



SWISHER

CHRIS HOWARD
EXECUTIVE VP, EXTERNAL AFFAIRS & NEW PRODUCT COMPLIANCE

January 27, 2023

Re: Rogue Pouch Non-Flavored Tobacco Product Certification per Massachusetts 105 CMR 665.010(E)

Dear Sir or Madam:

As you may be aware, Massachusetts 105 CMR 665.000, *et seq.* restricts the sale of flavored tobacco products as of June 1, 2020. Section 105 CMR 665.010(E) of that regulation provides that a manufacturer may certify which of its products do not meet the definition of a flavored tobacco product or tobacco product flavor enhancer, and lack any characterizing flavor, under 105 CMR 665.000, *et seq.*

Accordingly, pursuant to 105 CMR 665.010(E), Swisher International, Inc. ("Swisher") hereby certifies that each of the Rogue Pouch products listed below: (a) is not a flavored tobacco product as defined by 105 CMR 665.005 and (b) does not have a characterizing flavor as defined by 105 CMR 665.005. Pursuant to Guidance from the Department of Public Health dated January 4, 2021, Swisher further states that: (a) this letter is true and accurate; (b) the undersigned is authorized on behalf of Swisher to sign the letter; and (c) Swisher will immediately provide an updated letter to correct any inaccuracy.

The Rogue Pouch products containing non-tobacco-derived nicotine subject to this certification include:

- Rogue Original Pouch 3 mg,
- Rogue Original Pouch 6 mg,
- Rogue Tabac Pouch 3 mg,
- Rogue Tabac Pouch 6 mg.

Please note that 105 CMR 665.010(E) also states as follows: "The owner, retailer, or other person in charge of the retail establishment must maintain record of the certification document submitted by the manufacturer for each tobacco product sold or offered for sale within the retail establishment, and provide such records upon request of any authorized enforcement agent, including Boards of Health or their agents and the Department or its agents."

Sincerely,

Chris Howard
Executive Vice President, External Affairs & New Product Compliance

cc: Chris Casey, Executive Vice President and General Counsel, Swisher