FDA U.S. FOOD & DRUG ADMINISTRATION

Technical Project Lead (TPL) Review:

SE0015098-SE0015099, SE0015101-SE0015102, SE0015104-SE0015105

SE0015098: Husky Long Cut Natural	
Package Type	Plastic can and metal lid
Package Quantity	34.02 grams
Tobacco Cut size	(b) (4)
Characterizing Flavor	None
SE0015099: Copenhagen Snuff Fine Cut	
Package Type	Plastic can and plastic lid
Package Quantity	34.02 grams
Tobacco Cut size	CPI
Characterizing Flavor	None
SE0015101: Copenhagen Long Cut Straight	
Package Type	Plastic can and metal lid
Package Quantity	34.02 grams
Tobacco Cut Size	CPI
Characterizing Flavor	None
SE0015102: Copenhagen Snuff Fine Cut	
Package Type	Fiberboard can and metal lid
Package Quantity	34.02 grams
Tobacco Cut Size	CPI
Characterizing Flavor	None
SE0015104: Copenhagen Long Cut	
Package Type	Fiberboard can and metal lid
Package Quantity	34.02 grams
Tobacco Cut Size	CPI
Characterizing Flavor	None
SE0015105: Copenhagen Long Cut	
Package Type	Plastic can and plastic lid
Package Quantity	34.02 grams
Tobacco Cut Size	CPI
Characterizing Flavor	None

[1] SE0015098 states that the new tobacco product is comprised of (b) (4) % tobacco cut at (b) (4) CPI and (b) (4) % tobacco cut at (b) (4) CPI.

Common Attributes of SE Reports	
Applicant	U.S. Smokeless Tobacco Company LLC
Report Type	Regular
Product Category	Smokeless Tobacco Products
Product Sub-Category	Loose Moist Snuff
Recommendation	
Issue Substantially Equivalent (SE) orders.	

Technical Project Lead (TPL):

Digitally signed by Shixia Feng -S
Date: 2019.05.21 08:23:33 -04'00'

Shixia Feng, Ph.D.
Chemistry Branch Chief
Division of Product Science

Signatory Decision:

☒ Concur with TPL recommendation and basis of recommendation

☐ Concur with TPL recommendation with additional comments (see separate memo)

☐ Do not concur with TPL recommendation (see separate memo)

Digitally signed by Matthew R. Holman -S
Date: 2019.05.22 14:31:10 -04'00'

Matthew R. Holman, Ph.D.
Director
Office of Science

TABLE OF CONTENTS

1. BACKGROUND

1.1. PREDICATE TOBACCO PRODUCTS

The applicant submitted the following predicate tobacco products:

SE0015098: Husky Long Cut Natural	
Product Name	Husky Long Cut Natural
Package Type	Plastic can and metal lid
Package Quantity	34.02 grams
Tobacco Cut Size	[redacted] CPI, [redacted] CPI[2]
Characterizing Flavor	None
SE0015099: Copenhagen Snuff Fine Cut	
Product Name	PL Copenhagen Snuff Fine Cut
Package Type	Plastic can and plastic lid
Package Quantity	34.02 grams
Tobacco Cut Size	[redacted] CPI
Characterizing Flavor	None
SE0015101: Copenhagen Long Cut Straight	
Product Name	Copenhagen Long Cut Straight
Package Type	Plastic can and metal lid
Package Quantity	34.02 grams
Tobacco Cut Size	[redacted] CPI
Characterizing Flavor	None
SE0015102: Copenhagen Snuff Fine Cut	
Product Name	Copenhagen Snuff Fine Cut
Package Type	Fiberboard can and metal lid
Package Quantity	34.02 grams
Tobacco Cut Size	[redacted] CPI
Characterizing Flavor	None
SE0015104: Copenhagen Long Cut	
Product Name	Copenhagen Long Cut
Package Type	Fiberboard can and metal lid
Package Quantity	34.02 grams
Tobacco Cut Size	[redacted] CPI
Characterizing Flavor	None

[2] SE0015098 states that the predicate tobacco product (SE0014826) is comprised of (b) (4)% tobacco cut at [redacted] CPI and (b) (4)% tobacco cut at [redacted] CPI.

