



Thank you for the opportunity to comment on the Smokefree Environments and Regulated Products (Vaping) Amendment Bill.

This submission is made on behalf of New Nicotine Alliance UK (NNA). NNA is a charity run primarily by consumers who wish to educate policy-makers and the general public about risk-reduced products. NNA is completely independent of funding from any industry.

NNA closely tracks the approach to tobacco harm reduction set by Public Health England, Action on Smoking and Health, Cancer Research UK, the Royal College of Physicians, the Royal College of Psychiatrists and many others, and we are assured that not only are smoking rates falling faster than ever due to the forward-looking perspective of these influential bodies but that also, in the UK, there is no evidence of the uptake of vaping by young people or adults who have never smoked.

We consider that New Zealand has been a world leader in its approach to regulating safer nicotine products, and has led the way in terms of tobacco harm reduction. This Bill is an opportunity to create ground-breaking risk proportionate regulation for safer nicotine products.

Our comments on the Bill are grouped into these thematic categories:

1. Youth uptake in New Zealand and UK
2. Prohibition of snus
3. Availability of flavours
4. Packaging, labelling and health warnings
5. Prohibition of vaping in legislated smoke free areas
6. Advertising

1. Youth uptake in New Zealand and UK

The Bill aims to “strike a balance between making sure vaping products are available for smokers who want to use them as a harm reduction tool and ensuring these nicotine products aren't marketed or sold to children and young people.”¹

We would like to note here that neither of our countries, New Zealand and the UK, has witnessed an uptake in vaping by youth who do not already smoke. The findings on the *Dual Use of Electronic Cigarettes and Tobacco in New Zealand from a Nationally Representative Sample, 2019*² showed that almost all vapers in New Zealand, including youth, are current smokers or ex-smokers. The latest Public Health England update for their annual evidence review³ found that among young people under 18, less than 1% of those who have never smoked are current vapers (defined as weekly or less than weekly use).

This is despite vaping being relatively prevalent in both our populations: 2.6% of New Zealand adults vape daily and 18.5% have tried an electronic cigarette at least once.⁴ The most recent factsheet from Action on Smoking and Health (ASH) on the use of e-cigarettes among adults found that an estimated 7.1% of the adult population, amounting to 3.6 million people in Great Britain, currently use e-cigarettes (vape). In 2019 the number of adult smokers who had never tried e-cigarettes was 34.1%, according to the same ASH survey.⁵

Data from the 2019 ASH YouGov Smokefree youth GB survey suggest that while some young people, particularly those who have tried smoking, experiment with e-cigarettes, regular use remains low. ASH note that continued surveillance is needed, but there is no evidence of any youth epidemic of vaping⁶.

2. Prohibition of snus

New part 3: This Part also retains the existing prohibitions on the import for sale, distribution, etc, of tobacco products suitable for chewing or any other oral use (eg, snus)

New Zealand is in the enviable position of having the opportunity to create risk proportionate legislation for safer alternatives to smoking, so it is disappointing that snus will not be covered by the bill. The disease burden from tobacco is almost entirely due to smoking. People smoke for the nicotine in cigarettes but die from the tar and toxic gases inhaled from burning tobacco. So, the

¹Smokefree Environments and Regulated Products (Vaping) Amendment Bill

<https://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/vaping-and-smokeless-tobacco>

² Dual use of electronic cigarettes and tobacco in New Zealand from a nationally representative sample
<https://onlinelibrary.wiley.com/doi/full/10.1111/1753-6405.12871>

³ Vaping in England: evidence update March 2020, Public Health England,

<https://www.gov.uk/government/publications/vaping-in-england-evidence-update-march-2020>

⁴New Zealand Health Survey <https://www.health.govt.nz/nz-health-statistics/national-collections-and-surveys/surveys/new-zealand-health-survey?mega=Health%20statistics&title=NZ%20Health%20Survey>

⁵ Use of e-cigarettes (vaporisers) among adults in Great Britain, ASH, September 2019

<https://ash.org.uk/wp-content/uploads/2019/09/Use-of-e-cigarettes-among-adults-2019.pdf>

⁶ Use of e-cigarettes among young people in Great Britain, ASH, June 2019

<https://ash.org.uk/wp-content/uploads/2019/06/ASH-Factsheet-Youth-E-cigarette-Use-2019.pdf>

key point is not whether a product contains tobacco but whether there is combustion involved. Snus is a smokeless tobacco product which is widely used in some parts of Scandinavia. In Sweden, where snus use has been displacing smoking, adult daily smoking prevalence has already fallen to five percent – compared to a European Union average of 24 percent⁷ It is estimated (Rodu, 2017) that if all EU countries had the Lung Cancer Mortality Rate of men in Sweden, there would have been 92,000 (54%) fewer deaths⁸.

