



## **British American Tobacco Snus Marketing Standards**

British American Tobacco p.l.c. believes there is sufficient scientific evidence to support a less restrictive regime for the advertising and promotion of certain smokeless tobacco products, on the basis of their potentially lower health risk when compared to cigarettes. Using snus is acknowledged by several independent health experts to be at least 90 per cent less harmful than smoking cigarettes.

Following a review within the Western Europe Region it has been decided that, in line with this belief, a separate set of marketing standards, consistent with the distinct product category, should be applied specifically for snus.

These Standards shall apply solely to the manufacture, sale and advertisement of Swedish style snus. At the date hereof the standards will in practice apply only in the Swedish and Norwegian markets where we have active sales. Pending further market entry these Standards may be subject to review.

It is an inherent requirement of these Standards that any legal requirement which is more restrictive than the Standards take precedence.

The Board of British American Tobacco p.l.c has made clear its expectation that:

- These Standards will be observed in both the letter and intent.
- Any legal requirement or voluntary undertaking that is more restrictive than the Standards will take precedence over the Standards and practices of Group companies will not be less restrictive than the Standards unless required by law.
- BAT will actively encourage the trade to apply these Standards in any direct dealings that the trade has with consumers when marketing snus.
- British American Tobacco companies will take reasonable measures to prevent their snus brand names, trade marks or logos from being used by third parties in a manner that violates these Standards.

These Standards are not intended to prohibit the use of any trade marks as brand names or on packaging.

**1 November 2011**

The companies in which British American Tobacco p.l.c. directly or indirectly owns investments are separate and distinct entities. In this document, "British American Tobacco" and "the Group" means British American Tobacco p.l.c and all its subsidiaries, direct and indirect. "Group company" means any subsidiary within the Group. References to "we", "us" and "our" in this preamble refer collectively to the Group.

**Definitions used in these Standards**

| <b><u>Term</u></b>          | <b><u>Definition</u></b>  |
|-----------------------------|---|
| adult                       | A person who is at least 18 years old, except where legal requirements or voluntary undertakings entered into by a Group company specify a higher minimum age for the lawful sale, purchase, possession or consumption of snus, in which case the term “adult” means a person of at least that minimum age.   |
| consumer                    | An adult who uses snus.   |
| advertisement / advertising | <p>Throughout these Standards, the words “advertisement”, and “advertising” are used to mean any communication (visual, aural, verbal, written, printed or electronic) by or on behalf of a Group company containing one or more elements of snus branding, made with the purpose or intent of encouraging a consumer or consumers to select one brand of snus over another. The following do not constitute an advertisement / advertising:</p> <p>Snus packaging:</p> <ul style="list-style-type: none"><li>▪ The use of snus branding on a price list or similar application designed to convey price information to consumers; or</li><li>▪ Any business communication.</li></ul> |
| business communication      | <p>Any communication by or on behalf of a Group company sent or made available in the course of the Group’s business where the purpose or intent is not to encourage a consumer or consumers to select one brand of snus over another.</p> <p>For the avoidance of doubt, any communication comprising or including advertising which is communicated only:</p> <ul style="list-style-type: none"><li>▪ Internally within the Group;</li><li>▪ With the trade; or</li><li>▪ With any of the Group’s other business partners;</li></ul> <p>Is considered, for the purposes of these Standards, to be a business communication.</p>   |
| celebrity                   | A person or group of people who are individually or collectively well known amongst target consumers for snus either worldwide or nationally.   |
| consumer representative     | A person employed by or on behalf of a Group company whose work may involve direct contact with consumers, for example to promote and/or inform consumers about snus.   |
| primary packaging           | Packaging on snus as intended for retail sale to consumers.   |
| promotional activity        | Any activity, including any promotional event, organised by or on behalf of a Group company with the purpose or intent of promoting any of the Group’s snus brands to consumers.  |
| promotional event           | Any event organised by or on behalf of a Group company with the purpose or intent of promoting any of the Group’s snus brands to consumers.   |

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|------------------|---|
| promotional item | Any item offered free of charge to the trade with the purpose or intent of promoting any of the Group's snus brands to the trade.   |
| sponsorship      | Any contribution by or on behalf of a Group company to a third party event, team or activity made with the purpose or intent of promoting any of the Group's snus brands, which event, team or activity would still exist or occur without such contribution. |
| snus             | Manufactured smokeless moist snuff for oral use, presented in sachet portions or loose form, specifically that which has been subject to heat treatment and is also known as "Swedish-style snus".  |
| snus branding    | An identifier of snus brands owned by or licensed to the Group including any trade mark, logo or brand icon used in relation to one of the Group's owned or licensed snus brands.   |
| trade            | Individuals or organisations engaged in the legitimate manufacture, distribution, marketing or retailing of snus or component parts thereof. The term includes agents and employees of these organisations.   |
| verified adult   | An adult whose age has been confirmed according to an age verification procedure as set out in Section C4 of these Standards.   |
| website          | Within these Standards, the word "website" is used to mean any internet site that is accessible to the general public. For the avoidance of doubt, the term excludes intranet sites.  |
| youth            | Any person who is not an adult. The term also includes the plural.  |

