

### Response to your request for official information

Thank you for your request for information under the Official Information Act 1982 (the Act) on 10 June 2019 for:

*"All correspondence, emails, reports, analysis, advice, briefings and written material of any kind in relation to the potential entry of JUUL and Philip Morris, or its associated companies, into the e-cigarette/vaping market in New Zealand.*

*This request covers both Ministry of Health and MedSafe.*

*The timeframe for this request is from January 1, 2018 to the date of this letter."*

I understand that you have been referred to the Ministry of Health (the Ministry) website for publicly available information on the subject of vaping and smokeless tobacco in your previous request for information (H201903993 refers).

The Ministry has identified 8 documents that are within scope of your request. These are itemised in Appendix one to this letter, along with my decision on the release of each. Some information has been withheld pursuant to section 9(2)(a) of the Act, in order to protect the privacy of natural persons.

I trust that this information fulfils your request. Under section 28(3) of the Act you have the right to ask the Ombudsman to review any decisions made under this request.

Please note that this response, with your personal details removed, may be published on the Ministry website.

Yours sincerely



Deborah Woodley  
**Deputy Director-General**  
**Population Health and Prevention**

**Appendix one: List of documents**

#	Date	Title	Decision on release
1	23 April 2018	Email, Fw: Advice on JUULS	This document has already been provided pursuant to section 16(1)(b) of the Act. Please refer to the response ref: H201903993.
2	8 June 2018	Email, RE: Smoke-free Environment Regulations (LI 2017/123)	Where information is out of scope, this has been withheld.
3	9 August 2018	Email, Request for Clarification	Released in full.
4	9 August 2018	Email, PMNZ Announcement	Released in full.
5	9 October 2018	Email, COP 8	Released in full.
6	5 December 2018	Email, Re: FW: Introduction & Meeting Invitation from Philip Morris Tobacco Company	Released with some information withheld pursuant to section 9(2)(a) of the Act, to protect the privacy of natural persons.
7	5 February 2019	Email, Access to Health Care Providers for Smokeless Tobacco Programme Inclusion	Released in full.
8	16 April 2019	Email, Re: ATTN: Jane Chambers, Request for Meeting	Released with some information withheld pursuant to section 9(2)(a) of the Act, to protect the privacy of natural persons.



Sent by: Sally  
Stewart/MOH

23/04/2018 01:46 p.m.

To: "Kiri Dargaville" <Kiri.Dargaville@parliament.govt.nz>,  
cc: Jane Chambers/MOH@MOH,  
bcc:

Subject: Fw: Advice on JUULS

Kia ora Kiri,

JUULS are a type of e-cigarette/vaping product. We understand that JUULS have only been marketed in the US, but other pre-filled pod devices are coming on to the NZ market (e.g. we have been informed that one retailer sells a pod-style vaping product called OPAL). New Zealanders may be able to buy the JUUL product online. The JUUL website requires purchasers to be over 21 years of age, and the buyer's age has to be verified by a trusted 3rd party verification scheme.

These products are a good vehicle for nicotine salts which are a higher strength e-liquid (usually 25-50 mg). They may, therefore, be marketed as being ideal for heavy smokers who cannot satisfy their cravings through the use of regular e-cigarettes. However, there are concerns about the addictive potential of JUULS, given their higher nicotine strength. As you know, there has been media coverage in the US about their use by teenagers.

These pod-style products are captured by the regulatory work on vaping products. The need to regulate JUUL-style products is the same as for vaping products more generally as per our discussions with the Minister to date. As you know, we are re-considering the high-level approach to regulating vaping products given the outcome of the legal action against Philip Morris, and will provide the Minister with further advice in the next week.

The technical expert advisory group is looking at nicotine strength and has had a preliminary discussion about nicotine salts. The future availability of JUULS (and OPAL and other similar products) in shops will be affected by the limit that is placed on the strength of nicotine in vaping liquids. The advisory group will make a recommendation to the Ministry, which we will consider.

The advisory group is nearing the end of its consideration of safety issues for vaping products. We propose to report to the Minister in the next couple of months (to be confirmed).

The product safety standards can be progressed in tandem with the regulatory work and consulted on, finalised and issued as voluntary standards until the law changes, when they would become mandatory.

Sally

**Sally Stewart** | Senior Advisor | Tobacco Control Programme | Service Commissioning | Ministry of Health

DDI: s9(2)(a)



----- Forwarded by Jane Chambers/MOH on 17/04/2018 11:41 a.m. -----

From: Kiri Dargaville <Kiri.Dargaville@parliament.govt.nz>  
To: "Jane Chambers@moh.govt.nz" <Jane\_Chambers@moh.govt.nz>,  
Date: 17/04/2018 10:42 a.m.  
Subject: Advice on JUULS

Kia ora Jane.

The office has had a few inquiries regarding the rapid rise of JUULS in the United States, particularly among high-schoolers (teens)

Do we hold any information on, whether:

- JUULS is available in New Zealand,
- And if so, what the prevalence rates might be?

