



January 21, 2022

Anna Ready Blom
Director, Government Relations
National Association of Convenience Stores
1600 Duke Street
Alexandria, VA 22314
ablom@convenience.org

Dear Ms. Blom:

Thank you for your September 10 and October 14, 2021, letters to Janet Woodcock, M.D., Acting Commissioner of Food and Drugs, and me, on behalf of the National Association of Convenience Stores; the Energy Marketers of America; FMI, the Food Industry Association; the National Association of Truckstop Operators; and the Society of Independent Gasoline Marketers of America requesting that the Food and Drug Administration (FDA or the Agency) publish a public list of electronic nicotine delivery system products for which the Agency has issued marketing denial orders (MDOs). We apologize for the delay in responding.

FDA understands the concerns underlying your request for the specific names of the deemed products subject to these negative marketing decisions. FDA is working to update the public “List of Deemed New Tobacco Products with Timely Applications” with information about final actions taken for products published on that list, including MDOs. Given the large number of products involved, sharing this information requires additional time and resources so that the Agency does not disclose confidential commercial information (CCI) about products that are not yet marketed. FDA may not release CCI, so the Agency would not be able to disclose MDOs for products where the Agency cannot confirm the products’ current marketing status, or where the Agency believes certain information regarding such products has not been made public. In the meantime, the Agency has been regularly updating its website with a list of companies that have received MDOs.¹ We continue to encourage retailers to contact manufacturers and/or suppliers with any questions about products in their inventory.

Thank you, again, for contacting us concerning this matter. We kindly request that you share a copy of this response with your cosigners.

Sincerely,

Mitchell Zeller
Director, Center for Tobacco Products

¹ The list of companies that have received MDOs can be found on this webpage: <https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/tobacco-products-marketing-orders#Marketing%20Denial>.