Oral-use tobacco products

Thank you for your correspondence requesting clarification regarding the government’s position on snus.

The UK Government attended the ECJ hearing on 25th January to present arguments concerning the proportionality principle in EU law. The application of this principle is an issue which is much wider than Snus. The UK’s main interest in the case is in ensuring the appropriate application of proportionality and other legal principles to the relevant facts. The proportionality principle affords a wide margin of discretion in order to protect public health. If this discretion were to be narrowed, there is a risk that this could undermine the implementation of other tobacco control measures, in particular, the UK implementation of Standardised Packaging of Tobacco.

It is worth noting that there are strongly diverging views in terms of the evidence on the health risks of snus – with significant concerns in Norway and Sweden about the impact of the use of snus, particularly by young people and pregnant women. Where such controversy exists, our view is that a ban constitutes a proportionate response. However, the primary objective of the UK government was not to secure the continued prohibition of snus, but to seek to protect the principle of proportionality on which it is based.

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