Would you be able to provide some advice on why a leg would be needed, and how the a potential leg on JUULS/E-cigs/Vaping would curve rapid rises in JUULS?

Please.



Kiri Dargaville | Private Secretary - Health | Office of Hon Jenny Salesa

4.1L Executive Wing, Parliament Buildings | Direct Line: s9(2)(a)

[kiri.dargaville@parliament.govt.nz](mailto:kiri.dargaville@parliament.govt.nz)

Released under the Official Information Act 1982



Sent by:  
James.O.Williams@s9(2)(a)  
m

08/06/2018 12:39 p.m.

To: "Leigh\_Sturgiss@moh.govt.nz" <Leigh\_Sturgiss@moh.govt.nz>,  
cc: "Brendon\_Baker@moh.govt.nz" <Brendon\_Baker@moh.govt.nz>,  
"Jane\_Chambers@moh.govt.nz" <Jane\_Chambers@moh.govt.nz>,  
"tobacco@moh.govt.nz" <tobacco@moh.govt.nz>,  
bcc:

Subject: RE: Smoke-free Environments Regulations 2017 (LI 2017/123)

Leigh,

Sorry for the delay in response. Please find our attached reply to your last e-mail and we look forward to continuing our dialogue with you on how we can advance towards a future where we do not sell combustible cigarettes anymore.

Looking forward to your response.

James

Out of Scope

Released under the Official Information Act 1982



# PHILIP MORRIS (NEW ZEALAND) LIMITED

ASCOT OFFICE PARK, LEVEL 3, BUILDING D, 95 ASCOT AVE, GREENLANE, AUCKLAND 1051, NEW ZEALAND  
P.O. BOX 128297, REMUERA, AUCKLAND 1541  
TELEPHONE (09) 531 5060 FAX (09) 523 0549

To: Leigh Sturgiss, Senior Advisor, Tobacco Control Programme

Copy to: Hon Jenny Salesa, Associate Minister of Health  
Phil Knipe, Chief Legal Advisor to the Ministry of Health  
Grace Abbott, Solicitor to the Ministry of Health  
Brendon Baker, Senior Advisor, Tobacco Control Programme  
Jane Chambers, Manager, Tobacco Control Programme

Date: 8 June 2018

Dear Ms Sturgiss,

## Smoke-free Environments Regulations 2017 (LI 2017/123)

We welcome your confirmation that the Ministry is actively considering amendments to the Smoke-free Environments Act and Regulations. PMNZ is committed to a future in which e-cigarettes, heated tobacco, and other vaping products replace cigarettes and other forms of combustible tobacco – a future in which we no longer sell cigarettes. As we have previously suggested, the Ministry can – consistent with its plans to enact risk-proportionate regulations for these kinds of smoke-free products – allow for packaging that clearly differentiates these products from cigarettes, and allows for the true and non-misleading information about them. In response to your question, we would propose the following packaging:



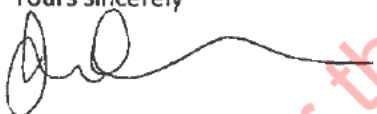
Released under the Official Information Act 1982

This packaging would be entirely consistent with the approach taken in other countries where packaging for heated tobacco products is clearly differentiated from cigarettes, such that, unlike cigarettes, heated tobacco products are not in standardised packaging and do not bear graphic health warnings. Examples of these are attached. Informed decision making is key to enabling smokers to switch from cigarettes as quickly as possible, and smokers should not be misled into believing that smoke-free alternatives are the same as cigarettes.

Last, we respectfully disagree with your position on applicability of cigarette-style health warnings to *HEETS* under the current regulations. We do not believe that *HEETS* can be packaged in conformity with reg 13(2) of the Smoke-free Environments Regulations 2017 (LI 2017/123) (the "Regulations") without breaching reg 13(1), which requires product-specific warnings relating to "the tobacco product" contained in the package. As you know, the cigarette-style warnings required by reg 13(2) do not relate to using *HEETS* but rather to an entirely different tobacco product (i.e., cigarettes) that are "smoked" and have a substantially different risk profile than *HEETS*. See *Ministry of Health v PMNZ* [2018] NZDC 4478. Given the conflict with respect to regs 13(1) and 13(2), we believe they must be interpreted in a manner that gives effect to the requirements of the Smoke-Free Environments Act 1990 (the "Act"). As you know, Section 32 of the Act specifically requires that packages bear messages relating to "the tobacco product" contained in those packages, and the need for product-appropriate warnings underpins the regulatory regime as a whole. For that reason, reg 13(2) of the Regulations must be read in a manner consistent with reg 13(1) and s 32 of the Act, and cannot be interpreted as requiring smoking-related warnings. We therefore propose that – pending regulatory reform – we package *HEETS* as suggested above.

We are committed to engaging in constructive dialogue with the Ministry on this topic, and remain at your disposal for a meeting to further discuss.

