aa)** Direct marketing may only address consumers who are verifiably of age and are already consumers of tobacco and/ or nicotine products. As promoters in direct marketing, we exclusively use people who are at least 21 years of age.
- bb)** We do not distribute advertising materials or items that are particularly attractive to children and adolescents.
- cc)** We do not advertise in cinemas during screenings before 8:00pm.

## **c) Advertising Sphere**

We do not advertise at events that are predominantly attended by children and adolescents. We do not advertise in front of schools and youth centres (minimum distance 100m from the main entrance); this does not include outdoor advertising at one's own places of performance or shops of third parties.

## **3. Packaging Design**

We also comply with the provisions of section 2.a) above on advertising presentations aimed at minors or typical of young people for our packaging design and labelling.

## **4. Sponsoring**

We do not sponsor events or activities if they are aimed primarily at children or young people as a target group.

## **C. Risks of Consuming Tobacco-Free Nicotine Pouches**

Tobacco-free nicotine pouches should be consumed only by informed adults who are aware of the risks of nicotine consumption and have already been using tobacco and/ or nicotine products. Advertising must not give the impression that the consumption of nicotine does not pose a health risk.

### **1. Information on Age Restriction**

In advertising for tobacco-free nicotine pouches, on marketing materials with an advertising space of more than 250 cm<sup>2</sup> and on the packaging we clearly indicate that the products are only intended for adult consumers.

### **2. Health Warnings**

In advertising for tobacco-free nicotine pouches and on all marketing materials with an advertising space of more than 250 cm<sup>2</sup> we display clearly legible health warnings: "This product contains nicotine. Nicotine is a highly addictive chemical." (see No. A.4).

### **3. Health Risks**

We do not use any motifs or messages nor do we depict people associated with health in advertising for tobacco-free nicotine pouches.

We do not give the impression in advertising that the consumption of tobacco-free nicotine pouches support smoking cessation or can substitute a nicotine replacement therapy.

The advertising notice that tobacco-free nicotine pouches are less harmful than conventional tobacco products when used as intended is permitted advertising information if this information is substantiated by relevant scientific data.

#### **D. Back-Up Clause**

For other marketing activities related to tobacco-free nicotine pouches that are not expressly mentioned, the regulations of Section A and C herein apply accordingly.

#### **E. Violation of the BVTE-Standards**

The BVTE product and advertising standards are applicable for tobacco-free nicotine pouches produced and marketed by the member companies with effect from the date of publication of the competition rules by the antitrust agency. The territorial scope is the Federal Republic of Germany.

The BVTE member companies ensure that the companies affiliated with them in the manufacturing and marketing of tobacco-free nicotine pouches in the Federal Republic of Germany also comply with these standards.

Compliance with the standards is monitored through voluntary self-regulation. In the event of a dispute, an arbitrating body shall be convened, who will ultimately decide the dispute. The arbitration body shall consist of three members.

The arbitral award may rule the cessation and desistance of the infringement, as the case may be with an appropriate transition period. In the event of wilful or serious negligence, a fine of up to € 150,000 can be imposed. The fine must be paid to a non-profit organization to be designated by the arbitral tribunal.

The jurisdiction, composition and location of the arbitration body shall be governed by §§19-21 of the BVTE Articles of Association. In addition, §§ 1025 pp Code of Civil Procedure shall apply to the proceedings at the arbitration body.

#### **F. Review of the BVTE Standards**

Tobacco-free nicotine pouches are novel and potentially reduced-risk products. Against this backdrop and due to dynamic market developments, we regularly review our product and advertising standards and adapt them if necessary. The protection of minors will be our most important yardstick.

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These BVTE product and advertising standards for tobacco-free nicotine pouches were adopted as competition rules and guidelines of conduct by the general members

meeting pursuant to § 11(2), letters j and k of the Articles of Association on 28 February 2020.