

June 7 2022

**Juul Labs Submission to the Public Bill Committee:  
Addressing harmful online content relating to age-restricted products via the Online Safety Bill**

The Government's Online Safety Bill will create a regulatory framework designed to ensure British children can use the internet safely. In addition to tackling harms such as cyber-bullying, material promoting self-harm and pornography, we believe the Bill must also ensure that children are protected from inappropriate content related to age-restricted products online – including e-cigarettes where our experience suggests a specific and growing problem.

At Juul Labs our mission is to transition the world's adult smokers away from combustible cigarettes, eliminate their use, and combat underage usage of our products. We are committed to working with governments, regulators, and other stakeholders to create a responsibly regulated and adequately safeguarded vapour category based on data and evidence.

The Department for Health and Social Care has taken an approach that recognises the significant harm reduction potential in encouraging smokers to switch to potentially less harmful alternatives like e-cigarettes. Those who are underage should never use e-cigarettes. It is already illegal to sell or advertise e-cigarettes to those underage, but we are concerned that young people are still exposed to potentially appealing content about vaping online, especially on social media platforms. We believe the efforts to combat underage use is being jeopardised by a lack of focus on exposure to e-cigarette content online.

We are pleased to submit our reflections on this important issue to the Public Bill Committee as you continue to consider the Online Safety Bill.

## **The online problem**

To deliver against the UK Government's long-term public health goals, we believe the regulatory and policy landscape for vaping needs to evolve towards a more responsible framework. We believe it is important that social media companies take much more stringent action to ensure that those who are underage are properly protected from inappropriate content related to e-cigarettes.

In the UK, e-cigarette use by those underage is currently low<sup>1</sup>, but we want to ensure that numbers remain low. We are concerned about:

- media [reports](#) of youth interest on social media
- irresponsible [marketing practices](#)
- [concerns from Trading Standards](#) about youth access to e-cigarettes.

It is within this context that we are concerned that under 18s are able to:

- (a) view and create vaping-related user generated content online which may increase appeal and interest in the products. Research published last year found that close to two-thirds of TikTok

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<sup>1</sup> ASH, [Use of e-cigarettes among young people in Great Britain](#), June 2021

videos with the most popular vaping-related hashtags portrayed e-cigarette use positively, and the final sample of 808 videos had been collectively viewed over 1.5 billion times<sup>2,3</sup>. There have also been reports of youth interest on social media fuelling interest in potentially harmful and illicit vaping products<sup>4</sup>.

(b) and use platforms as a route to access illicitly sold products that should be strictly age controlled under UK law. A recent article in The Telegraph also shows that UK-based TikTok accounts are being used to produce user generated content which illegally advertises disposable nicotine vapes to minors, that are then sold selling via linked Instagram and Snapchat accounts and delivered across the country<sup>5</sup>.

Given the focus on the protection of children from potentially harmful user generated content in the Online Safety Bill, we would like to see action on these issues.

## Our response

At Juul Labs, we want to play our part to protect children online. We have strict internal guidelines to ensure our products are targeted at adult smokers only. We do not promote our products on any social media platforms, and we actively work with platforms to remove third-party product listings and user generated content that we identify as containing JUUL products or products purported to be "JUUL".

But we believe more needs to be done to ensure the current online regulatory landscape is fit to address this risk across the whole market in the UK with a regulatory solution. We believe that clarifications to the Online Safety Bill is the best way to achieve this.

## Role of the Online Safety Bill

We welcome the Government and Parliament's focus on the protection of children, and we understand the Bill includes provisions that aim to protect children from accessing potentially harmful age-restricted content, such as pornography.

But it is currently unclear the extent to which the Bill will reduce the risk of children encountering inappropriate content related to age-restricted *products*, including e-cigarettes, and using social media as a gateway to sites where they can buy these products without strong age verification.

We look at different aspects of the Bill and consider how these risks might be mitigated below – and where potentially the legislation could be further clarified to ensure that British children are kept as safe as possible.

1. **Children's risk assessments and duties.** We would hope that, by default, issues around age-restricted products of the sort we have outlined should be picked up in children's risk assessments on platforms that are likely to be used by children, and that the corresponding child safety duties to address these risks would also apply to these platforms. We would also hope that the Code of Practice issued by Ofcom in relation to the protection of children would specifically identify age-restricted products including e-cigarettes as a risk factor to be mitigated and set out both the expectations on platforms in this area and the tools that should be used to reduce exposure.

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<sup>2</sup> British Medical Journal Tobacco Control, [Vaping on TikTok: a systematic thematic analysis](#), 26 July 2021

<sup>3</sup> See an image illustrating the sorts of issues commonly seen in the annex

<sup>4</sup> The Daily Mail, [The vapes as strong as 125 cigarettes: Health fears over new craze among young people for super-strength nicotine devices](#), 6 September 2021

<sup>5</sup> The Telegraph, [Experts warn of 'nicotine time-bomb' as children turn to TikTok to illegally buy vapes](#), 5 February 2022

However, we are concerned that from the available policy documents, there is not a clear statement of intent from the Government that this should be the case. We would encourage the Public Bill Committee members to ask Ministers to provide this during the passage of the Bill so that platforms are in no doubt that this is an issue that needs to be tackled.

2. **Priority content that is harmful to children.** We also think that there is a case for the designation of problematic content that is designed to encourage use or support sales of age-restricted products as “priority content that is harmful to children”, when the Secretary of State lays regulations in this area. For the Secretary of State to do this there has to be “a material risk of harm to an appreciable number of children”. Given that the Tobacco and Related Products Regulations strictly prohibit the advertising of e-cigarettes to children and make the sale of such products to children a criminal offence, we think this threshold is met.

The advantage of this approach is that it would ensure greater obligations on platforms to tackle the issue and allow Ofcom greater scope to intervene to ensure that children are properly protected.

We believe that such an approach would be consistent with the Government’s public health stance on e-cigarettes and robust focus on underage use prevention. We do not think there should be a complete prohibition of all online content relating to e-cigarettes – in particular educational or public health content on relative harm of e-cigarettes compared to tobacco can play an important role in giving adult smokers accurate information whilst tackling harm misperceptions – but believe that such legitimate content would be protected by the Bill even with the changes we are suggesting.

We would welcome the opportunity to discuss these issues further with the Committee, if members would find this helpful, at an appropriate time.

## Annex: Illustrative examples of how social media platforms depict vaping

For You  
 Following

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Log in to follow creators, like videos, and view comments.

Log in

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Discover

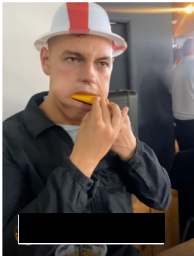
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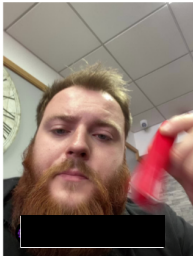
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### #geekbar

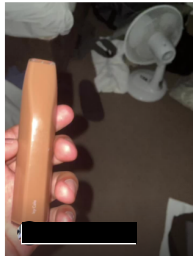
65.6M views



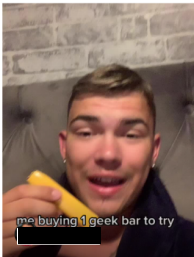
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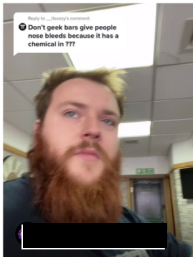
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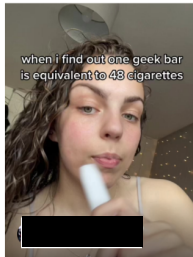
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