



## Japan Society for Tobacco Control

### 日本禁煙学会

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無煙タバコ「ゼロスタイルスヌース」の製造販売中止を要請します。

#### 【記】

日本タバコ産業（JT）の無煙タバコの新製品、「ゼロスタイルスヌース」が2013年8月1日から大阪限定で発売開始されました。この製品はJTが2年前から発売してきた「ゼロスタイル」シリーズ製品とは全く異なり、唇と歯肉の間に挟むタイプの製品で、その明らかな発がん性と依存性・致死性のためにスウェーデンを除く欧州連合27か国（EU）では販売が禁止されている製品です<sup>1)</sup>。

スヌースにはおよそ28種類の発がん物質が含まれています。非常に発ガン性の高いタバコ特有N-ニトロソアミンや、揮発性のN-ニトロソアミン、ホルムアルデヒド、ベンゾピレン、鉛、ポロニウム-210、ウラニウム-235と238などです。

これらの発がん物質は、膀胱がん、口腔がん、食道がんの原因となり、スヌースの使用で、歯周病、う蝕、歯の喪失、歯肉退縮、早産、妊娠中毒症（妊娠に関連した高血圧）を引き起こすことがわかっています。

また、含まれるニコチンには紙巻きタバコと同様の依存性があります。そして、このニコチンには神経毒性があり、誤飲した場合には、吐き気などの中毒症状や、呼吸器機能障害や、死に至る呼吸停止をもたらします。体重1kgあたり0.8から1.0 mg のニコチン摂取量が致死量であると考えられ、子供ではわずか1mgのニコチンが中毒症状を引き起こします。

これらのことから、無煙タバコの新製品「ゼロスタイルスヌース」の製造販売中止を要請いたします。

以上

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[http://www.tobaccotactics.org/index.php/File:Swedishsnus.com\\_price\\_promotion\\_Feb\\_2011.png](http://www.tobaccotactics.org/index.php/File:Swedishsnus.com_price_promotion_Feb_2011.png)

## Snus: EU Ban on Snus Sales

### Background

With the exception of Sweden, the sale of snus is prohibited in the European Union (EU). Attempts by [U.S. Smokeless Tobacco Company](#) (formerly US Tobacco Company) in the mid-1980s to introduce US-style moist snuff in Europe through aggressive marketing to young people<sup>[1][2]</sup> triggered events that ultimately led to the 1992 sales ban on 'oral tobacco', which was reaffirmed in the 2001 [Tobacco Products Directive](#) (TPD).<sup>[3]</sup> The TPD defines 'oral tobacco' as:

*Tobacco products intended for oral use, except those intended to be smoked or chewed, made wholly or partly of tobacco, in powder or particulate form or in any combination of those forms.*

Under this definition, the sale of snus is prohibited in the EU, whereas certain other smokeless tobacco products which carry a significantly higher health risk than snus (e.g. Gutka), are freely available.<sup>[4][5]</sup>

### Industry Response

Although the original ban on oral tobacco appears to have passed with relatively little opposition (certainly compared with subsequent tobacco control directives)<sup>[2]</sup>, the ban on snus has caused much debate in recent years. From September to December 2010, the European Commission (EC) ran a public consultation on potential revisions to the [Tobacco Products Directive](#) (TPD), including the ban on snus sales, which received over 85,000 responses.<sup>[6]</sup>

A summary of the responses published in July 2011<sup>[7]</sup> show most tobacco industry respondents in favour of lifting the EU ban on snus. DG Sanco recently had two separate meetings with industry representatives to discuss the TPD review, the first on 2 December 2011 with [Philip Morris](#), [British American Tobacco](#) (BAT), [Japan Tobacco International](#) (JTI), [Imperial Tobacco](#), and [Confederation of European Community Cigarette Manufacturers](#) (CECCM),<sup>[8]</sup> the second on 19 December 2011 with [European Smokeless Tobacco Council](#) (ESTOC), [European Smoking Tobacco Association](#) (ESTA), [Swedish Match](#) and [European Carton Makers Association](#) (ECMA).<sup>[9]</sup> At both meetings, the industry representatives argued that the ban on snus needed to be lifted.

Industry arguments for lifting the ban include:

- there is clear evidence that snus can reduce the burden of disease<sup>[8][10]</sup>
- there is no evidence to suggest that snus is a gateway to smoking<sup>[10]</sup>
- adult consumers who choose to use smokeless tobacco products should, once appropriately informed about the health risks, have the opportunity to do so<sup>[11][10]</sup>
- the ban lacks a justified reasoning and is both discriminatory and disproportionate<sup>[12]</sup>
- the ban is a violation of the free trade principle and distorts the function of the internal market<sup>[12]</sup>

Swedish Government Position

When Sweden joined the EU in 1995 it was granted an exemption from the sales ban on snus, provided it would ensure that snus would not be placed for sale on the markets of other EU countries. To this end, Swedish Ordinance 1994:1266 prohibits the export of snus to other EU Member States.[13]