## **Section A: Content standards**

### **1. General**

1. The content standards set out in this section A are to apply to all advertising by or on behalf of any Group company, including any such advertising which is, or which is included within, any business communication with the trade.
2. (a) No advertising is to be aimed at, or particularly appeal to, youth.  
(b) No advertising is to:
  - Depict any person under or appearing to be under 25 years of age;
  - Suggest that most people use snus;
  - Feature a celebrity;
  - Contain an endorsement, implied or express, by a celebrity;
  - Suggest that any of the following are enhanced by using snus:
    - sporting or athletic success
    - popularity
    - professional success
    - sexual success; or
  - Suggest and / or depict any sexually appealing attitude or moment.
3. All advertising is to be appropriate for the context and market within which it occurs, and is at all times to be acceptable according to local social convention.
4. Before any claim in advertising relating to the performance or functional attributes of any particular snus product is made, it is to have been substantiated by appropriate scientific, technical or consumer research.

### **2. Health warnings**

1. (a) All images of snus brand primary packaging included in advertising are to be a true representation of the package in use in the market where the advertising appears. Each image must therefore show an appropriate health warning currently in use in that market if such a warning would be visible on the package as it is placed in the advertisement.  
(b) For the avoidance of doubt, where an image of primary packaging is taken from an angle where only part of the health warning is visible, any use of that image is to include that part of the health warning that is visible.  
(c) Dummy or facsimile primary packaging without an appropriate health warning are not to be used.  
(d) The provisions of 1(a) to (c) above do not apply where a snus advertisement or item or package is displayed for purposes of historical interest and did not originally feature a health warning. This provision is designed to address situations such as displays of historical material on business premises, or inclusion of snus memorabilia in publications or exhibits for purposes of historical interest, including those by third parties.
2. (a) All images of primary packaging included in business communications are to feature an appropriate health warning currently in use in the market where the relevant snus brand is sold if such a warning would be visible on the package as it is placed in the communication.  
(b) This provision includes all internal documents, including draft designs for such packaging, where, as a minimum, the space reserved for the relevant health warning is to be clearly identified.

## **Section B: Media usage standards**

### **1. Product Placement**

There is to be no direct or indirect payment or contribution, nor is consent to be given, for the placement of snus, advertisements or items bearing snus branding within the body of any:

- Motion picture;
- Television programme;
- Theatrical production or live performance;
- Commercial film or video;
- Video game; or
- Similar medium,

where such medium is intended for the general public.

### **2. Websites**

1. Advertising on websites is not permitted. However, product related information about snus brands may be posted on websites which are operated by a Group company and which are solely dedicated to snus products.
2. (a) The product information must be provided in the national language and be of a factual and objective nature and where relevant it must be substantiated by appropriate scientific, technical or consumer research.  
  
(b) If snus packaging is displayed on websites which offer snus related product information the relevant snus health warning must be clearly visible and readable. This can either be done by displaying the back of the product or adding the health warning in the product information or elsewhere on the webpage displaying the snus packaging.  
  
(c) Upon entering websites containing product related information the user must confirm adult status. This can be via self certification by the user of the website ("tick the box").

## **Section C: Consumer communication**

### **1. Sponsorship**

1. Any sponsorship is to adhere to the content provisions in section A of these Standards.
2. No sponsorship is to be provided for any event or activity unless:
  - The sponsorship of the event or activity is for business communication purposes and the event or activity is not open to the general public.
3. The promotion of any sponsored event or activity is to adhere to these Standards.

### **2. Promotional activity**

1. All promotional activity is to adhere to the content provisions in section A of these Standards.
2. (a) Promotional offers and programmes for specific snus brands which appear on primary packaging or at the point of retail sale, or which are distributed by mail or any other means, are to be directed only at adults.

- (b) Where any such promotional offer permits an adult to be accompanied by another person or by other people at a third party event or activity, the offer is to specify that such other person or people must be adult.
3. (a) No promotional activity is to be held by or on behalf of a Group company unless there is a reasonable basis on which to believe that the participants in the activity will be adults.
- (b) All individuals invited by or on behalf of a Group company to a promotional event are to be verified adults and, if the invitation permits such individuals to be accompanied by another person or by other people, it is to specify that such other persons or people must be adult.
4. (a) If a celebrity or group of celebrities is invited to attend a promotional activity, that person or group is not to be a bigger attraction than the activity itself, nor is that person or group to appear on any advertising for, or invitation to, that activity, or any other material relating to the activity.
- (b) No direct or indirect contribution or payment is to be made to the media to cover any promotional activity and, in all cases, the media are to be advised to consider local advertising restrictions and these Standards if reporting a promotional activity, including in their use of any photographs or pictures featuring advertising or snus branding.
5. (a) Promotional items intended for distribution to and use by the trade may feature snus branding.
- (b) Any item of clothing offered under (a) must be offered in adult sizes only.
- (c) No items which are generally marketed to, or intended to be used predominantly by, youth, or which are particularly associated with any sporting or athletic activity, are to be used in conjunction with the promotion of any of the Group's snus brands.
6. No snus pack covers or sleeves, whether or not they feature snus branding, are to be produced by or on behalf of any Group company without a health warning as prescribed for such packaging in section D1 of these Standards, or as otherwise prescribed by law.
7. The sale of snus branded items to the public or trade is not permitted.

