



U.S. Food & Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993  
[www.fda.gov](http://www.fda.gov)

June 08, 2020

**SUBSTANTIALLY EQUIVALENT**

John Middleton Co.  
Attention: Rebecca A. Rivas, RAC, Sr. Director, Regulatory Submissions  
Altria Client Services LLC  
601 East Jackson Street  
Richmond, VA 23219

**FDA Submission Tracking Numbers (STNs):** Multiple STNs, see Appendix A

Dear Ms. Rivas:

We completed our review of your SE Reports<sup>1</sup> and determined that the new tobacco products are substantially equivalent to the corresponding predicate tobacco products listed in Appendix A and are in compliance with the requirements of the FD&C Act. Under the provisions of section 910 and 905(j) of the FD&C Act, you may introduce or deliver for introduction into interstate commerce the new tobacco products subject of this letter.

Our finding does not mean we “approved” the new products specified in Appendix A; therefore, you may not promote or in any way represent the new tobacco products specified in Appendix A, or the labeling, as being “approved” by FDA (see Section 301(tt) of the FD&C Act).

For information on how to fulfill the provisions of section 910(a)(4) of the FD&C Act, refer to Appendix B.

In accordance with 40 CFR 1506.6, we will make your Environmental Assessment (EA) publicly available.

All regulated tobacco products, including the tobacco products specified in Appendix A, are subject to the requirements of the FD&C Act and its implementing regulations. It is your responsibility to ensure the tobacco products specified in Appendix A complies with all applicable statutory and regulatory requirements. FDA will monitor your compliance with all applicable statutes and regulations.

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<sup>1</sup> Substantially Equivalent (SE) Reports submitted under section 905(j) of the Federal Food, Drug, and Cosmetic Act (FD&C Act)

If you have any questions, please contact Travelle Mason, M.P.H., Regulatory Health Project Manager, at (240) 402-7805 or [Travelle.Mason@fda.hhs.gov](mailto:Travelle.Mason@fda.hhs.gov).

Sincerely,

Digitally signed by Glen D. Jones -S

Date: 2020.06.08 16:26:46 -04'00'

For Matthew R. Holman, Ph.D.  
Director  
Office of Science  
Center for Tobacco Products

**Enclosures:**

Appendix A – New and Corresponding Predicate Tobacco Products Subject of This Letter

Appendix B – Health Information Summary

**Appendix A**  
New and Corresponding Predicate Tobacco Products Subject of This Letter

<b>Common Attributes of SE Reports</b>		
<b>Date of Submission:</b>	July 19, 2019	
<b>Date of Receipt:</b>	July 19, 2019	
<b>Product Manufacturer:</b>	John Middleton Co.	
<b>Product Category:</b>	Cigars	
<b>Product Sub-Category:</b>	Unfiltered, Sheet-Wrapped Cigar	
	<b>New Tobacco Product</b>	<b>Predicate Tobacco Product</b>
	<b>SE0015364: Black &amp; Mild® White Label<sup>2</sup></b>	<b>GF1602163: Black &amp; Mild Cream<sup>2</sup></b>
<b>Package Type:</b>	Cello <sup>3</sup>	Cello <sup>3</sup>
<b>Package Quantity:</b>	1 Cigar	1 Cigar
<b>Characterizing Flavor:</b>	None <sup>4</sup>	Cream <sup>5</sup>
<b>Eligibility Status:</b>	N/A	Grandfathered
<b>Length:</b>	126.9 mm	126.9 mm
<b>Diameter:</b>	9.57 mm	9.62 mm
<b>Tip:</b>	Plastic Tip	Plastic Tip
	<b>SE0015365: Black &amp; Mild® Red Label Wood Tip<sup>2</sup></b>	<b>GF1602163: Black &amp; Mild Cream<sup>2</sup></b>
<b>Package Type:</b>	Cello <sup>3</sup>	Cello <sup>3</sup>
<b>Package Quantity:</b>	1 Cigar	1 Cigar
<b>Characterizing Flavor:</b>	None <sup>4</sup>	Cream <sup>5</sup>
<b>Eligibility Status:</b>	N/A	Grandfathered
<b>Length:</b>	126.9 mm	126.9 mm
<b>Diameter:</b>	9.57 mm	9.62 mm
<b>Tip:</b>	Wood Tip	Plastic Tip

<sup>2</sup> Brand/sub-brand or other commercial name used in commercial distribution

<sup>3</sup> The applicant defines “cello” as a clear wrap. In this case, cello is composed of polypropylene plastic wrap.

