



U.S. Food & Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993  
[www.fda.gov](http://www.fda.gov)

September 02, 2020

**SUBSTANTIALLY EQUIVALENT**

BBK Tobacco & Foods LLP dba HBI International  
Attention: Ulli K. Becker, Ph.D., Senior Chemist and Regulatory Specialist  
3401 West Papago Street  
Phoenix, AZ 85009

**FDA Submission Tracking Numbers (STNs):** Multiple STNs, see Appendix A

Dear Dr. Becker:

We completed our review of your SE Reports<sup>1</sup> and determined that the new tobacco products are substantially equivalent to the corresponding predicate tobacco products listed in Appendix A and are in compliance with the requirements of the FD&C Act. Under the provisions of section 910 and 905(j) of the FD&C Act, you may introduce or deliver for introduction into interstate commerce the new tobacco products subject of this letter.

Our finding does not mean we “approved” the new products specified in Appendix A; therefore, you may not promote or in any way represent the new tobacco products specified in Appendix A, or the labeling, as being “approved” by FDA (see Section 301(tt) of the FD&C Act).

For information on how to fulfill the provisions of section 910(a)(4) of the FD&C Act, refer to Appendix B.

In accordance with 40 CFR 1506.6, we will make your Environmental Assessment (EA) publicly available.

All regulated tobacco products, including the tobacco products specified in Appendix A, are subject to the requirements of the FD&C Act and its implementing regulations. It is your responsibility to ensure the tobacco products specified in Appendix A complies with all applicable statutory and regulatory requirements. FDA will monitor your compliance with all applicable statutes and regulations.

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<sup>1</sup> Substantially Equivalent (SE) Reports submitted under section 905(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act)



**Appendix A**  
New and Corresponding Predicate Tobacco Products Subject of This Letter

<b>Common Attributes of SE Reports</b>		
Product manufacturer	BBK Tobacco & Foods LLP dba HBI International	
Product category	Roll-Your-Own Tobacco Products	
Product subcategory	Rolling Paper	
<b>Attributes</b>	<b>New Tobacco Product</b>	<b>Predicate Tobacco Product</b>
<b>STN</b>	<b>SE0015819</b>	Not applicable (N/A)
Product name	ELEMENTS ROLLS ULTRA THIN SW <sup>2</sup>	ELEMENTS ROLLS ULTRA THIN SW <sup>2</sup>
Date of submission	April 3, 2020	N/A
Date of receipt	April 3, 2020	N/A
Package type	Plastic holder	Plastic holder
Package quantity	1 Sheet	1 Sheet
Characterizing flavor	None	None
Eligibility status	N/A	Grandfathered
Length	5000 mm	5000 mm
Width	37 mm	37 mm
Additional properties	White "ELEMENTS" watermark	Off-white "HBI" watermark
<b>STN</b>	<b>SE0015820</b>	<b>N/A</b>
Product name	ELEMENTS ROLLS ULTRA THIN 1 ¼ <sup>2</sup>	ELEMENTS ULTRA THIN RICE SLIM (1 ¼) <sup>2</sup>
Date of submission	April 5, 2020	N/A
Date of receipt	April 5, 2020	N/A
Package type	Plastic holder	Plastic holder
Package quantity	1 Sheet	1 Sheet
Characterizing flavor	None	None
Eligibility status	N/A	Grandfathered
Length	5000 mm	5000 mm
Width	44 mm	44 mm
Additional properties	White "ELEMENTS" watermark	Off-white "HBI" watermark
<b>STN</b>	<b>SE0015821</b>	<b>N/A</b>
Product name	ELEMENTS ROLLS ULTRA THIN 1 ½ KS <sup>2</sup>	ELEMENTS ULTRA THIN RICE KS (1 ½) <sup>2</sup>
Date of submission	April 5, 2020	N/A
Date of receipt	April 5, 2020	N/A
Package type	Plastic holder	Plastic holder
Package quantity	1 Sheet	1 Sheet
Characterizing flavor	None	None
Eligibility status	N/A	Grandfathered
Length	5000 mm	5000 mm
Width	54 mm	54 mm
Additional properties	White "ELEMENTS" watermark	Off-white "HBI" watermark

<sup>2</sup> Brand/sub-brand or other commercial name used in commercial distribution.