Yours sincerely



James Williams  
General Manager  
Philip Morris [New Zealand] Limited

Released under the Official Information Act 1982



Sent by:  
James.O.Williams@s9(2)(a)  
m

09/08/2018 09:37 p.m.

To: "Jane\_Chambers@moh.govt.nz" <Jane\_Chambers@moh.govt.nz>,  
cc: "Brendon\_Baker@moh.govt.nz" <Brendon\_Baker@moh.govt.nz>,  
"Leigh\_Sturgiss@moh.govt.nz" <Leigh\_Sturgiss@moh.govt.nz>,  
"tobacco@moh.govt.nz" <tobacco@moh.govt.nz>,  
bcc:

Subject: Request for Clarification

Jane,

Please find correspondent attached seeking clarification following Minister Salesa's comments to the NZ Herald on July 24, 2018, related to tobacco excise and the government's Smokefree 2025 action plan.

We look forward to your earliest response and remain immediately available upon request to discuss these urgent matters.

Looking forward to hearing from you



JamesPMNZ letter to Ministry of Health - 9 August 2018.pdf

---

Released under the Official Information Act 1982





## PHILIP MORRIS (NEW ZEALAND) LIMITED

ASCOT OFFICE PARK, LEVEL 3, BUILDING D, 95 ASCOT AVE, GREENLANE, AUCKLAND 1051, NEW ZEALAND  
P.O. BOX 128297, REMUERA, AUCKLAND 1541  
TELEPHONE (09) 531 5060 FAX (09) 523 0549

To: Jane Chambers, Manager, Tobacco Control Programme  
Copy to: Brendon Baker, Senior Advisor, Tobacco Control Programme  
Leigh Sturgiss, Senior Advisor, Tobacco Control Programme  
Date: August 9, 2018

Dear Ms Chambers,

I write seeking clarification following Minister Salesa's comments to the NZ Herald on July 24, 2018, that a Cabinet decision will be made in November 2018 related to tobacco excise and New Zealand's Smokefree 2025 action plan.

### *Tobacco Excise Evaluation*

We understand from Minister Salesa's comments that the independent evaluation of the tobacco excise as a contributor to Smokefree 2025, originally expected in December 2018, will form part of the November Cabinet decision. We are aware that work is well underway by Ernst & Young and that Ministry officials are prescribing the list of stakeholders for input. We have yet to be included in this consultation.

Philip Morris International has invested over USD \$4.5 billion in smokefree research and product development, and currently supply New Zealand's adult smokers with the first of our smokefree platforms, IQOS, that emit on average 90-95% lower levels of harmful and potentially harmful constituents compared to cigarette smoke. Our research and the numerous independent third party assessments of IQOS should be part of any information package supplied to Ministers on the topic of reducing smoking incidence and achieving Smokefree 2025.

Furthermore, PMNZ is currently the only company in New Zealand contributing combustible and non-combustible tobacco excise to government revenues, and we remain the only tobacco company with smokefree ambitions aligned with the government's Smokefree 2025 goal. We believe this unique perspective can contribute to the government's Smokefree 2025 goal and we therefore respectfully ask to be included in the Ministry's stakeholder list for consultation by Ernst & Young.

### *Smokefree 2025 Action Plan*

We note that consideration is also well underway towards how best to apply risk-proportionate regulation across all tobacco products, including smokeless tobacco products. Based on

Minister Salesa's comments, it appears these considerations will also form part of the November Cabinet decision.

As you are aware, PMNZ has made multiple attempts to meet with the Ministry to provide information and seek updates on the scope, process and timeliness ahead of decisions made by the government on these matters. You are also aware that, in addition to contributing excise across broad categories and serving as the only tobacco company with smokefree ambitions in New Zealand, PMNZ is the only company representing the heated tobacco product category. We believe our unique perspective should be formally sought to ensure ministers are adequately briefed on the potential for these products to contribute to the Smokefree 2025 goal and disrupt the significant inequities that are present across New Zealand's smoking population.

Consequently, we respectfully request clarity on the broad scope of pending decisions (i.e. broad category, including heated tobacco products and treatment of current packaging requirements), process for change (i.e. regulatory and/or legislative), and the timeliness for formal consultation with PMNZ ahead of the November Cabinet decision and following any decisions that arise from that paper.

Yours sincerely,



James Williams  
General Manager  
Philip Morris [New Zealand] Limited

Released under the Official Information Act 1982



Sent by:  
James.O.Williams s9(2)(a)  
m

09/08/2018 09:28 p.m.