### **3. Direct consumer contact**

1. Direct consumer contact relating to snus is only permitted with verified adults unless otherwise specifically stated in these provisions.
2. Any consumer representative engaged by or on behalf of a Group company in direct consumer contact relating to snus is:
- To be verified as adult before appointment;
  - Not to operate in venues which have particular youth appeal or clientele;
  - To advise people whom they contact that they work for or on behalf of a tobacco company or related business and are only authorised to engage with adults; and
  - To dress in a manner appropriate to the venue, and in line with locally acceptable standards of common decency.
3. (a) Factual responses to consumer complaints and product information enquiries via telephone, letter or e-mail regarding snus may be given without age verification.
- (b) Replacement of snus products due to consumer complaints cannot be done before age verification is complete.

#### **4. Age verification procedures**

1. (a) The national identity card is to be adopted as the default document for age verification.  
  
(b) In the absence of the above, the recommended verification procedure outlined in paragraphs 2 to 5 below is to be followed.
2. The recommended standard of documentary evidence for age verification purposes is photographic ID or comparison of a signature with that on an official document. Aside from the national identity card specified in paragraph 1 (a) above, the following official documents are also acceptable as proof of age:
  - Valid passport;
  - Valid driver's licence;
  - Legible photocopies of the above official documents.
3. (a) The following procedure applies to age verification when face to face with an individual:
  - A visual check that the person is likely to be adult;
  - If in doubt, request the individual's date of birth; and
  - If any doubt remains, request provision of any of the age verification documents specified in paragraph 1 or 2 above.  
(b) In all cases, verbal confirmation is to be sought that the person is willing to receive promotional messages or information about snus.
4. The following procedure applies to adult verification when the individual is not present in person:
  - A verbal or written request for the individual's date of birth; and
  - A request to provide any of the age verification documents specified in paragraph 1 or 2 above, with an explanation that this is necessary before any replacement snus product can be provided.
5. If practicable, a copy of the age verification document, or at least the document number, is to be kept on file for a period of 12 months from the date of contact.
6. (a) If a person has been verified as adult, user IDs and/or passwords may be issued to enable him/her to identify himself/herself as a verified adult during subsequent contacts.  
  
(b) It is the responsibility of the person receiving the user ID or password to keep it secure and to ensure that it is not made available to youth.
7. Where these Standards stipulate that an activity is only permitted with verified adults:
  - Responsibility rests with a Group company for ensuring that any person conducting age verification for or on behalf of that Group company is fully aware of the age verification requirement and the relevant age verification procedure;
  - Responsibility for ensuring adherence to the applicable age verification procedure rests with the individual or organisation seeking to conduct that activity; and
  - Responsibility for the accuracy of any information and any age verification document provided rests with the individual providing that information and / or document.

## **Section D: General**

### **1. Packaging**

1. (a) All snus offered for sale must be offered in sizes (number of portions/amount of grams) which is in accordance with local legislation.  
  
(b) No incentives or branded materials are to be provided to support the sale of single snus portions by the trade.
2. (a) All snus offered for sale are to carry an appropriate health warning in accordance with local legislation. If such product is packaged for sale to consumers in such a way that obscures the legislated warning, the legislated warning must be carried in a clearly visible manner on the outer packaging.  
  
(b) Health warnings are not required on transparent packaging material, if the health warning is clearly visible on the primary packaging beneath.  
  
(c) This provision also applies to packaging facsimiles used for display purposes.
3. Before any claim on any primary packaging relating to the performance or functional attributes of any snus product is made, it is to have been substantiated by appropriate scientific, technical or consumer research.

### **2. Youth access**

1. (a) British American Tobacco is committed to the enactment and enforcement of minimum age restrictions for the lawful sales of snus in every market where its snus brands are sold.  
  
(b) Group companies are to support efforts by appropriate authorities, manufacturers of snus, distributors and retailers to ensure the effective enforcement of such restrictions.
2. Group companies are to make sustained efforts, in co-operation with governments and other regulatory agencies, customers and others to prevent youth access to snus and to seek ways in which to reinforce and give effect to measures that will prevent sales of snus to youth.
3. (a) Group companies reserve the right to impose sanctions, up to and including the withholding of supply of snus and/or promotional support, from any retailer, wholesaler or distributor who is proven to have:
  - sold snus to youth in contravention of local law; or
  - had knowing or reckless involvement in the sale of counterfeit or contraband snus.  
(b) It is recommended that, where local laws allow, Group companies include within their supply and sale agreements a provision entitling them to withhold supply in these circumstances.
4. If sales of snus to consumers are conducted over the internet, by telephone or by any other non-direct contact means, the seller is to take reasonable measures to confirm that the purchaser is an adult before confirming the sale.
5. Reasonable measures are to be taken to prevent sales to youth from vending machines.