

Call for evidence on youth vaping: NNA Response

Thank you for allowing the opportunity to submit to the call for evidence on how to prevent youth vaping.

We are the New Nicotine Alliance (NNA), a consumer association and educational charity which represents consumers of low-risk alternatives to cigarettes such as vaping products, nicotine pouches, smokeless and heated tobacco products. As consumers, we have a direct interest in the regulation of these products and the personal and public health consequences of policy choices made by governments. We are not affiliated with or supported by the tobacco or e-cigarette industries. Our comments draw on academic research and our own experience of the benefits of novel nicotine delivery products for smokers who cannot or have no urge to quit smoking by other means.

As a very small organization with meagre resources, we are submitting our responses to the survey questions in one document to save administration costs. Please see below for comments on the relevant sections.

1) Building regulatory compliance: ensuring only adult smokers can access legally compliant vape products.

We believe that the UK has robust regulations in place for ensuring vaping products are not sold to adolescents. We note that the government is moving to make giving free samples to minors a criminal offence, which had been initially overlooked. We also note that a new taskforce is being formed to more comprehensively enforce regulations designed to prevent under 18s from accessing vapes and to tackle the illicit trade. We believe these are all good initiatives and would agree with raising the level of fines for retailers illegally selling age-restricted products to adolescents, just as with other adult consumer products such as tobacco and alcohol.

We would add, however, this is not an entirely black and white issue. There are circumstances where vaping may be positive if an adolescent is already smoking. Adolescent underage smokers are disproportionately from disadvantaged backgrounds (for example, users of Child and Adolescent Mental Health Services, Looked After Children and those in the youth criminal justice system). Smoke-free products should be available as a harm-reduction alternative to cigarettes at any age with the permission of a parent, guardian, or carer, just as is the case with NRT. In Leicester City, a scheme to help young people in care to stop smoking saw vaping as the only successful method of getting young clients to stop smoking.

2) The appeal of vape products: how the appearance and product characteristics of vapes may attract children.

The product characteristics of vapes are attractive to youth in the same way that they are attractive to adults. Much is made of the range of flavours but it is important to recognize that fruit, dessert and candy flavours are the most popular category among adult vapers, with half of all vapers choosing them¹.

3) Marketing and promotion of vape products: how the marketing and promotion of vapes may attract children.

The Advertising Standards Authority has refuted the allegation that marketing is aimed at children. It states that:

“While we recognise the legitimate concerns about the uptake of vaping by young people, the current evidence which we keep under review does not suggest that marketing is the driver of underage e-cigarette use.

“While we are alive to the potential appeal of vibrantly coloured and flavoured vaping products, we have not seen evidence that firms are targeting young people through advertising.

‘The wider issues here appear to be around point of sale (children being illegally sold these products) and their general promotion through non-advertising (organic) posts on social media.’²

It is clear that the regulated market is not advertising to children. Insofar as any marketing may be directed at children, it would be within the illicit trade. Placing restrictions on packaging or flavours, or by way of taxation, can only add appeal and profitability to the illegal trade which does not respect age-related regulations.

It is also illogical that the regulated trade would wish to market to children. The Office for National Statistics estimates there to be 6.6 million smokers in the UK³, and Action on Smoking and Health (ASH) estimate approximately 2.5 million regular vapers no longer smoke⁴. In total, that is over 9 million adults, with far greater disposable income than under 18s, for the legal vaping industry to market to. In the case of people who currently smoke, the market consists of consumers who are used to paying an average of £14.40 per pack of 20 cigarettes⁵.

The latest survey from ASH estimates that only 2.3% of 11–17-year-olds who vape regularly were not former smokers.⁶ This equates to 126,500 adolescents, all of whom have far less disposable income than adults, of the total adolescent population of 5.5 million⁷. It is a conspiracy theory that just because there are a variety of flavoured e-liquids available, it is proof of marketing to children. Adults enjoy flavours as the existence of a dessert menu at every restaurant proves. For those who vape to replace their former smoking habit, flavours are vital to distance themselves from their former combustible tobacco habit.

It does not make business or financial sense to pursue a tiny market when there are millions more potentially lucrative customers among the adult population. Any CEO advocating such a business model would not last very long on the company’s board of directors.

4) The role of social media: the impact of social media on the uptake and use of vaping by children.

We are aware that there are irresponsible messages about vaping on social media platforms such as Tik Tok, although mostly user generated. Current restrictions on marketing and underage sales of vaping products should be reviewed to ensure social media is appropriately regulated and that regulated or illicit sellers are not able to circumvent the rules.