To: "tobacco@moh.govt.nz" <tobacco@moh.govt.nz>,  
cc: "Brendon\_Baker@moh.govt.nz" <Brendon\_Baker@moh.govt.nz>,  
"Leigh\_Sturgiss@moh.govt.nz" <Leigh\_Sturgiss@moh.govt.nz>,  
"Jane\_Chambers@moh.govt.nz" <Jane\_Chambers@moh.govt.nz>,  
bcc:

Subject: PMNZ Announcement

Jane / Brendon / Leigh,

Please find attached correspondence pertaining to our recent announcement regarding our recommencement of sales of our HEETS product here in New Zealand. As discussed with all of you over the past few months, providing consumers who choose to continue to smoke with access to smokefree products is of upmost importance to achieving Smokefree 2025 and provides the only realistic option to reducing smoking rates in NZ in pursuit of Smokefree 2025.

We eagerly await your reply from our previous submissions and once again remain at your disposal shall you wish to further discuss our or the growing body of independent scientific evidence on these products.

Regards

James



PMNZ announcement letter to Ministry of Health - 9 August 2018.pdf



PMNZ 8 August 2018 Press Release.pdf

Released under the Official Information Act 1982



## PHILIP MORRIS (NEW ZEALAND) LIMITED

ASCOT OFFICE PARK, LEVEL 3, BUILDING D, 95 ASCOT AVE, GREENLANE, AUCKLAND 1051, NEW ZEALAND  
P.O. BOX 128297, REMUERA, AUCKLAND 1541  
TELEPHONE (09) 531 5060 FAX (09) 523 0549

To: Tobacco Control Programme

Date: August 9, 2018

Dear Tobacco Control Programme,

I am writing to advise that on August 8, 2018, PMNZ announced that the smoke-free product, HEETS, will be placed into cigarette-style packaging to comply with the Ministry of Health's interpretation of standardised packaging regulations. We have attached a copy of our press release for your awareness.

We remain of the view that cigarette style packaging and current mandatory health warnings on HEETS are inappropriate and misleading because they wrongly suggest that HEETS are smoked and are no different from cigarettes. Our position and third party substantiation is further elaborated in correspondence with the Ministry dating back to May 2018.

We have made the decision to put HEETS into cigarette-style packaging on an interim basis while we continue to urge the Ministry to adopt international best practices with health warnings that reflect the significant differences between HEETS and cigarettes. Examples of risk-proportionate packaging and health warnings on HEETS from like-jurisdictions, including the United Kingdom, France, Denmark, Switzerland and the Netherlands, were submitted to the Ministry in June 2018.

We remain available to provide any additional information upon request to the Ministry and look forward to working with you to ensure that adult smokers have access to accurate and non-misleading information about smoke-free alternatives available in New Zealand.

Yours sincerely,

James Williams  
General Manager  
Philip Morris [New Zealand] Limited



# PHILIP MORRIS

NEW ZEALAND PACIFIC ISLANDS

8 August 2018

## **We believe that you should have clear information that Smoke-Free products are not the same as cigarettes**

Today, we are making the decision to place HEETS, our smoke-free product used with IQOS, into cigarette-style packaging.

According to the Ministry of Health, HEETS must be sold in cigarette-style packaging with warnings indicating that HEETS are smoked and no different to cigarettes.

For a smoke-free product like HEETS, we believe these warnings are misleading and wrong.

Yes, HEETS are not risk-free, and they contain nicotine, which is addictive.

But HEETS are not cigarettes and do not produce any smoke. It is the act of burning, and the creation of smoke, which generates the high levels of harmful chemicals to which smokers and bystanders are exposed. The health warnings on packs of HEETS should not mislead you into believing they generate smoke, or that the health risks associated with smoke-free products like HEETS are the same as the risks associated with cigarettes.

As a result of the Ministry's interpretation of the plain packaging regulations, current and future HEETS customers are being told that smoke-free products are exactly the same as cigarettes. Clearly, the best option for smokers is to quit smoking altogether, but many of them will continue to smoke despite the known risks.

You should have access to information about smoke-free alternatives to cigarettes. While we welcome the Ministry of Health's decision to adopt appropriate regulations for smoke-free products, change is needed now.

For more information please go to [www.iqos.co.nz](http://www.iqos.co.nz)

### **PHILIP MORRIS (NEW ZEALAND) LIMITED**

LVL 3, BUILDING D, ASCOT OFFICE PARK, 95 ASCOT AVE, GREENLANE, AUCKLAND, NEW ZEALAND  
T +64 9 531 5030 NZBN 9429040970806



Sent by:  
James.O.Williams@pmi.co  
m

09/10/2018 02:48 p.m.

To: "Jane\_Chambers@moh.govt.nz" <Jane\_Chambers@moh.govt.nz>,  
"Brendon\_Baker@moh.govt.nz" <Brendon\_Baker@moh.govt.nz>,  
cc: "tobacco@moh.govt.nz" <tobacco@moh.govt.nz>,  
bcc:

Subject: COP 8

Jane / Brendan,

I hope your trip to Switzerland went well and just wanted to reach out to say that we are very encouraged by your statement there. As mentioned before we are really looking forward to working with the Ministry when you see fit to ensure the Ministers are briefed on the broad range of smoke free vaping products available from manufacturers (E-cigarettes, Heat not Burn etc.) and to ensure the new risk based proportionate regulations you are working on are future proofed for the ever evolving technology being developed.

