

Public Bill Committee
Tobacco and Vapes Bill
By email: scrutiny@parliament.uk
12 December 2024

Dear Chair and Committee Members,

Re: Submission to the Bill Committee on the Tobacco and Vapes Bill

I am writing to you as the CEO of Evapo regarding the Committee Stage of the Tobacco and Vapes Bill, which will begin its first session on Tuesday 7 January 2025.

As one of the most responsible smoking cessation and specialist vaping companies in the United Kingdom, Evapo has frequently and consistently called for the introduction of a simple, evidence-based licensing scheme as the only way to protect children, stop the criminals and help smokers quit. Indeed, we submitted evidence to the previous Government's Tobacco and Vapes Bill, available [here](#).

We were therefore pleased to see the new government include a licensing scheme in this updated piece of legislation. While Evapo has always been and will always be supportive of the Government's desire to protect young people from access to vaping products, we remain concerned that some of the government's legislative proposals may lead adult smokers and former smokers-turned-vapers to return to conventional cigarettes. Public Health England's own statistics show that vaping is 95% less harmful than cigarettes, so any outcome which leads to more smokers would be damaging to the individual and the NHS because smokers place an outsized burden on our already strained healthcare system. Three million smokers in the UK have already successfully quit smoking via vaping, and vaping is widely recognised as twice as effective as any other method of quitting, underlining the importance of getting this legislation right.

With this in mind, and due to our deep expertise in this sector, we would like to make the following suggestions about how the licensing scheme specifically and the Bill more generally could be improved:

1. **Limit the extent of flavour restrictions:** Flavours should not target children, but they should be available for adults trying to quit smoking - nearly two-thirds of vapers would go back to smoking if their preferred flavours were restricted.¹ The government should not limit flavours to those that smokers do not like. Places that have done so, like the US state of Massachusetts, have ended up pushing more people to smoking cigarettes compared to other American states that do not restrict vaping flavours, a much worse public health outcome because vaping is 95% less harmful than smoking.²

¹ <https://evapo.co.uk/blog/vape-flavour-ban-could-drive-most-ex-smokers-back-to-cigarettes>

² <https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-021-00498-0>

2. **Overtake ban on online advertising:** It is essential adult and former smokers can access information about less harmful alternatives to smoking, make informed decisions, and support growth of responsible specialist vaping retailers. Online advertising is quite rightly already heavily restricted, however the current draft of the bill risks including commercial websites of vaping businesses, which are vital portals to inform their customers and are typically only seen by people specifically visiting the website and can be age-gated.
3. **New product registration scheme should not include clinical studies:** Clinical studies for new products represent a ban through the back door. We support a registration scheme to ensure better control of products, but clinical studies are prohibitively expensive and time consuming. This will disproportionately hinder adult smokers trying to quit.
4. **The licensing scheme should charge retailers £750 per store per year:** Licences for over 55,000 convenience and vaping stores could raise upwards of £50 million, more than enough to fund Trading Standards' enforcement of these new laws. A manageable fee for retailers would incentivise good actor participation, while disincentivising bad actor behaviour. It would also make it more cost effective to follow the law, stymieing rogue traders from shrugging off rare fines to sell illegal, dangerous products to underage people.
5. **Higher fines for lawbreakers:** Retailers who sell to young people should be fined with £2,000 rather than £200. £200 will not be a sufficient deterrent for criminals. Rogue traders should think twice before they break the law, and the best approach for that would be to raise the potential costs of criminality.
6. **Retailers should employ robust age verification measures:** the scheme should mandate at least two annual independent mystery shops, paid for out of the licensing scheme.
7. **No ban on vending machine sales in age-gated healthcare premises:** Hospitals and mental health trusts should be excluded from the ban so their patients continue to have access to specialty products. Many patients rely on much less harmful vaping during the recovery from much more damaging issues, so taking away that option will only make their recovery harder, longer, and more expensive for the NHS.
8. **Specialist vape shops should still be allowed to display products on premise:** Vape products should not be displayed next to confectioneries or sweets in-store, but specialised vape stores are age-gated premises and should be allowed to display their products throughout their stores. Tobacco retailers are currently exempt from this requirement, so there is no reason why specialist vaping retailers should be treated more harshly. Showcasing the product is a vital aspect for helping smokers to quit.
9. **Business needs a longer transition time:** We believe 18 months would allow companies time to prepare to implement the necessary changes while continuing to provide the right products and maintain accessibility for adult smokers looking to quit and supporting former smokers in avoiding relapse.

Conclusion

Evapo is aligned with the Government's intentions to protect children from nicotine use and abuse while limiting the ability of criminals to capitalise on the black market. However, we continue to call on the Government to be more ambitious in its efforts to reduce youth vaping and the rising black market by introducing the above improvements to the proposed vaping licensing scheme and the wider Bill. We are also concerned that if the Government is not required to conduct a consultation prior to introducing regulations, many of which will come via secondary legislation and therefore not face Parliamentary scrutiny, they may implement restrictions that result in millions of vapers returning to smoking, a much worse public health outcome that will lead to even greater strain on the NHS at a time of tight public budgets.

I would be happy to provide further evidence or information for the benefit of the committee's work if it is of interest.

Best regards,

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About Evapo

Evapo has over 57 stores throughout the UK, as well as a manufacturing plant in Belfast, and employs over 270 team members. All our store teams are NCSCT-certified Stop Smoking Advisors. We regularly and frequently conduct mystery shops across all Evapo stores to ensure our employees adhere to age verification policies and do not sell to any underaged consumers. Our average customer age is 37 years old and 75% of Evapo's customers have successfully quit smoking according to a recent [survey](#). We also supply various stop smoking clinics, hospitals and Mental Health Trusts with our products and participated in two published studies, which demonstrated high efficacy of our products for helping smokers to quit.