5) Effective educational approaches to prevent child use of vapes: What evidence is there (either directly or by inference from other topic areas) of effective interventions in educational settings that could reduce vaping among children?

A broad set of youth vaping materials has been produced by ASH and Smokefree Sheffield. They consist of good, down-to-earth messaging with care for unintended consequences⁸. These should be widely circulated to meet the needs of teachers and parents.

6) The environment

The issue of environmental damage of vapes has been overblown⁹. However, non-recycling of vaping products is a concern to be addressed.

It is important that this is recognised as a problem which can be fixed by improvements in regulations on vape businesses, an increase in public education, and more effective recycling schemes, rather than kneejerk bans on devices which offer significant public health opportunities.

We understand that a review of the Waste Electrical and Electronic Equipment (WEEE) regulations is already underway by the Department for the Environment, Food and Rural Affairs (DEFRA)¹⁰. A nationwide recycling scheme has also been announced by major waste company, Veolia, in partnership with an independent vape retailer¹¹.

Banning or restricting products which are proven to help people quit smoking should be avoided when there are far better solutions to minimise the environmental effect of vaping products.

7) Understanding the vape market. We would welcome evidence on whether there are price-related factors that make vapes appealing to children. It would also be useful to understand the different types of vapes and how prices differ between these products.

There is a widely misunderstood belief that single use vaping products contain the same nicotine as multiple packets of cigarettes. This is fake news, as described by ASH¹²:

*“Disposable vapes **DO NOT** contain as much or more nicotine as a packet of 20 cigarettes. Comparing like with like, a UK standard 2 ml disposable vape contains 40 mg of nicotine, an average pack of 20 cigarettes contains 250 mg of nicotine¹¹ which is more than six times as much. Both for smoking and vaping a small proportion of the nicotine content is absorbed by the user and depends largely on how a cigarette or vape is used rather than what it contains. A packet of cigarettes takes between 160 and 320 puffs to smoke.¹² Popular disposable vapes such as Elf Bar and Geek Bar are said to contain around 600 puffs, but puffs on vapes **ARE NOT** equivalent to puffs on cigarettes.”*

It is also disingenuous to claim that nicotine in vapes, at whatever level, is comparable to the emissions of combustible cigarettes. To compare the two can only deter smokers from switching to far safer products for their health. To allay concerns, the government should seek to educate parents, teachers, and policymakers that “people smoke for the nicotine, but they die from the tar”¹³

As far as the price of vapes being attractive to children, there have been suggestions that taxation should be applied to deter purchase. Vaping is a direct economic substitute for smoking, which is orders of magnitude less harmful than combustible cigarettes. It must be understood that restrictions on reduced risk tobacco and nicotine products obstruct adult smokers’ access to alternatives which can help them quit. This effectively protects the combustible cigarette trade against competition from far safer nicotine delivery methods. This is counterproductive to public health and is contrary to the aim of tobacco control to counter the harms of tobacco smoke. As substitutes to smoking, burdens placed on reduced risk products inevitably favour sales of traditional cigarettes.

If the goal is to make disposables less affordable to adolescents, raising the arbitrary EU-imposed tank size in single use vapes from 2ml to 10ml would make them more expensive than refillables. This would mirror the ban on sales of ten packs of cigarettes which was supported by public health groups to set costs of smoking beyond the budget of minors. Since the UK has now left the European Union, it could dispense with the restrictions on tank sizes contained in the Tobacco Products

Directive. This would also reduce the level of environmental waste of single use vapes by a factor of five.

8) Further evidence on vaping - Is there any further evidence on themes not included above that the government should consider when developing policies around children and vapes?

We would like to comment on what the government should *not do* as a result of this call for evidence.

There have been suggestions that taxation should be applied to vaping products. Smoke-free products function as *economic substitutes* for cigarettes. If their cost increases relative to smoking, the demand for cigarettes will increase. Evidence for substitution comes from analyses of the effects of measures to control e-cigarette use. Empirical and market data also support this.^{14 15 16}

Pesko and colleagues (2020) examined adult tobacco use and price data and concluded¹⁷ that “*a proposed national e-cigarette tax of \$1.65 per millilitre of vaping liquid would raise the proportion of adults who smoke cigarettes daily by approximately one percentage point, translating to 2.5 million extra adult daily smokers compared to the counterfactual of not having the tax.*”

Flavours are integral to the appeal of low-risk alternatives to cigarettes. Many consumers emphasise their exit from smoking is maintained by preferring non-tobacco flavours in smoke-free products. Restrictions on flavours can be damaging. Research studying flavours in e-cigarettes and their impact on smoking found that “*adults who began vaping nontobacco-flavored e-cigarettes were more likely to quit smoking than those who vaped tobacco flavors.*”¹⁸ Furthermore, bans on flavours have been shown to increase smoking rates in jurisdictions where they have been enacted.¹⁹

There have been suggestions that vaping products should be hidden from view like cigarettes. This would equate vaping with smoking in the minds of many people. The Office for Health Improvement and Disparities (formerly Public Health England) has recommended that there should be a clear distinction between smoking and vaping²⁰. To ignore this would be disastrous for encouraging switching among adults who smoke.