Once again I am committed 100% to exiting our business here from combustible products and with these new regulations I hope to be able to achieve that very soon.

Regards

James

---

Released under the Official Information Act 1982



Sent by: Jane Chambers/MOH

05/12/2018 10:22 a.m.

To: "Doone Winnard (CMDHB)" <Doone.Winnard@middlemore.co.nz>,  
cc: "Basil Fernandes (CMDHB)" <Basil.Fernandes@middlemore.co.nz>,  
"Margie Apa (CMDHB)" <Margie.Apa@middlemore.co.nz>,  
bcc:

Subject: Re: FW: Introduction & Meeting Invitation from Philip Morris Tobacco Company

Hello Doone

Thank you for your email - this is useful information for us. We fully support your position.

Kind regards - Jane

Jane Chambers  
Manager Tobacco Control  
Population Health and Prevention  
Ministry of Health  
DDI:  
Mobile: s9(2)(a)

<http://www.health.govt.nz>  
[mailto:Jane\\_Chambers@moh.govt.nz](mailto:Jane_Chambers@moh.govt.nz)

"Doone Winnard (CMDHB)" Kia ora Jane, As part... 04/12/2018 04:01:43 p.m.

From: "Doone Winnard (CMDHB)" <Doone.Winnard@middlemore.co.nz>  
To: "jane\_chambers@moh.govt.nz" <jane\_chambers@moh.govt.nz>,  
Cc: "Margie Apa (CMDHB)" <Margie.Apa@middlemore.co.nz>, "Basil Fernandes (CMDHB)" <Basil.Fernandes@middlemore.co.nz>  
Date: 04/12/2018 04:01 p.m.  
Subject: FW: Introduction & Meeting Invitation from Philip Morris Tobacco Company

Kia ora Jane,

As part of our responsibilities under the WHO Framework Convention on Tobacco Control, I am informing you of an approach to me as a DHB employee from the tobacco industry as below.

I discussed this approach with Basil who leads our Smokefree team and our Smokefree colleague Hayden McRobbie and they assisted me in shaping my response below. As you can see, I have directed James to the Ministry of Health if he wishes engage with the health sector regarding the new PMI e-cigarette and smokeless tobacco products.

Regards Doone  
**Doone Winnard**  
Clinical Director Population Health | Public Health Physician

T: +64 9 276 0044 | s9(2)(a)  
DDI: s9(2)(a)  
[doone.winnard@middlemore.co.nz](mailto:doone.winnard@middlemore.co.nz)  
19 Lambie Dr, Manukau | Private Bag 94052, South Auckland Mail Centre  
[countiesmanukau.health.nz](http://countiesmanukau.health.nz) | COUNTIES MANUKAU DISTRICT HEALTH BOARD



Please consider the environment before printing this email.

**From:** Doone Winnard (CMDHB)  
**Sent:** Tuesday, 04 December 2018 3:51 p.m.  
**To:** 'De Villiers, James'  
**Subject:** RE: Introduction & Meeting Invitation

Kia ora John,

Further to your email of 28 November, you will no doubt be aware that as a Party to the WHO Framework Convention on Tobacco Control, New Zealand must be transparent in its dealings with the tobacco industry as outlined in Article 5.3 of the treaty and the Ministry of Health maintains a public record of all of its meetings with tobacco organisations and their representatives. Hence, as an employee of a Crown Agency, I am informing the Ministry of Health of your approach, and will be recommending that s9(2) does likewise.

The WHO Guidelines (f) for the implementation of Article 5.3 note in their first principle that 'There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests'. While your email points to the policy work in NZ regarding e-cigarettes and smokeless tobacco and your company's information about heated tobacco products, the reality is your company has not stopped selling tobacco. You therefore continue to have a fundamental and irreconcilable conflict with our policy interests.

You also refer to wanting to learn more about our future plans to 'support adult smokers who do not intend to quit smoking'. We work with people who do intend to quit smoking. Some of them may choose to use e-cigarettes or smokeless tobacco to help them quit, and to reduce their tobacco related harm while working towards quitting. That is different from supporting people who do not intend to quit.

If you wish to engage with the health sector regarding your new products, I suggest you do so through the Ministry of Health.

Yours sincerely,

Doone

**From:** De Villiers, James [mailto:s9(2)(a)]  
**Sent:** Wednesday, 28 November 2018 4:43 p.m.  
**To:** Doone Winnard (CMDHB)  
**Subject:** Introduction & Meeting Invitation

Kia Ora Doone,

By way of introduction my name is James de Villiers and I work for Philip Morris (New Zealand) Limited (PMNZ). I know it may be slightly unorthodox to receive an email from someone working for Philip Morris, however, I have had a couple of meetings with s9(2)(a) and he has kindly provided me with your contact details and suggested you would be an appropriate person at Counties Manukau DHB to arrange an introductory meeting with.