Attributes	New Tobacco Product	Predicate Tobacco Product
<b>STN</b>	<b>SE0015822</b>	<b>N/A</b>
Product name	ELEMENTS REFILLS SW <sup>2</sup>	ELEMENTS ROLLS ULTRA THIN SW <sup>2</sup>
Date of submission	April 3, 2020	N/A
Date of receipt	April 3, 2020	N/A
Package type	Box	Plastic holder
Package quantity	20 Sheets	1 Sheet
Characterizing flavor	None	None
Eligibility status	N/A	Grandfathered
Length	5000 mm	5000 mm
Width	37 mm	37 mm
Additional properties	White "ELEMENTS" watermark	Off-white "HBI" watermark
<b>STN</b>	<b>SE0015823</b>	<b>N/A</b>
Product name	ELEMENTS REFILLS 1 ¼ <sup>2</sup>	ELEMENTS ULTRA THIN RICE SLIM (1 ¼) <sup>2</sup>
Date of submission	April 5, 2020	N/A
Date of receipt	April 5, 2020	N/A
Package type	Box	Plastic holder
Package quantity	20 Sheets	1 Sheet
Characterizing flavor	None	None
Eligibility status	N/A	Grandfathered
Length	5000 mm	5000 mm
Width	44 mm	44 mm
Additional properties	White "ELEMENTS" watermark	Off-white "HBI" watermark
<b>STN</b>	<b>SE0015824</b>	<b>N/A</b>
Product name	ELEMENTS KING SIZE <sup>2</sup>	ELEMENTS KS <sup>2</sup>
Date of submission	April 6, 2020	N/A
Date of receipt	April 6, 2020	N/A
Package type	Booklet	Booklet
Package quantity	33 Sheets	33 Sheets
Characterizing flavor	None	None
Eligibility status	N/A	Grandfathered
Length	106 mm	106 mm
Width	54 mm	54 mm
Additional properties	White "ELEMENTS" watermark	White "HBI" watermark

## **Appendix B**

### Health Information Summary

Your SE Reports did not provide a summary of any health information related to the new tobacco products, required by section 910(a)(4) of the FD&C Act; however, your SE Reports stated that such information will be available upon request to any person. Consistent with the requirements of section 910(a)(4), you may wish to consider providing the following when information is requested:

- A. A copy of your final SE Reports upon which the Substantially Equivalent order was based, redacted only to the extent necessary to exclude patient identifiers and trade secret and confidential commercial information as defined in 21 CFR 20.61 and 20.63.
- B. Any research or data you have in your possession or otherwise know of specifically regarding the adverse health effects of the new tobacco products, or the following statement if such statement is accurate: “[Insert manufacturer name] does not have or know of any research or data regarding any adverse health effects specifically related to [insert tobacco product name].”

Alternatively, you may provide the following when information is requested:

- Description of the new tobacco products
- Description of the predicate tobacco products
- List of all differences in characteristics between the new and predicate tobacco products
- Summary of the evidence and scientific rationale concerning why the differences in characteristics do not raise different questions of public health
- Any research or data you have in your possession or otherwise know of regarding the adverse health effects of the new tobacco product, or the following statement if such statement is accurate: “[Insert manufacturer name] does not have or know of any research or data regarding any adverse health effects specifically related to [insert tobacco product name].”

There may be other accurate, complete, and not false or misleading ways to satisfy the requirements of section 910(a)(4) not included above. If you wish to discuss other ways to meet the requirements of section 910(a)(4), submit a meeting request to us.