

6 August 2021

Cam Slater

By email: [fyi-request-16003-fea6ef02@requests.fyi.org.nz](mailto:fyi-request-16003-fea6ef02@requests.fyi.org.nz)  
Ref: H202108347

Tēnā koe Cam

### **Response to your request for official information**

Thank you for your request under the Official Information Act 1982 (the Act) on 8 July 2021 for information relating to Smokefree Aotearoa 2025 Action Plan.

You specifically requested:

*“Since 19 October 2020, ...I wish to request the following from the Minister of Health, Associate Ministers of Health and the Ministry of Health, in connection to the Smokefree Aotearoa 2025 Action Plan:*

*“A) Copies of all letters, emails, analysis, studies and reports connected to proposals to incorporate genetically engineered tobacco referred to on page 8 of the Impact Summary Proposals for a Smokefree Aotearoa. For the absence of doubt this should include tobacco created using techniques broadly described as being GE or genetically modified.”*

Some email correspondence has been found within the scope of your request. However, this part of your request is withheld in full under section 9(2)(f)(iv) of the Act, to maintain the constitutional conventions that protect the confidentiality of advice tendered by Ministers and officials.

*“B) Copies of all letters, emails, briefings, correspondence, studies and reports with and between:*

- 22 Century Corporation (referred to in the Regulatory Impact Statement on page 8 in connection to the “Moonlight” brand) to include officers, agents or representatives of this company;*
- Philip Morris International (referred to in the Regulatory Impact Statement on page 8 in connection to the “Next” brand”) to include officers, agents or representatives of this company;*
- British American Tobacco to include officers, agents or representatives of this company;*
- Imperial Brands to include officers, agents or representatives of this company;*
- Japan Tobacco International to include officers, agents or representatives of this company; and*
- Liggett Vector Brands to include officers, agents or representatives of this company.”*

The Ministry has undertaken a search for any information within the scope your request. The Ministry has also considered documents between the Ministry and each of the named parties in this request. This document titled ‘Question B Compiled documents’ includes information requested since 19 October 2020 to the date of your request. Some information has been withheld under section 9(2)(a) of the Act to protect the privacy of natural persons.

The following information is included in the document:

- 22nd Century Smokefree Aotearoa 2025 Action Plan consultation submission and supporting documents.
- Imperial Brands Smokefree Aotearoa 2025 Action Plan consultation submission.
- British American Tobacco letter titled '*Sale of tobacco products in non-standardised tobacco packaging*' sent on 21 June 2021.
- Japan Tobacco International Smokefree 2025 Aotearoa Action Plan consultation submission.

Please note the following:

- The Ministry does not have any knowledge of correspondence between these parties.
- Philip Morris International did not submit to the Smokefree Aotearoa 2025 Action Plan consultation.
- Information on the Phillip Morris Next cigarette referred to on page 8 of the *Impact Summary Proposals for a Smokefree Aotearoa* is publicly available. For example, see Wikipedia. - [https://en.wikipedia.org/wiki/Next\\_\(cigarette\)](https://en.wikipedia.org/wiki/Next_(cigarette)).
- The Ministry does not have any correspondence from Liggett Vector Brands.

Alongside its Smokefree Aotearoa 2025 consultation submission, 22nd Century provided to the Ministry some supporting documents. However, this information is publicly available, and links to it are provided in Appendix 1 of this letter.

- C. *"Copies of all letters, emails, briefings, correspondence, studies and reports with and between BioTech NZ to include officers, agents or representatives of this organisation.*
- D. *Copies of all meeting/file notes and phone calls/video conferences and zoom/teams calls, as well as the dates of such meetings, with and between:*
  - *22 Century Corporation to include officers, agents or representatives of this company;*
  - *Philip Morris International to include officers, agents or representatives of this company;*
  - *British American Tobacco to include officers, agents or representatives of this company;*
  - *Imperial Brands to include officers, agents or representatives of this company;*
  - *Japan Tobacco International to include officers, agents or representatives of this company;*
  - *Liggett Vector Brands to include officers, agents or representatives of this company;**and*
  - *BioTech NZ to include officers, agents or representatives of this organisation.*
- E. *Copies of all letters, emails, briefings, correspondence, studies, reports, analysis and applications related to the planting, harvesting, processing and manufacturing of growing genetically engineered low nicotine tobacco."*
- F. *Copies of all letters, emails, briefings, correspondence, studies, reports and analysis on how genetic engineering complies with the Crown's obligation under Te Tiriri o Waitangi.*
- G. *Copies of all letters, emails, briefings, correspondence, studies, reports, analysis on the human health implications of genetically engineered low nicotine tobacco, including, but not limited to, toxicity; allergic reactions; antibiotic resistance; immuno-suppression and cancer.*
- H. *Copies of all letters, emails, briefings, correspondence, studies, reports, analysis or applications connected to genetically engineered low nicotine tobacco, with and between:*
  - *Environmental Protection Agency;*

- Ministry for the Environment;
- Ministry for Primary Industries;
- MBIE;
- Te Puni Kōkiri;
- New Zealand Food Safety; and
- Medsafe.”