SE0015105: Copenhagen Long Cut	
Product Name	PL Copenhagen Long Cut
Package Type	Plastic can and plastic lid
Package Quantity	34.02 grams
Tobacco Cut Size	[redacted] CPI
Characterizing Flavor	None

The predicate tobacco products are loose moist snuff smokeless tobacco products manufactured by the applicant.

1.2. REGULATORY ACTIVITY RELATED TO THIS REVIEW

On March 1, 2019, FDA received six SE Reports, from Altria Client Services LLC, on behalf of U.S. Smokeless Tobacco Company LLC. FDA issued an acknowledgement letter to the applicant on March 8, 2019. On April 1, 2019, FDA received an amendment (SE0015156) in response to a request from the Office of Compliance and Enforcement for SE0015099 and SE0015105.

Product Names	STN	Amendments
Husky Long Cut Natural	SE0015098	None
Copenhagen Snuff Fine Cut	SE0015099	SE0015156
Copenhagen Long Cut Straight	SE0015101	None
Copenhagen Snuff Fine Cut	SE0015102	None
Copenhagen Long Cut	SE0015104	None
Copenhagen Long Cut	SE0015105	SE0015156

1.3. SCOPE OF REVIEW

This review captures all regulatory, compliance, and scientific reviews completed for these SE Reports.

2. REGULATORY REVIEW

Regulatory reviews were completed by Grace Kaiyuan on March 8, 2019.

The final reviews conclude that the SE Reports are administratively complete.

3. COMPLIANCE REVIEW

The Office of Compliance and Enforcement (OCE) completed reviews to determine whether the applicant established that the predicate tobacco products in SE0015099 and SE0015105 are grandfathered products (i.e., were commercially marketed in the United States other than exclusively in test markets as of February 15, 2007). The OCE reviews dated April 4, 2019, conclude that the evidence submitted by the applicant is adequate to demonstrate that the predicate tobacco products are grandfathered and, therefore, are eligible predicate tobacco products.

The predicate tobacco products in SE0015098, SE0015101, SE0015102, and SE0015104 were determined to be substantially equivalent by FDA under SE0014826, SE0014825, SE0014738, and SE0014598, respectively. Therefore, these products are eligible predicate tobacco products.

OCE also completed a review to determine whether the new tobacco products are in compliance with the Federal Food, Drug, and Cosmetic Act (FD&C Act) (see section 910(a)(2)(A)(i)(II) of the FD&C Act). The OCE review dated April 26, 2019, concludes that the new tobacco products are in compliance with the FD&C Act.

4. SCIENTIFIC REVIEW

Scientific reviews were completed by the Office of Science (OS) for the following disciplines:

4.1. CHEMISTRY

Chemistry review was completed by Abdur-rafay Shareef on April 15, 2019.

The chemistry review concludes that the new tobacco products have different characteristics related to product chemistry compared to the corresponding predicate tobacco products, but the differences do not cause the new tobacco products to raise different questions of public health. The review identified the following differences:

- Replacement of non-GRAS (b)(4) with an equal amount of GRAS (b)(4)
- Addition of (b)(4))
- Addition of (b)(4) tobacco ((b)(4) with concomitant reduction of (b)(4) , (b)(4) , and (b)(4) tobacco.

All SE Reports indicated changes in the (b) (4) tobacco portion of the new products compared to the corresponding predicate tobacco products. Specifically, the applicant replaced non-GRAS (b)(4) with GRAS (b)(4) , added (b)(4) , and a small amount of (b)(4) tobacco with concomitant reduction of other tobacco types. Given the small magnitude of the changes between the new and corresponding predicate tobacco products, HPHC yields are not expected to change in a meaningful manner. Addition of (b)(4) was evaluated in the microbiology and toxicology reviews. Therefore, the differences in characteristics between the new and corresponding predicate tobacco products do not cause the new tobacco products to raise different questions of public health from a chemistry perspective.

