



Written evidence submitted by We Vape consumer advocacy group

We Vape is a consumer advocacy group with members across the UK. We regularly engage with these vapers to get an understanding of how they believe they will react to various new policy proposals and understand what they believe can be done to better increase the number of people who choose to vape rather than smoke. Our core mission is to empower the public so they can make an informed choice to choose much safer nicotine products rather than smoke and damage their health.

Vaping has been a popular consumer product since the 2000's and in that time it has helped millions of people quit smoking. Bringing the smoking prevalence down from 20.2% in 2011¹ down to 11.9% in 2023². The smoking rate could of course be much lower than it currently is had the British Government taken a more proactive approach to informing smokers of the science which states that vaping carries a fraction of the health risk associated with smoking³. This evidence has been regularly updated and confirmed this⁴. Currently, 57% of smokers wrongly believe that vaping as harmful or more harmful than smoking and only 27% correctly believe it is not⁵. This is a public health disaster⁶. In fact a study suggests “For every 1%

1

https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/drugusealcoholandsmoking/bulletins/smokingprevalenceintheukandtheimpactofdatacollectionchanges/latest?utm_source=chatgpt.com

2

https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2023?utm_source=chatgpt.com

³ <https://www.gov.uk/government/news/e-cigarettes-around-95-less-harmful-than-tobacco-estimates-landmark-review>

4

<https://www.gov.uk/government/publications/e-cigarettes-and-heated-tobacco-products-evidence-review/evidence-review-of-e-cigarettes-and-heated-tobacco-products-2018-executive-summary#health-risks-of-e-cigarettes>

5

https://www.ucl.ac.uk/news/2024/feb/most-smokers-wrongly-believe-vaping-least-harmful-smoking?utm_source=chatgpt.com

6

<https://www.bristol.ac.uk/psychology/research/brain/targ/research/nicotine-and-tobacco/Addressing-e-cigarette-misperceptions/>

decrease in the mean prevalence of tobacco smokers who endorsed this belief, the mean prevalence of e-cigarette use decreased by 0.48%⁷. Using this studies calculation if we had the same confidence from smokers around the science of vaping as we have with the general public about the covid vaccine⁸ we would have a 21% reduction in smoking rates which equates to 1.3 million fewer smokers.

Analysis of Potential Unintended Consequences of the Tobacco and Vapes Bill

The Tobacco and Vapes Bill introduces a range of restrictions on vaping, which, while intended to protect public health and discourage nicotine use among minors, could inadvertently reduce the number of people who choose vaping as a harm-reduction alternative to smoking. This may result in more individuals continuing to smoke combustible tobacco products, which are significantly more harmful to health than vaping. The Government's own impact assessment suggests the Bill will have no effect on reducing smoking rates until 2027⁹.

Key Provisions Likely to Discourage Vaping and Their Implications:

1. Display and Advertising Restrictions

- The Bill imposes strict rules on the display of vaping products and their prices, effectively limiting their visibility in retail environments.
- **Impact:** Reduced visibility may lead to less awareness of vaping as an alternative to smoking, particularly for smokers considering switching to less harmful nicotine delivery systems.

2. Ban on Free Samples and Discounts

- Prohibiting free samples and discounts restricts opportunities for smokers to trial vaping products, which could otherwise encourage a switch from smoking to vaping.
- **Impact:** This makes the transition to vaping less accessible and appealing, particularly for individuals on lower incomes who may be more price-sensitive.

3. Tighter Restrictions on Vending Machines

- The prohibition of vending machines for vaping products reduces access to these products, especially in convenience-oriented locations and mental health settings.

⁷ <https://link.springer.com/article/10.1186/s12916-020-01565-2>

⁸

<https://yougov.co.uk/topics/health/trackers/do-brits-think-vaccines-have-harmful-effects-which-are-not-being-disclosed>

⁹ <https://www.gov.uk/government/publications/the-tobacco-and-vapes-bill-impact-assessment>

- **Impact:** While this aims to reduce underage access, it may also reduce the availability of vaping products for adult smokers looking for convenient purchasing options. This is particularly worrying in mental health units where they provide access to a harm reduction product to patients.
- **Prohibition on Vaping Product Advertising**
- The Bill places limitations on advertising vaping products, which hinders the ability of manufacturers and retailers to promote vaping as a harm-reduction option.
- **Impact:** Smokers may remain unaware of the relative risks of smoking compared to vaping, reducing the likelihood of them switching.

Public Health Consequences:

- **Reduced Harm Reduction:** By discouraging vaping, the Bill risks reducing the use of vaping as a tool for harm reduction among current smokers.
- **Increased Smoking Prevalence:** Smokers who might have switched to vaping could continue smoking instead, perpetuating the substantial health risks associated with combustible tobacco.
- **Missed Opportunity for Education:** Restrictions on advertising and product visibility prevent public health messages from highlighting the significantly lower risks of vaping compared to smoking.

5. Inclusion of Heat-Not-Burn (HNB) Products in the Generational Ban

- The Bill includes heat-not-burn (HNB) products in the proposed generational ban, treating them the same as combustible cigarettes despite their significantly lower harm profile.
- **Impact:** HNB products are scientifically shown to expose users to fewer harmful chemicals compared to traditional smoking. By banning these products for future generations, the Bill eliminates a potentially less harmful option for smokers seeking alternatives to traditional cigarettes.

