

HEALTH DEPARTMENT LETTERHEAD

This information is being provided for educational purposes only and it not to be construed as legal advice. For legal advice, please contact your attorney. For information on Marketing Granted Orders, contact the FDA's Center for Tobacco Products.

TO: Tobacco Retailers
FROM: [City/Town] Health Department
RE: FDA Marketing Granted Orders for Electronic Cigarettes and Nicotine Pouches
DATE: January 2026

[City/Town] tobacco sales regulations require all applicants for a Tobacco Product Sales Permit to sign a statement affirming their responsibility to inform all employees selling tobacco of all applicable federal, state and local laws, rules, regulations, and requirements. In the attached letter, the Director of Compliance and Enforcement at the FDA's Center for Tobacco Products states the following: "A new tobacco product must have FDA authorization before it can be legally marketed in the United States, and generally, products without authorization are at risk of enforcement action." Only products with Marketing Granted Orders can be sold in the United States. A Marketing Granted Order means the electronic cigarette or oral nicotine pouch can be lawfully sold in the United States.

Currently, only a limited number of electronic cigarettes and an even smaller number of oral nicotine pouches have Marketing Granted Orders To verify which products are authorized for sale by the FDA, retailers can consult the FDA's "Searchable Tobacco Products Database," accessible at the FDA website:
www.fda.gov/tobacco-products.

Please note that Massachusetts imposes additional legal requirements beyond what is required by the FDA. For example, tobacco products with a characterizing flavor that have obtained a Marketing Granted Order cannot be sold in Massachusetts. The sale of tobacco products, including electronic cigarettes and oral nicotine pouches, with a characterizing flavor other than tobacco is prohibited under Massachusetts law. For instance, Zyn Citrus is a flavored tobacco product and therefore cannot be sold in Massachusetts even though this product has received a Marketing Granted Order.

To comply with your local tobacco product sales permit, you must remove all electronic cigarettes and oral nicotine pouches on your shelves that have not received a Marketing Granted Order from the FDA. If these products are not removed, the health department will submit the information to the FDA's illegal tobacco portal and may issue a notice of a violation of the **[city/town]** local tobacco regulation.

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