



Medicines & Healthcare products
Regulatory Agency

10 South Colonnade
Canary Wharf
London
E14 4PU
United Kingdom
gov.uk/mhra

[REDACTED]

31 March 2023

FOI **23/208**

Dear [REDACTED]

Thank you for your information request, dated **14/03/2023**, where you asked for:

- *Copies of any communication between British American Tobacco and MHRA dated from 16 January 2023 to 6 February 2023. Additionally, I request copies of communication between this date range if the sender or recipient is referred to as the following;*
 - *BAT*
 - *BAT PLC*
 - *British American Tobacco PLC*
 - *BAT p.l.c*
 - *British American Tobacco p.l.c*
 - *Nicoventures*
- *If possible within the time and cost limits of the act, please can you also provide any communication to or from MHRA between these dates containing the phrase 'elfbar' or 'elf bar'*
- *If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.*
- *If the release of any of this information is prohibited on the grounds of breach of confidence or commercial sensitivity, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed. If there is a public interest test associated with the exemption, I ask that you take into account the importance of transparency in how tobacco firms interact with regulators.*



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- *I understand that you are required to respond to my request within the 20 working days after you receive this letter. I would be grateful if you could confirm in writing that you have received this request.*

For the above request:

The information requested cannot be provided under the Freedom of Information Act for the following reason:

- *Information received* is exempt from release under Section 30 - **Investigations** – this exempts information if it has at any time been held by the authority for the purposes of any investigation which the public authority has a duty to conduct.
- Discloser of information should not undermine the investigation, prosecution or prevention of crime, or the bringing of civil or criminal proceedings by public bodies. The investigation and prosecution of crime involve a number of essential requirements. These include the need to avoid prejudicing effective law enforcement, the need to maintain the independence of the judicial and prosecution processes, and the need to preserve the criminal court as the sole forum for determining guilt.

Please be aware that the MHRA and Trading Standards authorities have a duty to investigate alleged offences under Part 9 of the Tobacco and Related Products Regulations 2016 (as amended).

The Freedom of Information Act only entitles you access to information – the information supplied is subject to Crown copyright, and there are some restrictions on its re-use. For information on the reproduction or re-use of MHRA information, please visit <https://www.gov.uk/government/publications/reproduce-or-re-use-mhra-information/reproduce-or-re-use-mhra-information>.

If you disagree with how we have interpreted the Freedom of Information Act 2000 with regards to your request, you can ask for the decision to be reviewed. The review will be carried out by a senior member of the Agency who was not involved with the original decision.

If you have a query about the information provided, please reply to this email

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date you receive this response and addressed to: info@mhra.gov.uk

Please remember to quote the reference number above in any future communications.



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If you were to remain dissatisfied with the outcome of the internal review, you would have the right to apply directly to the Information Commissioner for a decision. Please bear in mind that the Information Commissioner will not normally review our handling of your request unless you have first contacted us to conduct an internal review. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

MHRA E-Cigarette Unit