Much of the political and public health concern surrounding alternatives to smoking is driven by fear of youth uptake of vaping. Policymakers need to place these concerns in context and avoid interventions that will significantly *increase* risks – notably adult smokers and current or potential adolescent smokers. The effect of adults who switch from smoking to vaping is to reduce the role-modelling impact of parents, siblings, or other significant adults in young people’s lives. British research shows that: “*parental and sibling smoking is a strong and significant determinant of the risk of smoking uptake by children and young people and, as such, is a major and entirely avoidable health risk.*”²¹

It is clear that single use vape devices are popular among young people. But it seems to have been forgotten that 25 years ago the same demographic would have been initiating their nicotine use from smoking instead of vaping.

Banning single use vaping products would be a significant over-reaction to the exaggerated perception of harms to youth. To put it in perspective, 6% of children drink alcohol weekly²², 6% of kids take drugs monthly²³ and 2% of 11–15-year-olds and 5% of 15-year-olds were regular smokers²⁴, according to ASH in 2019. According to NHS data, the proportion of 11–15-year-olds who smoke regularly has now fallen to 1% and the proportion who smoke at all has dropped from 5% to 3% since 2018²⁵.

We are seeing a generational shift of nicotine use from burning tobacco to using a far safer delivery device and if, as they will, adolescents are to experiment with anything, is it not far better that it be vaping than combustible cigarettes?

It has been suggested that vaping in adolescents can inflict potentially harmful effects on the adolescent brain. However, *there are no human data that show nicotine causes material harms to the adolescent brain*. The evidence that there exists is based on rat and mouse studies. The supposed problem is not visible in human populations of nicotine users and the animal studies are not convincing in isolation. High doses of nicotine can harm the adolescent brain in animal studies but there is no evidence of harm in humans. Even smoking has not been found to impair IQ, educational achievement, or cognitive abilities later in life, so it is very unlikely that vaping will²⁶.

When it comes to adult use, the more forward-looking stop smoking services regularly recommend smokers opt for a single use vape both as a cost-efficient entry-level product to help them quit, and for the purpose of trying out different flavours before opting for something more permanent. Banning the devices would close off this option for adult smokers seeking to quit. It would also affect older would-be quitters and those with disabilities, who say they find disposables easier to manage, without the added complication of filling a tank and changing coils.

It is vital to note that older people who smoke will suffer the consequences in the near future while young people will not for decades. Government's priority should be to encourage older smokers to quit. Current young smokers are highly likely to quit smoking well before they endure smoking-related health problems, which has always been the case for adolescent smokers. This is even more relevant now that young people have all but rejected smoking entirely.

Those who have already successfully quit using single use products would see their exit from smoking closed off and could relapse to combustible tobacco. Considering that smoking is predominantly prevalent amongst lower socio-economic groups, doubling the price of the products would have a similar effect; illicit tobacco would suddenly become attractive again from an economic point of view. It is fanciful that removing single use vaping products from the market will naturally lead to adult users buying refillable alternatives instead.

To sum up, the government should be very wary of overreaction to experimental and rare regular vaping among adolescents. The likely outcomes of restrictive policies would mean the black-market will continue to import and supply unregulated and potentially unsafe nicotine vaping products to adults and young people, but with increased competitive advantage over the regulated market. People who smoke will be deterred from switching to a far safer alternative and some former smokers who currently vape will return to smoking.

¹ Action on Smoking and Health: Use of e-cigarettes (vapes) among adults in Great Britain, August 2022.

