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## SNUS – NNA WINS FIRST ROUND OF LEGAL CHALLENGE

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Fresh from its significant intervention in the case of *Brexit v Common Sense*, the UK's legal system provided a massive boost to consumer choice on Thursday 26 Jan.

The High Court in the UK announced that it will allow the existing ban on the smoking substitute snus to be referred to the European Court of Justice.

Professor Gerry Stimson, who is leading the legal challenge to the ban by consumer group NNA (New Nicotine Alliance), said:

"There's now a race to see whether European judges or British politicians will lift the ban first. They realise that with British men smoking four times as much as Swedish men we cannot justify continuing the ban on snus."

Snus (tobacco placed in a sachet under the lip) is pasteurised, making it much safer than other "chewing tobacco" such as that popular in India.

The US Food & Drug Administration authorised snus in 2015 – the first new nicotine product to be so treated – although the US version is not produced to the same standards as the European product which has basically been in use since the 19<sup>th</sup> century.

The argument advanced by NNA is that snus is one of the best-proven non-combustible methods of getting nicotine, in that lung cancer and heart disease rates in Scandinavian countries where it remains

legal (due to an exemption granted by the EU in its 2016 TPD) are the lowest in Europe, as is the incidence of smoking (percentage of population):

- *UK: 25-34 years 26%; 35-49 years 22%*
- *Sweden: 16-29 years 8%, 30-44 years 5% and 45-64 9%*

In the UK, the Royal College of Physicians' view is that snus "demonstrates proof of the concept" for tobacco harm reduction, while even the rabidly anti-nicotine WHO admits snus is "considerably less hazardous than cigarettes."

NNA (both in UK and Australia) is fighting for the right of access to lower-risk nicotine products that can help adults get away from smoking and the dangers associated with combustible tobacco products.

NNA said: "We are piggy-backing on Swedish Match's request for a Judicial Review of the ban on snus. NNA is asking the Court to be allowed to make its own submission in order to provide a consumer perspective on the ban and of the benefits that will follow if the ban is lifted.

"UK law is based in EU law – and yes – we are still in the EU as of now and the ECJ process still stands. *If* the ECJ rules against the ban then this decision would apply across all of the EU. So, there is a lot at stake."

Snus is a significant product in the fight against smoking – but at present only in Scandinavia, because it's banned elsewhere along with many other new nicotine products. Unlike some others, snus has a track record – of well over a century of getting adults away from smoking to a far safer method of getting a modest intake of nicotine. Snus represents as much danger as a cup of coffee.

NNA told the court that the ban on the sale of snus is incompatible with evidence for its safety in comparison with smoked tobacco cigarettes and that the ban is against the interests of individual and public health. The application was supported by Witness Statements from Professor Gerry Stimson ([click here](#)), Karl Lund – the leading Norwegian expert on snus, Louise Ross – NNA Associate and an expert on stop smoking services and alternative products, and Judy Gibson – from the International Network of Nicotine Consumer Organisations.

As Gerry said, "the ban is harmful to health rather than protective of health." New nicotine products deserve a rational regulatory approach; here's hoping the ECJ takes note.

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