4.2. MICROBIOLOGY

Microbiology review was completed by Wen Lin on April 10, 2019.

The microbiology review concludes that all of the new tobacco products have different characteristics related to product microbiology compared to the corresponding predicate

tobacco products, but the differences do not cause the new tobacco products to raise different questions of public health. The review identified the following differences:

- Addition (b)(4) of a GRAS (b)(4) to replace an equivalent amount of non-GRAS (b)(4)
- Addition (b)(4)) of (b)(4) tobacco
- Addition (b)(4)) of a preservative, (b)(4)

For each SE report, the applicant provided a certification statement indicating that the new and corresponding predicate tobacco products differ in the additions of (b)(4) tobacco, GRAS (b)(4) and (b)(4) (preservative) to the new tobacco products. From a microbiology perspective, the small amounts of (b)(4) tobacco (b)(4)), and GRAS (b)(4) ((b)(4) added to the finished new tobacco products are not of concern. However, the addition of a preservative could potentially affect the microbial stability of the new tobacco products. The amount of (b)(4) added to the new tobacco products is small (b)(4)) and conventional microbial assays are not sensitive enough to assess such small difference in the concentration of an analyte between the tobacco products. Therefore, the differences in characteristics between the new and corresponding predicate tobacco products do not cause the new tobacco products to raise different questions of public health from a microbiology perspective.

4.3. TOXICOLOGY

Toxicology review was completed by Mamata De on April 18, 2019.

The toxicology review concludes that the new tobacco products have different characteristics related to product toxicology compared to the corresponding predicate tobacco products, but the differences do not cause the new tobacco products to raise different questions of public health. The review identified the following differences:

- Replacement of (b)(4) (not GRAS) with (b)(4) (GRAS)
- Addition of (b)(4)
- Addition of (b)(4) tobacco
- Reduction of (b)(4) and (b)(4) tobaccos

The applicant stated that, besides the (b) (4) tobacco, all other aspects of the new and corresponding predicate products are identical. The applicant did not provide HPHC data for the new and predicate products. However, the magnitude of changes in tobacco blend is less than 0.1% and not expected to increase the levels of HPHCs such as NNN and NNK. Since the (b)(4) is going from non-GRAS to GRAS, the toxicity of the new products is expected to be no worse than the corresponding predicate products. (b)(4) can potentially inhibit the formation of TSNAs in (b) (4) tobacco-containing products. Based on daily exposure estimated for consumers of one can of the new products per day, (b)(4) ingestion associated with the new products is below allowable daily intake (ADI, oral exposure) values established by WHO and reference dose established by EPA. Therefore, the differences in characteristics between the new and corresponding predicate tobacco products do not cause

the new tobacco products to raise different questions of public health from a toxicology perspective.

5. ENVIRONMENTAL DECISION

An environmental review was completed by Thomas Creaven on May 2, 2019.

A finding of no significant impact (FONSI) was signed by Kimberly Benson, Ph.D. on May 7, 2019. The FONSI was supported by an environmental assessment prepared by FDA on May 7, 2019.

6. CONCLUSION AND RECOMMENDATION

The following are the key differences in characteristics between the new and corresponding predicate tobacco products:

- Replacement of non-GRAS (b)(4) with an equal amount of GRAS (b)(4)
- Addition of (b)(4)
- Addition of (b)(4) tobacco (b)(4)) with concomitant reduction of (b)(4) , (b)(4) and (b)(4) tobacco.