Consequently, snus can only be legally transported from Sweden to other Member States by someone physically travelling and carrying snus for personal use (or as a gift for personal use). However in recent years the Swedish Government has been challenging the EU legislation on snus, viewing it as a violation of free trade principles rather than a public health issue (an argument first presented by Swedish Match over a decade ago).[14][15]

In 2008 the Swedish Government unsuccessfully requested that the Commission review the export ban,[16] renewing its campaign a year later when Sweden held the EU presidency by sending a letter to the Commission urging it to consider legalising snus. The Swedish Government recently submitted a response to the European Commission's public consultation on the possible revision of the TPD, arguing that:

In Sweden's opinion, there are no grounds for a ban on this tobacco product. Such a prohibition is contrary to the basic idea of a free market within the Union.[17]

Furthermore, the Swedish Government claims that "It is not logical for snus to be the only tobacco product prohibited within the EU. Sweden would like to see this prohibition of a Swedish product, which is considerably less harmful than cigarettes and other smoking tobacco, lifted so that Swedish snus can be marketed in Europe like other tobacco products. Article 8 of the Directive should therefore be removed so that Swedish snus is treated in the same way as other tobacco products on the EU internal market." [17] In December 2011 *Reuters* quoted Björling as saying that the European Commission had promised Sweden it will take another look at its ban of snus.[18]

In contrast, the Swedish National Institute of Public Health, a state agency under the Swedish Ministry of Health and Social Affairs, does not support the promotion of snus use.[19]

#### Illegal Sales of Snus via the Internet

In November 2010 Finland's ASH and the Cancer Society of Finland, approached the Swedish International Prosecutor to request an inquiry into online snus sales from Sweden to Finland, following two successful attempts in April 2009 and September 2010 to buy snus online from [www.snusworldwide.com/fi](http://www.snusworldwide.com/fi). After an investigation, the vendor in question was charged with smuggling and the case went to court in the first half of 2012.[20] Although the outcome of the case cannot be confirmed, a pro-snus blogger reported in June 2012 that the Court had ruled that the snus retailer was not accountable as it had not been aware of the restrictions on exporting snus to other EU countries, despite the snus blogger reporting that the retailer had "discussed the issue with both lawyers and Swedish Match".[21]

A 2012 peer-reviewed study[22] led by researchers at the University of Bath added to the Finnish evidence that the internet is exploited to sell snus between Sweden and EU member states. The study found that of the 43 snus test purchases attempted across 10 EU member states, only two failed. Importantly, the study's findings suggest that online vendors were deliberately targeting non-Swedish nationals and that most operate from Sweden, despite Swedish Ordinance 1994:1266 banning the export of snus to other EU Member States. The study further revealed that most taxes levied on these

sales were Swedish tobacco taxes (levied in country of origin), in contrast to EU Directive 2008/118/EC which requires that excise duties on distance sales are levied in the country of destination.

### **Cross-border Sales Promotions**

The findings of the University of Bath study mentioned above, also document widespread use of price-based snus promotions (see images below). To encourage sales and snus use, websites run bulk-buy promotions, offer direct price discounts, run competitions, and offer loyalty programmes and referral schemes. One vendor, snus4all, made explicit the reasons for its referral scheme: "Snus is a tobacco product and therefore our promotion possibilities are limited. That's why we could use your help to tell others about us"[23]. These sales promotions are in direct contravention of the EU Tobacco Advertising Directive which bans tobacco advertising with cross border implications, defining advertising as "any form of commercial communications with the aim or direct or indirect effect of promoting a tobacco product".

A report drafted by the secretariat of the World Health Organization's Framework Convention on Tobacco Control (FCTC) in preparation of the Fifth Session of the Conference of the Parties in Seoul in November 2012, flagged that the sale and promotion of smokeless tobacco through the internet was considered a major challenge by a few countries.[24]

### Notes

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5. ↑ McNeill, A., et al. Levels of toxins in oral tobacco products in the UK. *Tobacco Control*, 2006. **15**(1), p. 64-67
6. ↑ European Commission Directorate General for Health and Consumer, [Public consultation on the possible revision of the Tobacco Products Directive 2001/37/EC](#) 2010, accessed October 2011

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8. ↑ [8.0 8.1 Minutes of 7 December 2011 meeting between tobacco industry reps and DG SANCO](#), accessed 4 January 2012
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11. ↑ JTI, DG SANCO's Consultation on the possible revision of the Tobacco Products Directive 2001/37/EC (TPD)JTI's Full Response, 16 December 2010, accessed 5 January 2012
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15. ↑ Swedish Match.[The legality of the EU ban on Swedish snus to be reviewed](#), Press Release 28 June 2000, accessed 30 June 2011
16. ↑ Swedish Match.[Swedish Match welcomes an important step to normalize trade in the EU](#), Press Release 28 November 2008, accessed 20 June 2012
17. ↑ [17.0 17.1 Danielsson, Christian.Sweden's response to the public consultation on Directive 2001/37/EC of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products](#), electronic submission to DG Sanco European Commission 22 December 2010, accessed 6 January 7 February
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