You may or may not be aware PMNZ is undergoing a significant transformation with the goal to move away from combustible cigarettes towards smoke-free products. As part of this transformation, we have been exploring the success of current smoking cessation programs in New Zealand and believe a broad range of smoke-free alternatives are needed to ensure those adult smokers who do not intend to quit, and are open to less harmful alternatives, receive appropriate information to assist them with their conversion journey away from combustible cigarettes. My reason for wanting to meet with you is driven by a recent report which I learned about (please see



link below) and which included vaping products as part of a stop smoking project supported by the MoH, for example Turuki Health Care in Mangere, South Auckland.

<https://www.health.govt.nz/system/files/documents/publications/addressing-challenges-young-maori-women-smoke-nov18.pdf>

A recent announcement released on Friday last week by the Associate Health Minister, Jenny Salesa regarding the initiation of the legislative process towards risk proportionate smokeless tobacco and e-cigarette legislation in New Zealand is good news for New Zealand adult smokers. I am sharing the below link with you which outlines the Minister's direction to MoH supporting the use of reduced risk products to switch smokers off cigarettes. Pleasingly you will see in the document below, the Minister's intent towards both vaping and smokeless tobacco products as being less harmful than combustible cigarettes.

<https://www.health.govt.nz/system/files/documents/pages/supporting-smokers-switch-to-significantly-less-harmful-alternatives-21nov2018-redacted.pdf>

I am interested to meet with you to learn more about Counties Manukau stop smoking services and future plans to support adult smokers who do not intend to quit smoking and who may be open to less harmful alternatives such as smokeless tobacco products and e-cigarettes. I am also attaching some information specifically related to our heated tobacco product to provide you with some context about the research and development that PMI has done on smoke-free products. For more information you can also visit [www.pmiscience.com](http://www.pmiscience.com)

I hope the above information is useful. Please let me know if you are open to having a first introductory meeting with me.

Thank you and look forward to hearing back from you.

Kind Regards,

James De Villiers | Manager, Project Management Office (PMO)  
Philip Morris New Zealand & Pacific Islands  
M: +s9(2)(a)

## Believe – Behave – Become

This e-mail message and any accompanying attachments may contain information that is confidential and subject to legal privilege. If you are not the intended recipient, do not read, use, disseminate, distribute or copy this message or attachments. If you have received this message in error, please notify the sender immediately and delete this message.

Visit [www.kiwihealthjobs.com](http://www.kiwihealthjobs.com), New Zealand's largest employment site for jobs in the public health sector. 100% owned and supported nationally by the District Health Boards (DHBs) and the New Zealand Blood Service (NZBS).

If you are looking for medical jobs in New Zealand, your career in health starts with us.



Sent by:  
Sharon.Buckland@pmi.co  
m

05/02/2019 06:40 p.m.

To: "michelle\_arrowsmith@moh.govt.nz" <michelle\_arrowsmith@moh.govt.nz>.

cc: "jane\_chambers@moh.govt.nz" <jane\_chambers@moh.govt.nz>,  
"leigh\_sturgiss@moh.govt.nz" <leigh\_sturgiss@moh.govt.nz>,  
"brendon\_baker@moh.govt.nz" <brendon\_baker@moh.govt.nz>.

bcc:

Subject: ACCESS TO HEALTH CARE PROVIDERS FOR SMOKELESS TOBACCO  
PROGRAMME INCLUSION



## PHILIP MORRIS (NEW ZEALAND) LIMITED

ASCOT OFFICE PARK, LEVEL 3, BUILDING D, 95 ASCOT AVENUE, GREENLANE, AUCKLAND 1051, NEW ZEALAND  
P.O. BOX 128297, REMUERA, AUCKLAND 1541  
TELEPHONE (09) 531 5060 FAX (09) 523 0549

5 February 2019

Michelle Arrowsmith  
Deputy Director-General DHB Performance, Support and Infrastructure  
Ministry of Health  
By email to Michelle\_Arrowsmith@moh.govt.nz

cc: Jane Chambers, Manager, Tobacco Control Programme  
Leigh Sturgiss, Senior Advisor, Tobacco Control Programme  
Brendon Baker, Senior Advisor, Tobacco Control Programme

Dear Ms Arrowsmith,

### RE: ACCESS TO HEALTH CARE PROVIDERS FOR SMOKELESS TOBACCO PROGRAMME INCLUSION

Philip Morris (New Zealand) Limited welcomes Associate Minister Jenny Salesa's announcement on 24 November 2018 of new legislation to provide better support to smokers to switch to significantly less harmful alternatives.

We also welcome the Ministry's report, *Addressing the Challenges of Young Māori Women Who Smoke*, which found that emerging outcomes for wāhine include "more knowledge about NRT and vaping and more strategies to reduce or stop smoking".

During the launch the Minister acknowledged that a "one-size fits all" approach does not work for everyone, and that the vitally important thing is to get smokers to quit smoking.

