

## **EU Call for evidence: NNA Response**

Thank you for allowing the opportunity to submit to the EU Commission call for evidence for evaluation of the legislative framework for tobacco control.

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.

### **The purpose of tobacco control**

The World Health Organisation's (WHO) Framework Convention on Tobacco Control (FCTC) defines tobacco control as "a range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke." Therefore, the singular focus of a legislative framework for tobacco control should be on the reduction of harmful combustible tobacco use.

Tobacco smoke contains thousands of harmful elements caused by combustion that are either not present in alternative nicotine delivery products or are present at levels unlikely to present a serious risk to health. Exposure to nicotine without smoke is unlikely to reach a level that will cause harm.

As such, we believe that the EU should embrace reduced risk tobacco and vaping products and incorporate them into a progressive tobacco and nicotine policy to fully derive the benefits of tobacco harm reduction across all member states. By doing so, the EU could divert many millions of smokers towards products which are orders of magnitude safer than combustible tobacco.

### **Tobacco Harm Reduction**

Tobacco harm reduction products, including smokeless tobacco, snus, e-cigarettes, and vaping devices, effectively deliver nicotine without the risks associated with burning tobacco. There is strong evidence for their efficacy as smoking cessation aids.

### **Vaping**

Vaping products have led to steep declines in smoking wherever they have been allowed to flourish.

In the UK, an unprecedented and dramatic decline in smoking rates followed vaping products going mainstream in 2012. Rates plummeted from just under 21 percent in 2011 to less than 15 percent in 2020.<sup>1</sup>

A May 2022 study researching "the impact of vaping introduction on cigarette smoking across settings with varied regulatory approaches to vaping" concluded that "In environments that enable substitution of cigarettes with e-cigarettes, e-cigarette introduction reduces overall cigarette consumption. Thus, to reduce cigarette smoking, policies that encourage adults to substitute cigarette smoking with vaping should be considered."<sup>2</sup>

A study published in the New England Journal of Medicine in 2019 concluded that vaping products were approximately twice as effective as nicotine replacement therapy<sup>3</sup>, while the Cochrane Review

also concluded in September 2021 that smokers are more likely to quit using an e-cigarette than traditional NRT methods.<sup>4</sup>

Furthermore, other research shows that in countries where liberal policies towards electronic cigarettes and vaping have been adopted, the decrease in smoking rates is twice as fast as the global average.<sup>5</sup>

## **Snus**

We believe that it would be beneficial to public health to lift the European Union ban on snus.

There is no reason to stop any smoker from choosing snus as an alternative to smoking. The snus ban has no basis in science, policy or ethics. *The Lancet's* Global Burden of Diseases, Injuries, and Risk Factors Study 2016 states that: "Based on available evidence, for chewing tobacco RRs were significantly higher than one for oral cancer and oesophageal cancer, while for snus or snuff we did not find sufficient evidence of a RR greater than one for any health outcome."<sup>6</sup>

The lowest smoking rate in Europe (7%) is in Sweden, where many nicotine users use snus. In Norway, daily smoking among young women (age 16-24) reached 1% in 2019 and remained at that level in 2021. This is already a real "smoke-free generation", and it has been achieved very quickly and by consent.

## **Heated tobacco**

Heated tobacco is probably the closest experience to smoking of all safer nicotine products and therefore has the potential to attract smokers for whom vaping has not worked. An assessment by The UK Committee on Toxicity in 2017 estimated that the products "showed a decrease in the harmful and potentially harmful compounds (HPHCs) to which the user would be exposed, compared to the HPHCs from a conventional cigarette ... there were some HPHCs where the reduction was approximately 50%, and the reduction in other HPHCs was greater than 90%."<sup>7</sup>

This year, The Cochrane Library published a review of high-level randomised controlled trials on heated tobacco and concluded that: "Heated tobacco probably exposes people to fewer toxins than cigarettes, but possibly more than not using any tobacco." They go on to say that they are *moderately* confident that the former is the case.<sup>8</sup>

In the United States, the Federal Drug Administration (FDA) has deemed one heated tobacco product as presenting reduced exposure to toxins and of benefit to the health of the population.<sup>9</sup> In Japan and South Korea, widespread use of heated tobacco products has caused dramatic declines in combustible cigarette sales and evidence is starting to emerge that this has led to a measurable reduction in hospitalisations from respiratory diseases associated with smoking.

## **Nicotine Pouches:**

Nicotine pouches are similar to snus in that the user derives nicotine through their gum from a pouch placed under the lip, but the contents are flavoured nicotine infused fillers like plant-based fibres instead of pasteurised tobacco. They are currently sold as consumer products in many countries and that should continue. However, light touch regulation could be applied to deter unscrupulous sellers and ensure that nicotine pouches do not fall into the hands of young people, while still allowing adult smokers access to these potentially beneficial products.

## **Restrictions protect the cigarette trade**

Restrictions on reduced risk tobacco and nicotine products obstruct 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.

The World Health Organization has recognized that vaping is an alternative to smoking, it states that "ENDS/ENNDS and cigarettes are substitutes – higher cigarette prices are associated with increased ENDS/ENNDS sales."<sup>10</sup> This is equally true of other non-combustible nicotine products such as snus, heated tobacco and nicotine pouches. As substitutes to smoking, burdens placed on reduced risk products inevitably favour sales of traditional cigarettes.

