

Evidence for Committee Stage of the Tobacco and Vapes Bill

The Children's Commissioner wholeheartedly welcomes the Tobacco and Vapes Bill, which has the potential to prevent generations of children from ever becoming addicted to smoking and vaping. These are urgently needed legislative changes that the Commissioner called for in both the *Youth Vaping* call for evidence, and consultation on the bill.¹

For decades we have been aware of the dangers of smoking, and the pressure it puts on our health services. This legislation has the potential to dramatically decrease smoking prevalence and rates of smoking-related illness and disease.

It also has the potential to reduce the number of children who become addicted to vaping. For children, vaping products serve more often as a gateway to addiction than a smoking cessation strategy. It is insidious that these products are intentionally marketed and promoted to children, given how addictive they are and the unknown long-term health risks.

Of course, any restrictions on vaping products must strike a balance between preventing children from becoming addicted to vaping, and avoiding any unintended consequences around increasing the number of adult smokers. The measures in this bill must allow for this balance to be struck.

This evidence submission sets out key evidence in support of the proposed measures in the bill. All quotes (previously unpublished) from children in this evidence are from the Children's Commissioner's *The Big Ambition* survey, which ran from September 2023 to January 2024, and reached 367,000 children and adults. The survey included one open text question which was answered by over 174,000 children and adults: "*What do you think the government should do to make children's lives better?*". Despite children not being prompted to discuss smoking or vaping at any point in the survey, **over 1,700 children mentioned one or more of the following keywords: vape, vaping, smoke,**

¹ Children's Commissioner's office (2023) The Children's Commissioner's response to 'Youth vaping: call for evidence. [Link](#).

smoking, tobacco, cigarette. This demonstrates how much of a priority issue this is to them.

The Children's Commissioner looks forward to working with government to ensure this legislation is implemented in a timely and effective way, and children's voices and views are heard throughout the bill's passage. **These legislative changes must be implemented in tandem with greater awareness-raising about the harms of smoking and vaping to children, parents and schools; and non-judgemental cessation support for children who are addicted to smoking and/or vaping.**

Creating the first ever smokefree generation

The Commissioner is supportive of any policy that improves children's environment and health. Despite it being illegal to sell tobacco to anyone under the age of 18, sadly these highly addictive and harmful products are still ending up in children's hands.

The NHS estimates that 13% of girls and 10% of boys aged 11 to 15 have tried smoking, and 3% are current (or regular) smokers.² The majority of adult smokers first started smoking in childhood, and research shows that the younger an individual starts smoking the more harm is likely to be caused, with early smoking associated with heavier smoking, increased dependency and higher mortality.

Children are also exposed to the harms of smoking through passive smoking and smoking during pregnancy. Second-hand smoke contains more than 4,000 irritants, toxins and cancer-causing substances.³ Children who live in a household where at least 1 person smokes are more likely to develop asthma, chest infections, meningitis, ear infections, coughs and colds. Smoking during pregnancy can reduce the amount of oxygen and nutrients that pass through the placenta from the mother to the child, increasing the risk of serious complications, including miscarriage and sudden infant death syndrome.

Despite children not able to legally buy cigarettes or tobacco, these products continue to negatively impact on their health. There has been a positive declining trend in the

² NHS England (2022) Smoking, Drinking and Drug Use among Young People in England, 2021. [Link](#).

³ NHS England, Passive smoking. [Link](#).

number of children smoking in recent years, and this could be accelerated by further reducing the availability and ubiquity of these products.

What children say

"Ban cigarettes because although children dont smoke if your living in a house with a smoker the fumes can still damage your lungs even though your not doing it."

– Girl, 13

"They should try and limit the amount of children who smoke." – Girl, 16

"They should stop smoking in front of younger kids." – Girl, 10

"The Government should do more to address the dangers of secondary smoking, as young people are often forced to inhale toxic fumes in high streets through no fault of their own." – Girl, 17

"The Government should stop children living in families where the parents smoke, vape or take drugs as this can cause the children to think that its ok to do those things." – Girl, 10

"I think the Government should try to stop people smoking so children don't inhale the smoke." – Girl, 8

"People should stop smoking in public areas because whenever I go outside I could see people smoking which is bad for their health and also people around them it can be children too." – Girl, 11

"Cigarettes should become illegal and no one should sell them so children can't breathe in the unhealthy smokey air while trying to have fun!" – Girl, 11

Reducing the appeal and availability of vapes to children

“Rates of addiction to nicotine with people in my age group is horrifying, and the fact that the long-term health impacts aren't even known is more harrowing.” – Girl, 15

The Children’s Commissioner strongly supports measures in the bill that will enable greater restrictions on the marketing and flavours of vapes, as well as outlawing the sale of non-nicotine vapes to children and the distribution of vaping ‘free samples’ to children, and introducing mandatory age-of-sale signage in shops selling vapes. These legal loopholes should have never existed.