Why This is Problematic:

Reduced Harm Reduction Options

- HNB products have been shown to reduce the levels of harmful and potentially harmful constituents (HPHCs) compared to traditional combustible cigarettes (U.S. Food and Drug Administration, 2020)¹⁰. Removing these products from the market would leave fewer alternatives for smokers who do not find vaping effective or appealing.

¹⁰ <https://www.fda.gov/tobacco-products/advertising-and-promotion/modified-risk-granted-orders>

Missed Public Health Opportunity

- Evidence from Japan demonstrates a significant decline in cigarette sales following the introduction of HNB products. The availability of HNB products contributed to an accelerated decline in cigarette consumption, offering a pathway for reducing smoking prevalence.

Scientific Inconsistency

- Research indicates that HNB products produce significantly lower levels of toxicants compared to traditional cigarettes. For instance, a report by Public Health England (2018)¹¹ found that while not risk-free, HNB products pose substantially less risk than smoking. Treating these products as equally harmful ignores this evidence, creating a policy misalignment with harm-reduction principles.

Impact on Future Generations

- By banning HNB products for future generations, the Bill potentially increases the likelihood of individuals either continuing to smoke combustible tobacco or avoiding harm-reduction options altogether. This is because HTB products are going to be harder to purchase if they are banned for one age group as it is highly likely criminals will focus on cigarettes to sell in the illicit market. Countries like New Zealand have adopted more nuanced approaches, allowing regulated access to reduced-risk products to encourage harm reduction without undermining public health objectives

¹¹<https://www.gov.uk/government/publications/e-cigarettes-and-heated-tobacco-products-evidence-review/evidence-review-of-e-cigarettes-and-heated-tobacco-products-2018-executive-summary>

6. Criminalisation of Possession with Intent to Supply Swedish Snus

- The Bill introduces a criminal offence for the possession of Swedish snus with the intent to supply, treating it on par with significantly more harmful tobacco products. This policy overlooks the evidence that Swedish snus presents considerably lower health risks compared to cigarettes and other forms of smokeless tobacco.

Why This is Problematic:

1. Low Health Risks Compared to Other Tobacco Products

- Scientific evidence shows that Swedish snus carries substantially lower risks of harm than smoking or other smokeless tobacco products.
- A pooled analysis of 9 prospective observational studies found no association between moist oral snuff (snus) use and oral cancer¹².
- concluded that Swedish snus is not associated with an increased risk of oral cancer.

2. Public Health Benefits in Sweden

- Sweden, where snus is widely used, has one of the lowest smoking rates and lung cancer rates in Europe. Public health experts attribute this to the widespread substitution of smoking with snus. A report by Public Health England (2018) also noted Sweden's experience as a case study in harm reduction due to the adoption of snus.

3. Potential Harm Reduction Tool

- Criminalising possession with intent to supply Swedish snus eliminates a viable harm-reduction product that could help smokers transition away from combustible tobacco. Studies indicate that snus users are less likely to develop smoking-related illnesses compared to cigarette smokers (*Royal College of Physicians, 2016*¹³).

4. Misallocation of Enforcement Resources

- The creation of criminal offences related to snus possession and supply may lead to the allocation of enforcement resources to address a product with far lower health risks than smoking, rather than focusing efforts on more harmful forms of tobacco or addressing smoking prevalence.
- *Public Health England (2018)*: "Evidence review of e-cigarettes and heated tobacco products 2018." This report highlighted Sweden's success in reducing smoking-related harms through snus use.
- *Royal College of Physicians (2016)*: "Nicotine without smoke: Tobacco harm reduction." This landmark report recognised snus as a significantly less harmful alternative to smoking, with the potential to reduce smoking prevalence and smoking-related mortality.

¹² <https://pubmed.ncbi.nlm.nih.gov/32466721/>

¹³ https://www.rcp.ac.uk/media/xcfal4ed/nicotine-without-smoke_0.pdf

By criminalising possession with intent to supply Swedish snus, the Bill undermines its potential as a harm-reduction tool and misrepresents its significantly lower health risks. A more evidence-based approach would regulate and legalise the purchase of Swedish snus, encouraging its use as an alternative to smoking.

Note from author: The bill is unclear what constitutes possession with intent to supply, many consumers of Swedish snus such as the author purchase it legally and store it in the freezer in large quantities, packaged in cans which are in turn packaged in 20 pouches per can. Would this constitute possession with intent to supply

Policy suggestions

1. Currently no limit is set in this bill on the nicotine strength of pouches, this leaves a gap in regulation that could lead to nicotine naive consumers getting hold of extremely high strength nicotine products and falling ill, this would have a negative effect on consumers choosing to use pouches instead of smoking.
2. The introduction of an age limit of 18+ to purchase nicotine pouches is a positive step and one we have been campaigning to be introduced for 5 years.
3. The Bill provides the power to introduce a licensing scheme through secondary legislation. This is hugely important and something We Vape has been campaigning on for some time¹⁴. We have purchased illegal vapes in all of the top cabinet members constituencies. There is little point introducing more regulation if the current laws aren't even being enforced. This funding from the scheme should go directly to trading standards to fund their enforcement work around vaping. It shouldn't end up in council budgets for general expenditure. The introduction of a licensing scheme should be introduced as soon as possible to support the Bill.
4. The majority of We Vape consumers have said that they support the introduction of pre-market testing so that they can be confident their product is safe. The power to introduce this is in the Bill but the Secretary of State should work at pace to implement this.
5. Allow the product information to be provided to consumers so that they can be aware that vaping is scientifically proven to be vastly safer than smoking.
6. Legalise the sale of Swedish Snus to reduce smoking rates and improve population health.