Professor John Britton, Professor of Epidemiology; Director, UK Centre for Tobacco & Alcohol Studies, Faculty of Medicine & Health Sciences, wrote in 2016 that doctors should suggest snus to people who are unable to give up cigarettes:

‘The tragedy is that nicotine addiction itself is not especially hazardous. Nicotine is not harmless, but in practice accounts for little if any of the morbidity and mortality caused by smoking. It is the hundreds of other toxins in tobacco smoke, not nicotine, that make smoking so deadly. So, if smokers who are unable, unwilling, or simply unlikely to quit were to switch from cigarettes to other, less hazardous sources of nicotine, millions of lives could be saved.’⁹

Ann McNeill, PhD; Professor of Tobacco Addiction, Institute of Psychiatry, Psychology & Neuroscience (IoPPN), King's College London; & Vice Dean (Culture, Diversity & Inclusion), IoPPN; London, UK stated in her keynote speech at the 2020 Society for Research on Nicotine and Tobacco that she had changed her mind on snus, adding:

“There's a very strong message in that, that you can have an alternative nicotine or tobacco product and it can have a benefit to public health. If you look at things that you might think are more specific to snus use, so oral cancer, pancreatic cancer they are also at the lower end of the disease burden spectrum.”¹⁰

3. Availability of flavours

We welcome the recognition that flavours play an important role in helping smokers quit. The availability of different flavours is the most attractive characteristic of e-cigarettes, according to a 2019 paper published in Environmental Health¹¹. Public Health England's 2020 Evidence Update¹² found that fruit flavours are the most popular flavours for adult vapers, that banning flavoured e liquids would deter adults from vaping and might push them towards unregulated and illicit products.

⁷ Special Eurobarometer 458, Attitudes of Europeans towards tobacco and electronic cigarettes, March 2017 <https://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKey/2146>

⁸ Lung cancer mortality: comparing Sweden with other countries in the European Union. Rodu B¹, Cole P. <https://www.ncbi.nlm.nih.gov/pubmed/19535408>

⁹ Should doctors advocate snus and other nicotine replacements? Yes, John Britton, BMJ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2244727/>

¹⁰ SRNT 2020: Public Health Keynote Plenary and Recipient of the 2020 Doll-Wynder Award, Ann McNeill from 22 minutes in <https://www.youtube.com/watch?v=OBGxuPf6Cq0&feature=youtu.be>

¹¹ E-Liquid Flavor Preferences and Individual Factors Related to Vaping: A Survey among Dutch Never-Users, Smokers, Dual Users, and Exclusive Vapers <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6926905/>

¹² Vaping in England: evidence update March 2020, Public Health England https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/869401/Vaping_in_England_evidence_update_March_2020.pdf

From a consumer perspective we are concerned that under the Bill only the specialist bricks and mortar stores will be permitted to stock a range of flavours, and that many smokers may not live near enough to these stores to access them. It is in our view crucial that online vendors can offer a product range comparable to the specialist retail shops, so long as robust age verification systems are in place. The UK allows online purchasing of all regulated vaping products and, as we noted earlier, has not seen a significant uptake in youth vaping. Even if the more exotic flavours available in specialist stores cannot be permitted we would make a plea for the inclusion of simple fruit and dessert flavours. Clinical evidence from the England National Centre for Smoking Cessation and Training (NCSCT, 2016) demonstrates that fruit flavours are popular with those ex-smokers who want to avoid the taste of tobacco.¹³

4. Packaging, labelling and health warnings

In 2020, Kimber et al published this study: Communicating the Relative Health Risks of E-Cigarettes: An online experimental study exploring the Effects of a Comparative Health Message versus the EU Nicotine Addiction Warnings on Smokers' and Non-Smokers' Risk Perceptions and Behavioural Intentions.¹⁴ They found that using the health message on packaging '*Use of this product is much less harmful than smoking*' was more effective in reducing harm perceptions and increasing use intentions in smokers. The comparative message did not increase use intentions in non-smokers, suggesting that such exposures may potentially act as an effective harm reduction tool without resulting in increased uptake among non-smokers.

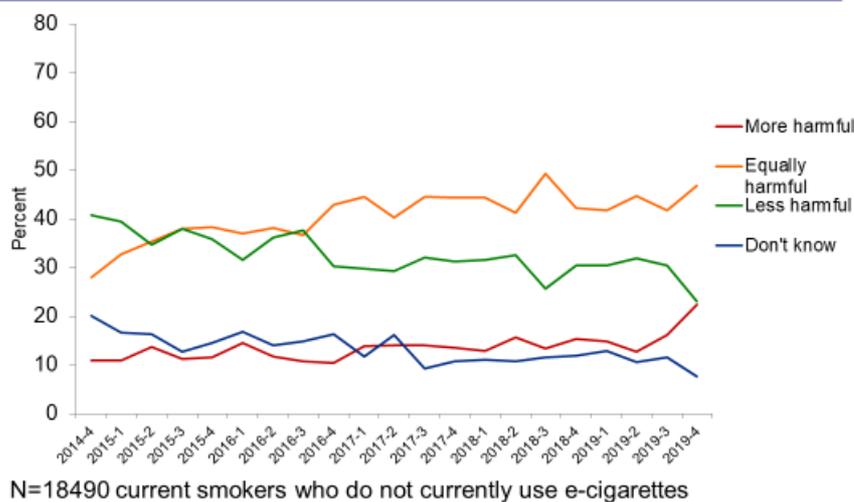
We would urge New Zealand legislators to differentiate between far less harmful vaping and the very deadly nature of smoking combustible tobacco, to increase transition from smoking to vaping. This is particularly important when the general public remain confused about relative harms. The Smoking Toolkit Study shows that numbers of people in the UK who think smoking and vaping are equally harmful is increasing (see Harm Perceptions graph below). This will mean that the public health benefits of switching to vaping will take far longer to be achieved.¹⁵