While vaping is a much less harmful alternative to smoking tobacco products, most children who are addicted to vaping have never smoked cigarettes. For them it is not a quitting strategy - but a gateway towards developing an addiction. The Children’s Commissioner has heard from many children about their peers struggling to concentrate for whole lessons without vaping, with some children secretly going to the toilets to vape during the school day. Children complain that this creates a lot of peer pressure to join in.

“Teenagers are smoking in my school bathrooms which makes me feel uninvited to go to the toilet even when I need it.” - Girl, 13

*“I don't feel safe because there are always people vaping in the toilets.”
- Boy, 12*

When considering how to effectively reduce the appeal and availability of vapes to children, a balance must of course be struck between reducing products that are intentionally designed and marketed for children, and not restricting the market to the extent that there is an unintended consequence of increasing the number of adult smokers.

Marketing restrictions

- Colourful branding can make vaping seem more attractive to children and young people, for example by using bright colours, familiar cartoon characters, and mimicking the packaging of sweets.
- Plain packaging can remove some of this appeal for children, and can also make health warnings clearer to the person using the product.
- Studies, including one study funded by Cancer Research UK, have shown that young people find vapes in plain packaging to be significantly less appealing compared to branded packaging, while it doesn't affect adults seeking to quit smoking in the same way.⁴

Point of sale restrictions

- Research by Imperial College London shows that the 2015 legislation that prohibited tobacco products from being displayed has decreased the number of children who buy cigarettes and tobacco in shops. The research shows that removing displays made tobacco less visible to children, and that fewer of them bought cigarettes there. Removing vaping products from view is likely to have a similar effect.⁵

Flavour restrictions

- Flavoured vapour not only increases the appeal of vaping to children, but there is evidence to suggest that certain flavours can be particularly harmful to consume.
- Fruity and sweet vape flavours are especially popular with children. It is telling that 12% of adults smoke tobacco flavoured vapes, compared to just 2.3% of 11-17 year olds.⁶ Vaping flavours often imitate well-known brands popular with children, such as gummy bears and Oreo cookies.
- The flavours used in vapes are also potentially harmful. Research from the Royal College of Physicians concluded that the vapour from flavoured vapes can be more cytotoxic than unflavoured vapour.⁷ For example, diacetyl, a flavour often used in popcorn, is safe for oral consumption but when heated and inhaled in large doses over long periods of time, can cause irreversible bronchitis.

⁴ Taylor et al (2023) Association of Fully Branded and Standardized e-Cigarette Packaging With Interest in Trying Products Among Youths and Adults in Great Britain, *JAMA Open*, 6(3):e231799. [Link](#).

⁵ Imperial College London (2018) Tobacco display ban linked to fewer children buying cigarettes in shops. [Link](#).

⁶ ASH (2023) Use of e-cigarettes (vapes) among young people in Great Britain. [Link](#).

ASH (2023) Use of e-cigarettes (vapes) among adults in Great Britain. [Link](#).

⁷ RCP (2016) Nicotine without smoke: Tobacco harm reduction. [Link](#).

- Any restrictions placed on particular vaping flavours should take into account which ones are disproportionately popular with children (compared with adults) and which are associated with higher risk of harm. Any ingredients that are disproportionately popular with children, and particularly harmful for any person's health, should be prohibited.

Non-nicotine vapes

- Nicotine-free vapes are often a gateway for children to start vaping, and are not without their health risks. There have been horrific stories of children becoming seriously ill because of excessive vaping, including permanent lung damage and needing to be admitted to hospital.⁸ These harmful side-effects are not exclusive to vapes containing nicotine.