In light of this, we are seeking your guidance on two matters.

Firstly, clarification that the Minister's inclusion of smokeless tobacco products in

scope for the proposed regulation also includes these products in scope for consideration as part of stop smoking programmes.

As you may be aware, Philip Morris is currently the only company marketing a legal heat-not-burn smokeless tobacco product in New Zealand (IQOS), so we are seeking clarification that any scope that includes smokeless tobacco products would effectively include heated tobacco products such as our IQOS system.

Secondly, whether there is anything that prohibits provision of devices and consumables at no-cost to the service provider for the sole purpose of community-based trials, data collection and monitoring.

As you may know, heated tobacco or 'heat-not-burn technology' is a vaping product that heats tobacco instead of burning it and shares a similar risk profile to e-cigarettes. Independent studies on IQOS aerosol chemistry, including the assessment of the US FDA, have shown results consistent with our studies that the levels of toxicants in IQOS aerosol are on average 90-95% lower than in cigarette smoke. The product is available in over 40 countries and 5.9 million adult consumers, more than 10,000 per day, have quit smoking by switching completely to IQOS.

Compared to a 2019 study in the UK which shows full conversion of e-cigarettes and nicotine-replacement therapy at 18% and 9.9% respectively, our post-market monitoring in New Zealand shows a 69% success at full conversion to IQOS. This means that IQOS - and the growing heated tobacco product category - has the highest potential as part of a broad range of smoke-free alternatives to reduce the harms caused by smoking and help accelerate progress towards Smokefree 2025. With this in mind, we recently approached a few community health care providers to discuss establishing a community based stop smoking programme that would include a broad portfolio of smoking alternatives, including IQOS.

In line with the Ministry's endorsed projects reported in November, it would be a significant public health benefit if these independent community health providers had the opportunity to include IQOS as part of their overall stop smoking programme, to discover how this might complement stop smoking outcomes that use NRTs and e-cigarettes alone.

The organisations we have approached help overindexed communities – Maori, Pasifika and low income – these groups have been the least responsive to past tobacco control strategies and have the biggest interest in finding innovative solutions.

Unfortunately, while these health care providers would like to progress further on developing a community programme inclusive of IQOS, at least one of them has been advised by its DHB that it should not work with a tobacco company, despite the DHB admitting that some stop-smoking candidates "may choose to use e-cigarettes or smokeless tobacco" (copy of email attached).

If the Minister and Ministry's earlier advice effectively includes IQOS, and with full transparency under Article 5.3 of the FCTC, we are seeking clarification from you

that health care providers are permitted to engage with us – on a transparent basis – to pilot new technologies, in the hope of finding more successful approaches to helping overindexed smokers quit cigarettes or switch to less harmful alternatives.

We would appreciate an opportunity to meet with you to discuss this matter more fully.

Yours sincerely,



James Williams  
General Manager  
Philip Morris New Zealand Limited

#### APPENDIX: RESPONSE FROM COUNTIES MANUKAU DHB RELATING TO SOUTH SEAS

**From:** Doone Winnard (CMDHB) [<mailto:Doone.Winnard@middlemore.co.nz>]  
**Sent:** Tuesday, 4 December 2018 3:51 PM  
**To:** De Villiers, James <[James.DeVilliers@pmi.com](mailto:James.DeVilliers@pmi.com)>  
**Subject:** RE: Introduction & Meeting Invitation

Kia ora John,

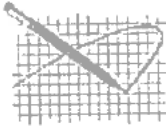
Further to your email of 28 November, you will no doubt be aware that as a Party to the WHO Framework Convention on Tobacco Control, New Zealand must be transparent in its dealings with the tobacco industry as outlined in Article 5.3 of the treaty and the Ministry of Health maintains a public record of all of its meetings with tobacco organisations and their representatives. Hence, as an employee of a Crown Agency, I am informing the Ministry of Health of your approach, and will be recommending that s9(2) does likewise.

The WHO Guidelines for the implementation of Article 5.3 note in their first principle that 'There is a fundamental and irreconcilable conflict between the tobacco industry's interests and public health policy interests'. While your email points to the policy work in NZ regarding e-cigarettes and smokeless tobacco and your company's information about heated tobacco products, the reality is your company has not stopped selling tobacco. You therefore continue to have a fundamental and irreconcilable conflict with our policy interests.

You also refer to wanting to learn more about our future plans to 'support adult smokers who do not intend to quit smoking'. We work with people who do intend to quit smoking. Some of them may choose to use e-cigarettes or smokeless tobacco to help them quit, and to reduce their tobacco related harm while working towards quitting. That is different from supporting people who do not intend to quit.

If you wish to engage with the health sector regarding your new products, I suggest you do so through the Ministry of Health.

Yours sincerely,  
Doone



Sent by:  
sol.iglesias **s9(2)(a)**  
16/04/2019 05:06 a.m.