The Ministry has undertaken a search for any information within the scope your request. However, no information was found to be within the scope of your request. Therefore, this part of your request is refused under section 18(g) of the Act as the information requested is not held by the Ministry and there are no grounds for believing it is held by another agency subject to the Act.

- I. *“Copies of all legal opinions/reports/analysis on growing genetically engineered low nicotine tobacco under the current Hazardous Substances and New Organisms Act 1996.”*

On 28 July 2021, the Ministry notified you that this part of your request was transferred to the Environmental Protection Authority (EPA) for response. You can expect a response from EPA in due course.

*“j) Copies of all letters, emails, briefings, correspondence, studies and reports connected to genetically engineered low nicotine tobacco, with and between:*

- Minister for Primary Industries;
- Minister for Food Safety;
- Minister for Research, Science and Innovation;
- Minister for Māori Economic Development; and
- Minister of Māori Crown Relations: Te Arawhiti.”

The Ministry does not hold any information with the listed agencies in connection to genetically engineered low nicotine tobacco. Therefore, this part of your request is refused under section 18(g) of the Act as the information requested is not held by the Ministry and there are no grounds for believing it is held by another agency subject to the Act.

I trust this 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. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Ministry of Health website at: [www.health.govt.nz/about-ministry/information-releases](http://www.health.govt.nz/about-ministry/information-releases).

Nāku noa, nā



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



## Appendix 1

Section III Executive Summary 22nd Century Group, Inc. MRTP for VLN™ Cigarette Brand	<a href="https://syndication-files.s3.amazonaws.com/mrtpa/22century/Section%20III%20Executive%20Summary%20MAIN%20Redacted.pdf">https://syndication-files.s3.amazonaws.com/mrtpa/22century/Section%20III%20Executive%20Summary MAIN Redacted.pdf</a>
Tobacco Product Standard for Nicotine Level of Combusted Cigarettes	<a href="http://www.federalregister.gov/documents/2018/03/16/2018-05345/tobacco-product-standard-for-nicotine-level-of-combusted-cigarettes">www.federalregister.gov/documents/2018/03/16/2018-05345/tobacco-product-standard-for-nicotine-level-of-combusted-cigarettes</a>
22nd Century Group Welcomes Ban on Menthol Cigarettes and Anticipates Further Standards as FDA Commissioner Reports  Nicotine Cap on Combustibles “Still on the Table”	<a href="http://www.globenewswire.com/fr/news-release/2021/04/30/2220737/0/en/22nd-Century-Group-Welcomes-Ban-on-Menthol-Cigarettes-and-Anticipates-Further-Standards-as-FDA-Commissioner-Reports-Nicotine-Cap-on-Combustibles-Still-on-the-Table.html">www.globenewswire.com/fr/news-release/2021/04/30/2220737/0/en/22nd-Century-Group-Welcomes-Ban-on-Menthol-Cigarettes-and-Anticipates-Further-Standards-as-FDA-Commissioner-Reports-Nicotine-Cap-on-Combustibles-Still-on-the-Table.html</a>
ANPRM comment by 22nd Century	<a href="https://d1io3yog0oux5.cloudfront.net/xxiicentury/files/documents/ANPRM.pdf">https://d1io3yog0oux5.cloudfront.net/xxiicentury/files/documents/ANPRM.pdf</a>
The Tobacco Endgame—Eradicating a Worsening Epidemic	<a href="https://academic.oup.com/eurheartj/advance-article/doi/10.1093/eurheartj/ehab245/6284113">https://academic.oup.com/eurheartj/advance-article/doi/10.1093/eurheartj/ehab245/6284113</a>
Joint letter to FDA re tobacco product standard for nicotine level combusted cigarettes ANPRM	<a href="http://www.acponline.org/acp_policy/letters/joint_letter_to_fda_re_tobacco_product_standard_for_nicotine_level_combusted_cigarettes_anprm_2018.pdf">www.acponline.org/acp_policy/letters/joint letter to fda re tobacco product standard for nicotine level combusted cigarettes anprm 2018.pdf</a>
Potential Public Health Effects of Reducing Nicotine Levels in Cigarettes in the United States	<a href="http://www.nejm.org/doi/full/10.1056/NEJMSr1714617">www.nejm.org/doi/full/10.1056/NEJMSr1714617</a>
Family Smoking Prevention and Tobacco Control and Federal Retirement Reform	<a href="http://www.govinfo.gov/content/pkg/PLAW-111publ31/pdf/PLAW-111publ31.pdf">www.govinfo.gov/content/pkg/PLAW-111publ31/pdf/PLAW-111publ31.pdf</a>
PMTA Scientific Review: Technical Project Lead (TPL)	<a href="https://www.fda.gov/media/133633/download">https://www.fda.gov/media/133633/download</a>
22nd Century VP of Regulatory Science to Present on Health Disparities Caused by Cigarette Addiction at FDLI Annual Conference	<a href="https://d1io3yog0oux5.cloudfront.net/_c623ab11de5c920dbfd133077c892177/xxiicentury/db/265/2264/file/XXII+FDLI+Presentation+Final2+051921.pdf">https://d1io3yog0oux5.cloudfront.net/_c623ab11de5c920dbfd133077c892177/xxiicentury/db/265/2264/file/XXII+FDLI+Presentation+Final2+051921.pdf</a>