¹³ Electronic cigarettes: A briefing for stop smoking services, National Centre for Smoking Cessation and Training (NCSCT) https://www.ncsct.co.uk/publication_electronic_cigarette_briefing.php

¹⁴ Communicating the Relative Health Risks of E-Cigarettes: An online experimental study exploring the Effects of a Comparative Health Message versus the EU Nicotine Addiction Warnings on Smokers' and Non-Smokers' Risk Perceptions and Behavioural Intentions., Kimber, C., Frings, D., Cox, S., Albery, I. and Dawkins, L. (2020). London South Bank University <https://openresearch.lsbu.ac.uk/item/883wx>

¹⁵ Smoking in England, latest statistics
<http://www.smokinginengland.info/latest-statistics/>

Harm perceptions of e-cigarettes compared with cigarettes



www.smokinginengland.info/latest-statistics

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5. Prohibition of vaping in legislated smoke free areas

The bill prohibits vaping inside (with some exceptions) and prohibits vaping in legislated smoke free areas. We feel that this is unnecessarily restrictive and that it is inconsistent with the Bill's aim of taking "a balanced approach to the regulation of vaping and smokeless tobacco products".¹⁶

Vaping is not smoking and for smoking to become less of a social norm, vaping must be positioned as different to smoking. Public Health England's *Use of e-cigarettes in public places and workplaces*¹⁷ states:

"To the extent that they cut the number of smoking role models, reduce public smoking and provide a role model for the rejection of smoking, e-cigarettes can help to denormalise smoking. Therefore policies should make clear the distinction between vaping and smoking."

The evidence suggests that the risk to bystanders from second hand vapour is negligible: PHE's 2018 evidence review found that "to date, there have been no identified health risks of passive vaping to bystanders".

One assessment of the published data on emissions from cigarettes and e-cigarettes calculated the lifetime cancer risks. It concluded that the cancer potencies of e-cigarettes were largely under

¹⁶ Smokefree Environments and Regulated Products (Vaping) Amendment Bill
<http://legislation.govt.nz/bill/government/2020/0222/latest/whole.html>

¹⁷ Use of e-cigarettes in public places and workplaces, Advice to inform evidence-based policy Making, Public Health England
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

0.5% of the risk of smoking.¹⁸

Permitting considerate vaping in open spaces or even in workplaces where manual workers are employed (people who traditionally are more likely to smoke) confers benefit as it makes vaping a more valuable proposition than continuing to smoke.

7. Advertising

The Bill will ban all advertising of e-cigarettes. However, it is essential for smokers to know that there are alternative products to cigarettes; this allows them to make informed decisions about their health and encourages them to move to a far less harmful activity. In our view advertising should be controlled but not banned.

In August 2018, the UK Parliament Science and Technology Committee published a report recommending that advertising restrictions on e-cigarettes should be reviewed to better reflect the evidence of the relative harms of e-cigarettes compared to regular cigarettes. The Committee also recommended that the prohibition on e-cigarette manufacturers “*making claims for the relative health benefits of stopping smoking and using e-cigarettes*” should be reviewed to better inform smokers about the health benefits of switching to e-cigarettes.¹⁹

A statement by the Advertising Standards Authority and the Committee of Advertising Practice confirms that advertisements for e-cigarettes are now allowed in permitted media in the UK as long as they are socially responsible, don't target or feature children, or include content which is likely to appeal particularly to children, don't confuse e-cigarettes with tobacco products, don't make medicinal claims and that they take care with health claims and don't mislead about product ingredients or where they may be used.²⁰

Conclusion

The NNA is grateful for the opportunity to comment on these proposals; our sole interest is to bring to the attention of the New Zealand Parliament that the unintended consequences of over-strict legislation are that making vaping less accessible, less diverse and less appealing actually protects the dominant cigarette trade and discourages smoking cessation.

¹⁸ Evidence review of e-cigarettes and heated tobacco products 2018, A report commissioned by Public Health England

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684963/Evidence_review_of_e-cigarettes_and_heated_tobacco_products_2018.pdf

¹⁹ Science and Technology Committee (Commons) report: e-cigarettes

https://publications.parliament.uk/pa/cm201719/cmselect/cmsctech/505/50507.htm#_idTextAnchor041

²⁰ Electronic cigarettes: General, Advice online

<https://www.asa.org.uk/advice-online/electronic-cigarettes.html>