What children say

"That vapes should have warnings on like smoking containers do so kids/adults know how risky it can be." – Child, 10

"So many vapes are directed at children and this is another big issue. Bright colours and flavours attract children, this is a problem." – Boy, 13

"Ban flavoured vapes." – Boy, 12

"The government should also restrict vape production because I had a friend who died from vaping, she was only 12 years old. please, please make my voice heard as I am not just speaking for myself, but for thousands of other children throughout the country." – Girl, 12

"The government should create tighter restrictions on vaping and educate young people on the effects it has on their health . Every day I see people vaping especially children because they think it will make them popular or they think that "the flavour tastes nice" without properly understanding the impact it has on their lungs, I have also seen vapes with LED lights that children want because it looks "cool". On top of all this it is absolutely disgusting when you are walking behind someone who is vaping and you inhale a cloud of vape smoke. If the government could at least get

⁸ BBC News (2023) Never start vaping, says 12-year-old girl with lung damage. [Link](#).

schools to educate about the negative impact of vaping it would help a lot of young people.” – Girl, 13

“Ban vaping - or at least flavoured and colourful vapes (especially disposable) marketed everywhere almost like a toy to attract children - as we still don't know the full long term effects. Vaping is a huge issue in young people - as young as year 7 (age 11).” – Girl, 18

“They seem to be encouraging children/teenagers to buy [vapes] by packaging them in bright coloured packages and putting artificial flavours to attract teenagers and children.” – Boy, 14

Strengthening enforcement around tobacco and vaping sales

Powers to issue fixed penalty notices would provide an alternative means for local authorities to enforce age of sale legislation for tobacco products and vapes in addition to existing penalties. The Commissioner is supportive of giving authorities powers to make on-the-spot fines and fixed penalty notices for shops selling tobacco products and vapes to under 18s illegally easier. This will improve enforcement, and reduce backlogs in the courts.

What children say

“No one should sell any smoking things eg vapes to anyone under 18.” – Girl, 12

“Stop vaping/cigarettes - stop selling to children.” – Boy, 9

“People at the right age should not buy [vapes or cigarettes] for their children, or siblings or anyone underage.” – Child

“Stop people in corner shops from selling vapes to young people.” – Boy, 11

“The Government should make corner shops near schools but no vapes, alcohol or any weapons in the shops.” – Girl, 11

"There should be more of a clampdown on under-age children vaping, as the people who sell them these products clearly do not care for their safety and so who knows what they put in the vapes to make them more addictive. They also are willing to sell these products to people who are not eligible, so who knows what else they sell."

– Girl, 11

"Much higher punishment for anyone selling vapes for underage children." – Boy, 15

Further measures needed

This suite of legislative measures has the potential to dramatically reduce the number of children who are smoking and vaping. However, there will always be some children who are exposed to these harmful products, as well as illegal products. It is therefore vital that these measures must be implemented in tandem with efforts to increase awareness and understanding of the risks of smoking and vaping.

"We should have more lessons about drugs or vaping because most people around my age do drugs or vapes and it isn't healthy for them." - Girl ,15

"They should stop advertising vapes its really bad for children and they get addictive fast." - Girl, 16

"Help more people quit vaping and smoking to save their lives." - Boy, 11

Increasing awareness of vaping harms among children and teachers

The CCo welcomes that the health risks of vaping will be included in Relationships, Sex and Health Education (RSHE) lessons, as part of the Government's ongoing review of RSHE, in order to further discourage children from taking up or continuing vaping. Updates to the statutory guidance should make clear the risks of addiction, in terms of physical and mental health, as well as financial risks. It should also be clear about the distinct risks associated with illegal vapes.

Increasing awareness of vaping and its risks among parents

DHSC and DfE should produce separate information for parents, to increase awareness of vaping and e-cigarettes, and how they can speak to their children about the risks of vaping.

Improving understanding of reasons for vaping

DHSC should commission further research to understand the drivers of vaping among children, and opportunities to prevent children from vaping and provide support. Further research should seek to understand why prevalence of use is higher among particular cohorts of children, for example children who have a social worker and/or a disabled parent.⁹ It should also aim to provide robust evidence on drivers of children's vaping, such as any relationship between being exposed to online content involving vaping on online platforms and how vapes are marketed.

Support for children with nicotine addiction

NHS should provide non-judgemental support to children who are addicted to smoking/vaping. As part of their Joint Forward Plans, Integrated Care Boards should identify levels of need in their local area, and pathways for information and support for children.

⁹ Children's Commissioner's office (2023) The Children's Commissioner's response to 'Youth vaping: call for evidence. [Link](#).