To: Jane\_Chambers@moh.govt.nz,  
cc: tobacco@moh.govt.nz, Penny Tucker **s9(2)(a)**  
Hanming Wang **s9(2)(a)** Geetha Velumylum  
**s9(2)(a)**  
bcc:

Subject: Re: ATTN: Jane Chambers, Request for Meeting

Dear Jane,

Thank you for your message.

We will continue to make ourselves available to the Ministry and other stakeholders in New Zealand; moreover, we will monitor information on future public consultations, as you suggest.

In the meantime, allow me to take the liberty simply to share some further information with you:

1. Our founders' story & thesis presentation

<https://newsroom.juul.com/2019/02/27/our-founders-story/>

The link contains a couple of videos of our company's founders Adam Bowen and James Monsees: first, in interviews (present day) and second, their MA thesis presentation (in product design) at Stanford University. The second video, filmed in June 2005, is a remarkable artifact of how the two of them started out 13 years ago with the intent to effect social change by disrupting the cigarette industry. This has remained our company's mission until today.

2. JUUL newsroom & research library

You may visit this page on our website for the latest press releases, including new studies:

<https://newsroom.juul.com/2019/04/03/cigarette-sales-in-the-u-s-continue-historic-decline-into-the-first-quarter-of-2019/>

Below, you'll find links to posters of independent studies that we sponsored and research we conducted ourselves. These include studies presented at the Society on Research on Nicotine and Tobacco conference last February in San Francisco and related research recently published in peer-reviewed journals:

<https://jiscience.com/research-library>

[https://www.gavinpublishers.com/journals/artical\\_in\\_press/pulmonary-and-respiratory-medicine-open-access.html](https://www.gavinpublishers.com/journals/artical_in_press/pulmonary-and-respiratory-medicine-open-access.html)

<https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-019-0293-7>

3. JUUL overview

Please feel free to visit our site <https://www.juul.com/> or refer to the attached short overview on JUUL.

Yours sincerely,

Sol



JUUL Mission - 1-pager (03.11.19) v1(1).pdf

Sol Iglesias, Ph.D.  
Senior Manager, Public Policy, Asia-Pacific  
JUUL Labs | **s9(2)(a)**

JUUL

This message and any files transmitted with it may contain information which is confidential or privileged. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy thereof.

On 10 Apr 2019, at 12:29 PM, [Jane Chambers@moh.govt.nz](mailto:Jane_Chambers@moh.govt.nz) wrote:

Dear Sol

Thank you for your email requesting a meeting with us. We are not willing to meet with you at this time. From time to time the Ministry will seek views from stakeholders on tobacco control related matters and I encourage you to monitor our website to inform you of when consultation is occurring.

Kind regards

Jane

Jane Chambers  
Manager Tobacco Control  
Population Health and Prevention  
Ministry of Health  
DDI:  
Mobile: s9(2)(a)

<http://www.health.govt.nz>  
[mailto:Jane Chambers@moh.govt.nz](mailto:Jane_Chambers@moh.govt.nz)

From: Sol Iglesias s9(2)(a)  
To: [Tobacco@moh.govt.nz](mailto:Tobacco@moh.govt.nz)  
Cc: Hanming Wang s9(2)(a) <[redacted]@jul.com>, s9(2)(a) Penny  
Tucker s9(2)(a) <[redacted]@[redacted].m>  
Date: 09/04/2019 03:59 p.m.  
Subject: ATTN: Jane Chambers, Request for Meeting

Dear Ms. Chambers,

I trust that this message finds you well. We spoke briefly at the Vaping Policy Forum last week. Congratulations on a successful event! It was very helpful and thoughtful of the MOH to host this forum. I attended mainly with the purpose of listening and understanding, and I certainly appreciated the rich discussions and research shared.

My colleagues, Geetha Velumnylum, Regulatory Affairs Director (APAC), and Hanming Wang, International Expansion Director (APAC), will be in New Zealand next week from Tuesday to Thursday (16 to 18 April). We would like to have the opportunity to meet with you and answer any questions you might have about our company. Would it be possible to request an appointment at your convenience while they are in the country?

In Asia-Pacific, we view New Zealand as pivotal to encouraging a harm reduction approach to policy making in a region where we have a few markets that have

prohibited the technology. I sincerely hope that it will be possible to contribute constructively to the on-going dialogue.

All the best,  
Sol

Sol Iglesias, Ph.D.  
Senior Manager, Public Policy, Asia-Pacific

JUUL Labs | s9(2)(a)

\*\*\*\*\*

\*\*\*\*\*

Statement of confidentiality: This e-mail message and any accompanying attachments may contain information that is IN-CONFIDENCE and subject to legal privilege.

If you are not the intended recipient, do not read, use, disseminate, distribute or copy this message or attachments.

If you have received this message in error, please notify the sender immediately and delete this message.

\*\*\*\*\*

\*\*\*\*\*

This e-mail message has been scanned for Viruses and Content and cleared by the Ministry of Health's Content and Virus Filtering Gateway

Released under the Official Information Act 1982