

EXHIBIT 9

UNITED STATES INTERNATIONAL TRADE COMMISSION

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In the Matter of

Investigation No.

CERTAIN TOBACCO HEATING ARTICLES

337-TA-1199

AND COMPONENTS THEREOF

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OPEN SESSIONS

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1 O P E N S E S S I O N

2 BY MR. NAPLES:

3 Q. Now, Dr. Figlar, though, you believe that the
4 public is not currently easily getting accurate information
5 on risk, correct?

6 A. They -- correct. Again, I don't believe that
7 public health authorities have made it very clear about the
8 vast difference between smokeless products and smoking
9 cigarettes.

10 So for a large amount of people, a significant
11 portion of people don't understand the differential of risk
12 between cigarette smoking and the use of smokeless tobacco
13 products.

14 Q. Okay. And the Camel Snus MRTPA, that has been
15 pending since 2017, correct?

16 A. 2017 is accurate. That's when we filed our
17 MRTPA.

18 Q. And that has not been granted, correct?

19 A. Not at this point in time.

20 Q. All right. Let's talk briefly about the Eclipse
21 product you mentioned during your direct examination.

22 Now, Reynolds calls the Eclipse a heat-not-burn
23 product, correct?

24 A. It is a heat-not-burn product, yes.

25 Q. Okay. And in the 20 years, over 20 years that

1 Eclipse has been on the market, it is actually never been a
2 big seller for Reynolds, right?

3 A. It has not been a large seller sadly, but, you
4 know, we continue to market and sell the product.

5 Q. Right. In fact, the sales of Eclipse,
6 Dr. Figlar, those have been pretty steadily declining since
7 2004, right?

8 A. That may be accurate. I have to look back at
9 the numbers again but, yeah, it's not -- it has declined
10 over the years.

11 Q. Okay. And Eclipse also has some pretty
12 well-known problems with consumers, doesn't it?

13 A. In what way? I am not sure I understand what
14 you mean by that.

15 Q. Well, it's not easy to light, right?

16 A. Oh, you know, most of these, almost all these
17 heat-not-burn products come with baggage associated, and my
18 costs as well, but, yeah, Eclipse has functional issues as
19 well, that's correct.

20 Q. Right. And one of those functional issues is it
21 is not easy to light, right?

22 A. It's -- it -- I mean, it's hard to say. I mean,
23 you have got to puff at it pretty hard to get the -- the
24 carbon heat strokes lit but, once it's lit, it's fine.
25 But, yeah, it's a little harder than, say, lighting a

1 regular cigarette. You have to kind of puff the first few
2 times like a cigar and then, once it gets going, it's good.

3 Q. Another problem with it from the consumer's
4 perspective is it doesn't really burn down like a
5 combustible cigarette does, correct?

6 A. Well, that is correct. No heat-not-burn product
7 burns down at all because they don't burn, period.

8 Q. But that's a problem with the Eclipse, correct?

9 A. It's -- I mean, if it's a consumer issue, it's a
10 problem with all heat-not-burn products, Eclipse, Glo,
11 IQOS, et cetera.

12 Q. Taste, people have also complained about the
13 taste of the Eclipse as well, right?

14 A. To some degree, yes, it doesn't taste like a
15 normal combustible cigarette. But it is certainly a lot
16 closer than, say, an e-cigarette is to a combustible, than
17 an e-cigarette.

18 Q. Okay. So it's fair to say, Dr. Figlar, in the
19 past 24 years that Eclipse really hasn't been much of a
20 home-run for Reynolds; is that right?

21 A. Sadly, it has not performed as well as we had
22 hoped it would.

23 Q. Okay. Now, Reynolds actually submitted an MRTPA
24 for Eclipse, right?

25 A. Years ago we did just enough to -- the Tobacco

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