### **Taxation**

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.<sup>11 12</sup>

<sup>13</sup>

Pesko and colleagues (2020) examined adult tobacco use and price data and concluded<sup>14</sup> 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**

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."<sup>15</sup> Furthermore, bans on flavours have been shown to increase smoking rates in jurisdictions where they have been enacted.<sup>16</sup>

### **Health warnings**

The EU's Tobacco Products Directive (TPD) demands that health warnings are applied to vaping products. Because they look like the warnings applied to cigarettes, this plays into confusion about nicotine and contributes to smokers' unwillingness to switch. The warning covers 30% of the pack and is in bold black and white: it reads: "*This product contains nicotine which is a highly addictive substance.*"

In a survey for Action on Smoking and Health, the most common reason given by smokers for not trying e-cigarettes was "*I do not want to substitute one addiction for another*".<sup>17</sup> Researchers at London South Bank University found evidence that these warnings deter smokers from switching from smoking to vaping.<sup>18</sup>

### **Conclusion and policy recommendations**

Nicotine is the primary reason people smoke, but nicotine itself is not the cause of smoking-related disease. Low-risk alternatives all share a common characteristic – they do not involve combustion and there is no smoke to inhale. They do, however, provide nicotine and can satisfy smokers who would not otherwise wish to quit or would find it hard to quit. Though not harmless, they are *much less harmful* – with likely risk reductions of one to two orders of magnitude. When smokers completely switch from smoking to a low-risk product, they avoid nearly all the incremental health

risks of continued smoking. This allows for ‘harm reduction’, a well-established concept in public health policy, for example, in drugs, alcohol and HIV. This concept should be central to tobacco control policy throughout the EU.

We do not believe traditional tobacco control measures are effective without also recognising the potential benefits of harm reduction. We are concerned that consensus positions of tobacco control and medical organisations reflect the measures they find agreeable, not necessarily what will work to maximise the number of smokers who quit combustible tobacco or switch to safer forms of nicotine use.

In our view, the key strategy for reducing smoking prevalence across Europe, especially in individuals and communities where smoking is deeply entrenched, is switching from high-risk smoked products to low-risk smoke-free products. This is a more straightforward pathway to follow for many smokers because it does not demand the user gives up nicotine or many of the sensory or behavioural aspects of smoking. Yet switching is likely to reduce health risk by 95% or more.

We believe our approach, relying on the consent and informed choices of those affected, could lead to ambitious public health targets being achieved. A focus on combatting the effects of tobacco smoke rather than nicotine can result in an improvement in long-term health outlook and life expectancy across the EU, along with improvements in wellbeing and fitness and significant budget savings for current smoking households.

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<sup>1</sup> Smoking Toolkit Study (England): <https://smokinginengland.info/graphs/top-line-findings>

<sup>2</sup> Wu DC, Essue BM, Jha P, Impact of vaping introduction on cigarette smoking in six jurisdictions with varied regulatory approaches to vaping: an interrupted time series analysis, *BMJ Open* 2022 <https://bmjopen.bmj.com/content/12/5/e058324.info>

<sup>3</sup> A Randomized Trial of E-Cigarettes versus Nicotine-Replacement Therapy, Hajek et al, February 2019, <https://www.nejm.org/doi/10.1056/NEJMoa1808779>

<sup>4</sup> Hartmann-Boyce J, McRobbie H, Butler AR, Lindson N, Bullen C, Begh R, et al. Electronic cigarettes for smoking cessation. *Cochrane Database Syst Rev*, <https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD010216.pub6/full>

<sup>5</sup> Vaping Works. International Best Practices: United Kingdom, New Zealand, France and Canada. Property Rights Alliance, 2021. [https://www.propertyrightsalliance.org/wp-content/uploads/PRA\\_VapingWorks.pdf](https://www.propertyrightsalliance.org/wp-content/uploads/PRA_VapingWorks.pdf)

<sup>6</sup> Siddiqi, K., Husain, S., Vidyasagan, A. *et al.* (2020). Global burden of disease due to smokeless tobacco consumption in adults: An updated analysis of data from 127 countries. *BMC Medicine*, 18(1), 1–22. <https://bmcmedicine.biomedcentral.com/articles/10.1186/s12916-020-01677-9>

<sup>7</sup> COT: *Toxicological evaluation of novel heat-not-burn tobacco products*, December 2017: [https://cot.food.gov.uk/sites/default/files/heat\\_not\\_burn\\_tobacco\\_summary.pdf](https://cot.food.gov.uk/sites/default/files/heat_not_burn_tobacco_summary.pdf)

<sup>8</sup> Cochrane Library: *Heated tobacco products for smoking cessation and reducing smoking prevalence*, January 2022: <https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD013790.pub2/full>

<sup>9</sup> FDA Authorizes Marketing of IQOS Tobacco Heating System with ‘Reduced Exposure’ Information, July 2020: <https://www.fda.gov/news-events/press-announcements/fda-authorizes-marketing-iqos-tobacco-heating-system-reduced-exposure-information>

<sup>10</sup> WHO (2016). Electronic Nicotine Delivery Systems and Electronic Non-Nicotine Delivery Systems (ENDS/ENNDS). Conference of the Parties to the WHO FCTC Seventh session. FCTC/COP/7/11 November 2016.

<sup>11</sup> 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/>

<sup>12</sup> 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>

<sup>13</sup> 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>

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<sup>14</sup> 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/>

<sup>15</sup> 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/>.

<sup>16</sup> 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>

<sup>17</sup> Action on Smoking and Health / YouGov survey Use of e-cigarettes (vaporisers) among adults in Great Britain, September 2019 [\[link\]](#) See figure 5.

<sup>18</sup> Cox S, Frings D, Ahmed R, Dawkins L. Messages matter: The Tobacco Products Directive nicotine addiction health warning versus an alternative relative risk message on smokers’ willingness to use and purchase an electronic cigarette. *Addict Behav Reports.* 2018 Dec 1;8:136–9. [\[link\]](#)