

# Legal Alert

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## The Nicotine Pouch Industry Code Has Been Published!

Nicotine pouches (which we wrote about in the [report](#)) are not covered by any specific regulations in Poland. In particular, they are not subject to the Act on health protection against the consequences of using tobacco and tobacco products (PL: Ustawa o ochronie zdrowia przed następstwami używania tytoniu i wyrobów tytoniowych), so there are currently no clear principles regarding their distribution, labeling or advertising.

Anticipating the legislator, in September 2023 four companies from the tobacco industry signed **a market code specifying a voluntary industry self-regulatory framework for nicotine pouches in Poland**. The code can be found at this [LINK](#).

### Definition and product requirements

According to the code, a "tobacco-free nicotine pouch" is a pre-portioned consumer product that contains nicotine compounds, flavourings and other ingredients, that release nicotine and flavours by placing the pouch in the mouth under the upper lip, which results in the absorption of nicotine through the oral mucosa membranes. **Nicotine pouches understood as such should not be offered and sold to anyone under the age of 18 and the nicotine content should not exceed 20mg per pouch** (the nicotine used must comply with standards equal to those for the nicotine used in pharmaceutical products).

### Labeling

**The signatories of the code committed to provide certain information on product labeling**, including ingredients, nicotine content, weight of the nicotine pouch, date of manufacture and best before date, and contact details of the manufacturer and/or distributor. Both the packaging label and the nicotine pouch itself must not contain any elements or features which:

- would be misleading or deceptive,
- suggest that the nicotine pouches have vitalising, energising, healing, anti-aging, natural, organic or health properties,
- would be similar to a food or cosmetic product,
- may be associated with youth culture or depict situations, environments or objects typical of the world of children and youth (such as comic book characters, cartoon characters, toys or sweets), or
- suggest that nicotine pouches are beneficial to the environment.

**The nicotine pouch label should additionally contain a health warning** stating: "This product contains nicotine which is a highly addictive substance", or "This product is not risk free and contains nicotine, which is addictive" and **a logo or text indicating that the product is intended for use by adults only**.

## Marketing communication

The code also contains **rules regarding marketing communication of nicotine pouches**. In particular, it states that any marketing actions should not **(i)** appeal to persons under 18 years old (e.g., in terms of media selection, placement, realisation, presentation and general impression), **(ii)** encourage non-nicotine users to use nicotine pouches, **(iii)** contain misleading information about product ingredients. Just as with the case of labels, **all marketing actions must include clearly visible information/a logo pointing out that the product is not intended for persons under 18 years**. Simultaneously, it is proposed that marketing activities towards the consumer should be carried out only by persons of adult appearance and in an adult environment. The code also provides for **a ban on suggesting the medicinal properties of products** by, among others, use of health claims.

Due to the significant market share of the code's signatories, the code may attain the status of a benchmark for good practice in the sale of nicotine pouches in Poland. If this happens, non-compliance with the code may have far-reaching legal consequences, also for other market participants.

In case of any doubts about nicotine pouches, please contact us!

Contact us!



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