<https://ash.org.uk/uploads/Use-of-e-cigarettes-vapes-among-adults-in-Great-Britain-2022.pdf?v=1661865959>

² ASA response to the Daily Mail, 3 April 2023: <https://www.dailymail.co.uk/health/article-11916207/Vapes-NOT-targeted-kids-advertising-watchdog-sensationally-claims.html>

³ ONS: Adult smoking habits in the UK: 2021, December 2022

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2021>

⁴ ASH: Use of e-cigarettes among adults in Great Britain, August 2022:

<https://ash.org.uk/resources/view/use-of-e-cigarettes-among-adults-in-great-britain-2021>

⁵ RPI: Ave price - Cigarettes 20 king size filter

<https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/czmp>

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- ⁶ Headline results ASH Smokefree GB adults and youth survey results 2023: <https://ash.org.uk/uploads/Headline-results-ASH-Smokefree-GB-adults-and-youth-survey-results-2023.pdf>
- ⁷ Statista: Population of the United Kingdom in 2021, by age, March 2023: <https://www.statista.com/statistics/281174/uk-population-by-age/>
- ⁸ ASH resources on youth vaping, February 2023 <https://ash.org.uk/resources/view/ash-brief-for-local-authorities-on-youth-vaping>
- ⁹ Adam Smith Institute, 12 February 2023 <https://www.adamsmith.org/blog/ash-is-just-gasping-at-trivia-here-over-single-use-vapes>
- ¹⁰ Vapes to feature in WEEE review, January 2023: <https://www.letsrecycle.com/news/vapes-to-feature-in-weee-review/>
- ¹¹ Veolia launches nationwide vape collection scheme, April 2023: <https://www.veolia.co.uk/press-releases/veolia-launches-nationwide-vape-collection-scheme>
- ¹² ASH brief for local authorities on youth vaping, August 2022: <https://ash.org.uk/uploads/ASH-brief-for-local-authorities-on-youth-vaping.pdf>
- ¹³ Russell M. Low-tar medium-nicotine cigarettes: a new approach to safer smoking. *BMJ*. 1976;1:1430–1433: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1640397/>
- ¹⁴ Corrigan, J. R., O’Connor, R. J., & Rousu, M. C. (2020). Which smokers adopt e-cigarettes and at what price? An experimental estimation of price elasticity of demand and factors correlated with e-cigarette adoption. *Addictive Behaviors*, 105, 106324. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7050403/>
- ¹⁵ Stoklosa, M., Drope, J., & Chaloupka, F. J. (2016). Prices and e-cigarette demand: Evidence from the European Union. *Nicotine and Tobacco Research*, 18(10), 1973–1980. <https://academic.oup.com/ntr/article-abstract/18/10/1973/2223112?redirectedFrom=fulltext>
- ¹⁶ Grace, R. C., Kivell, B. M., & Laugesen, M. (2015). Estimating cross-price elasticity of e-cigarettes using a simulated demand procedure. *Nicotine and Tobacco Research*, 17(5), 592–598. <https://academic.oup.com/ntr/article-abstract/17/5/592/1034045?redirectedFrom=fulltext>
- ¹⁷ Pesko MF, Courtemanche CJ, Maclean JC. The effects of traditional cigarette and e-cigarette tax rates on adult tobacco product use. *J Risk Uncertain*. 2020;60(3):229–58. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7880200/>
- ¹⁸ Abigail S. Friedman and SiQing Xu, “Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation,” *JAMA Network*, June 5, 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7275248/>.
- ¹⁹ A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California, Abigail S. Friedman, PhD <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>
- ²⁰ PHE: Use of e-cigarettes in public places and workplaces Advice to inform evidence-based policy making: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/768952/PHE-advice-on-use-of-e-cigarettes-in-public-places-and-workplaces.PDF
- ²¹ Leonardi-Bee, J., Jere, M. L., & Britton, J. (2011). Exposure to parental and sibling smoking and the risk of smoking uptake in childhood and adolescence: a systematic review and meta-analysis. *Thorax*, 66(10), 847–855. <https://thorax.bmj.com/content/66/10/847>
- ²² Smoking, Drinking and Drug Use among Young People in England, 2021, September 2022: <https://digital.nhs.uk/data-and-information/publications/statistical/smoking-drinking-and-drug-use-among-young-people-in-england/2021/part-1-smoking-prevalence-and-consumption>
- ²³ ibid
- ²⁴ ASH: Young people and smoking, August 2019: <https://ash.org.uk/resources/view/young-people-and-smoking>
- ²⁵ ibid
- ²⁶ Abrams DB, Glasser AM, Villanti AC, Pearson JL, Rose S, Niaura RS. Re: Disregarding the impact of nicotine on the developing brain when evaluating costs and benefits of noncombustible nicotine products. *Prev Med (Baltim)*. 2019 Mar 1;120:158–9. <https://www.sciencedirect.com/science/article/abs/pii/S0091743518304067>