The applicant has demonstrated that these differences in characteristics do not cause the new tobacco products to raise different questions of public health. The changes are only made to the (b) (4) tobacco portion of the products. The amount of (b) (4) tobacco added, (b) (4) , and (b) (4) tobaccos displaced, and (b) (4) added are minor and not expected to lead to detectable increases in HPHCs. Since the (b) (4) is going from non-GRAS to GRAS, the toxicity of the new products is expected to be no worse than the corresponding predicate tobacco products. Additionally, (b) (4) ingestion associated with the new products is estimated to be below allowable daily intake values established by WHO or EPA. Furthermore, microbiology review concluded that the changes are too small to have measurable effects by the conventional microbial assays. Therefore, the differences in characteristics between the new and corresponding predicate products do not cause the new tobacco products to raise different questions of public health.

The predicate tobacco products meet statutory requirements because it was determined that they are grandfathered products (i.e., were commercially marketed in the United States other than exclusively in test markets as of February 15, 2007) for SE0015099 and SE0015105. However, the predicate tobacco products in SE0015098, SE0015101, SE0015102, and SE0015104 were previously determined to be substantially equivalent by FDA under SE0014826, SE0014825, SE0014738, and SE0014598.

Where an applicant supports a showing of SE by comparing the new tobacco product to a tobacco product that FDA previously found SE, in order to issue an SE order, FDA must find that the new tobacco product is substantially equivalent to a tobacco product commercially marketed in the United States as of February 15, 2007 (see section 910(a)(2)(A)(i)(I) of the FD&C Act).

The predicate tobacco products in SE0015098, SE0015101, SE0015102, and SE0015104 were previously determined to be substantially equivalent by FDA under SE0014826, SE0014825, SE0014738, and SE0014598, respectively. Comparison of the new tobacco products to the grandfathered products (Husky Long Cut Natural in SE0015098, Copenhagen Long Cut Straight in SE0015101, Copenhagen Snuff Fine Cut in SE0015102, and Copenhagen Long Cut in SE0015104) reveals that the new tobacco products have the following differences in characteristics from Husky Long Cut Natural, Copenhagen Long Cut Straight, Copenhagen Snuff Fine Cut, and Copenhagen Long Cut, the grandfathered tobacco products:

- Replacement of non-GRAS (b)(4) with an equal amount of GRAS (b)(4) in the (b) (4) tobacco
- Addition of (b)(4) tobacco (b)(4) and reduction of (b)(4), (b)(4), and (b)(4) tobaccos (1%) in the (b) (4) tobacco
- Addition of (b)(4) in (b) (4) tobacco
- Change in container-closure system:
  - Replacement of plastic lid with metal lid (SE0015098)
  - Replacement of fiberboard can with plastic can (SE0015101)
  - Replacement of (b) (4), used as an interior coating for the fiberboard can, with (b) (4) (SE0015102 and SE0015104)

The differences in characteristics listed above, other than the differences in (b) (4) tobacco, are the same differences in characteristics identified for the new and grandfathered tobacco products in SE0014826, SE0014825, SE0014738, and SE0014598. Therefore, these differences do not cause the new tobacco products in SE0015098, SE0015101, SE0015102, and SE0015104 to raise different questions of public health. Additionally, for the same reasons as discussed above, the differences in (b) (4) tobacco between the new tobacco products in SE0015098, SE0015101, SE0015102, and SE0015104 and the grandfathered tobacco products do not cause the new tobacco products to raise different questions of public health. Therefore, whether comparing the new tobacco products in SE0015098, SE0015101, SE0015102, and SE0015104 to the predicate or grandfathered tobacco products, the new tobacco products do not raise different questions of public health.

The new tobacco products are currently in compliance with the FD&C Act. In addition, all of the scientific reviews conclude that the differences between the new and corresponding predicate tobacco products are such that the new tobacco products do not raise different questions of public health. I concur with these reviews and recommend that SE order letters be issued.

FDA examined the environmental effects of finding these new tobacco products substantially equivalent and made a finding of no significant impact.

SE order letters should be issued for the new tobacco products in SE0015098-SE0015099, SE0015101-SE0015102, and SE0015104-SE0015105, as identified on the cover page of this review.