<sup>4</sup> The applicant uses the term “identifying flavor” to indicate whether it identifies the cigar product by use of a flavor identifier. For the new product, the applicant states that the identifying flavor is “none.” Properties to uniquely identify the new tobacco product were provided by the applicant, and not confirmed by FDA. In this case, FDA determined that no additional information regarding characterizing flavor was necessary to compare the new and predicate tobacco products.

<sup>5</sup> The applicant uses the term (b) (4)

[REDACTED] . In this case, FDA determined that no additional information regarding characterizing flavor was necessary to compare the new and predicate tobacco products.

	<b>New Tobacco Product</b>	<b>Predicate Tobacco Product</b>
	<b>SE0015366: Black &amp; Mild® Autumn<sup>2</sup></b>	<b>GF1602159: Black &amp; Mild Apple<sup>2</sup></b>
<b>Package Type:</b>	Cello <sup>3</sup>	Cello <sup>3</sup>
<b>Package Quantity:</b>	1 Cigar	1 Cigar
<b>Characterizing Flavor:</b>	None <sup>4</sup>	Apple <sup>6</sup>
<b>Eligibility Status:</b>	N/A	Grandfathered
<b>Length:</b>	126.9 mm	126.9 mm
<b>Diameter:</b>	9.57 mm	9.62 mm
<b>Tip:</b>	Plastic Tip	Plastic Tip
	<b>SE0015367: Black &amp; Mild® Red Label<sup>2</sup></b>	<b>GF1602163: Black &amp; Mild Cream<sup>2</sup></b>
<b>Package Type:</b>	Cello <sup>3</sup>	Cello <sup>3</sup>
<b>Package Quantity:</b>	1 Cigar	1 Cigar
<b>Characterizing Flavor:</b>	None <sup>4</sup>	Cream <sup>5</sup>
<b>Eligibility Status:</b>	N/A	Grandfathered
<b>Length:</b>	126.9 mm	126.9 mm
<b>Diameter:</b>	9.57 mm	9.62 mm
<b>Tip:</b>	Plastic Tip	Plastic Tip

<sup>6</sup> The applicant uses the term (b) (4)

. In this case, FDA determined that no additional information regarding characterizing flavor was necessary to compare the new and predicate tobacco products.

## **Appendix B**

### Health Information Summary

Your SE Reports did not provide a summary of any health information related to the new tobacco products, required by section 910(a)(4) of the FD&C Act; however, your SE Reports stated that such information will be available upon request to any person. Consistent with the requirements of section 910(a)(4), you may wish to consider providing the following when information is requested:

- A. A copy of your final SE Reports upon which the Substantially Equivalent order was based, redacted only to the extent necessary to exclude patient identifiers and trade secret and confidential commercial information as defined in 21 CFR 20.61 and 20.63.
- B. Any research or data you have in your possession or otherwise know of specifically regarding the adverse health effects of the new tobacco products, or the following statement if such statement is accurate: “[Insert manufacturer name] does not have or know of any research or data regarding any adverse health effects specifically related to [insert tobacco product name].”

Alternatively, you may provide the following when information is requested:

- Description of the new tobacco products
- Description of the predicate tobacco products
- List of all differences in characteristics between the new and predicate tobacco products
- Summary of the evidence and scientific rationale concerning why the differences in characteristics do not raise different questions of public health
- Any research or data you have in your possession or otherwise know of regarding the adverse health effects of the new tobacco product, or the following statement if such statement is accurate: “[Insert manufacturer name] does not have or know of any research or data regarding any adverse health effects specifically related to [insert tobacco product name].”

There may be other accurate, complete, and not false or misleading ways to satisfy the requirements of section 910(a)(4) not included above. If you wish to discuss other ways to meet the requirements of section 910(a)(4), submit a meeting request to us.