

24th January 2025**Subject: Tobacco and Vapes Bill**

Dear Scrutiny Committee

I am writing to you concerning the impact that the proposed Tobacco and Vapes Bill will have on our staff & customers up and down the UK. This Bill, which will shortly return to the Commons before proceeding to the House of Lords, contains several measures that, while well-intentioned, are based on poorly researched evidence and could have significant negative effects.

VPZ, as a leading vape specialist retailer, has reached out to all Members of Parliament with stores in their constituencies. We have received a positive cross-party response, acknowledging the valuable role that specialist vape stores like ours play in providing professional services and delivering NCSCT qualified smoking cessation advice to thousands of individuals across the UK.

We fully support the principal aims of the Bill, including the promotion of vaping as a key measure to encourage people to stop smoking tobacco. It is our firm stance that if you do not smoke or vape, you should not start—this is a message we actively convey to both youth and adults alike.

However, we have significant concerns regarding the proposed 'restrictions' of vape flavours. This aspect of the Bill appears to lack sufficient evidential support and may be subject to legal challenges. Furthermore, this measure could inadvertently drive consumers back to traditional tobacco products, undermining the overall objective of smoking cessation. With 500,000 customers visiting our 200 stores alone, with an average age of 36, and ages ranging from 18 to 82, we see that 85% are using flavours to stay smoke free. The NHS and Public Health England themselves state that customers migrating from the traditional tobacco and menthol liquids to flavours, stay smoke free.

Other aspects of the Bill, such as flavour naming conventions, plain packaging, and behind-the-counter service in specialised vaping stores, could be effective if properly targeted at the right consumers. Customers who have migrated to flavoured vapes often do not want to return to the taste or smell of tobacco, making these flavours a crucial component of their quit-smoking journey. Flavours should be restricted to being sold in vape specialist stores only, which are licensed (£5k to £10k annually), and be subject to quarterly business reviews and inspections to maintain compliance. This works extremely well in New Zealand as a Gold Standard, and other stores not providing smoking cessation therapy should be restricted to menthol and tobacco options only.

Regarding price and promotion restrictions, while we agree with limiting external advertising, we believe that discussing pricing and promotions in-store is essential for guiding customers through their quit-smoking journey. Customers can potentially save up to £6,000 annually by switching from regular smoking to vaping, and up to £1,350 per year by moving from disposable vapes to sustainable products like e-cigarettes.

We are also concerned about the rise of "big puff" disposable vapes, which offer in excess of 3,000 puffs compared to the typical 600 from standard 2ml vapes and can be as high as 50,000 puffs. These unregulated products, often sold through illicit markets, pose significant public health risks due to their high nicotine content and appeal to youth. We advocate for harsher penalties for companies that fail to comply with guidelines, including fines of up to £10,000 and revocation of licenses for repeat offenders. Again, the UK could look to New Zealand for guidance on this matter.

Regardless of intent, Big Puff devices do not tackle the huge environmental waste issue, by contrast it compounds it. It remains a vehicle for youth entry and is more likely to cause addiction by introduction

to higher volumes of nicotine, battery life and plastic waste. Disposables should be banned, full stop. If carrier bags in shops were an issue, what message are we sending out here with the sheer volume of virgin plastic and lithium battery waste discarded with these non-smoking cessation novelty items being in circulation.

Additionally, we believe that the Bill must address the snus market, which has been overlooked. Snus is illegal in the EU but not yet in the UK, and currently, children as young as five could potentially purchase these dangerous and addictive products. There is an urgent need for stringent age restrictions.

Finally, it is estimated that for every £1 spent legally on these products, £1 is spent illegally, amounting to up to £2.4 billion in lost revenue for the UK Treasury. This includes lost VAT, income, and corporation tax. These transactions are often conducted as cash sales and involve imports from China, which threatens the stability of the legitimate vaping industry in the UK.

We urge you to consider these points and contribute to the upcoming debate to ensure that the Bill is based on robust evidence and effectively supports the goal of smoking cessation without unintended negative consequences.

The Nielson report suggests the black market is now a staggering £2.4bn annually, the NHS spending £21bn on health care for smoking related illness, and £19bn lost to productivity in the economy. In reality, vaping is a net positive to society, saving lives not taking them, but the regulations need to encompass facts and enable a healthier lifestyle and economy, not create grey areas for manipulation and tax avoidance.

Yours Sincerely,
Greig Fowler
Group Operations Director – CCHG trading as VPZ

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22nd January 2025

Subject: Proposed Amendments to the Tobacco and Vapes Bill:

1. Evidence-Based Policy on Vape Flavours

Section: Restriction on Vape Flavours Amendment:

1. Introduce a clause mandating a comprehensive review of existing research on vape flavours.
2. Require that any restrictions on vape flavours be based on conclusive scientific evidence.
3. Plain packaging on Vape flavours and naming re-convention if necessary, but not restrictions.
4. Restrict the sale of flavours to Licensed Vape Specialist Stores only with NCSCT qualified staff. (New Zealand Standard)
5. Limit the flavours of other retailers to Tobaccos and Menthols only, reducing the risk of youth uptake and stringent Challenge 25 laws.
6. Establish a regulatory committee to continuously monitor and assess the impact of flavour restrictions on smoking cessation rates and youth uptake.

2. Regulatory Framework for "Big Puff" Disposable Vapes

Section: Regulation of Vape Products Amendment:

1. Define "big puff" disposable vapes as a separate category requiring stricter regulations. These are still single use and are not aligned with the TPD regulations introduced in 2016, so should be banned across the board.
2. Impose penalties for the sale of unregulated "big puff" vapes, including fines up to £10,000 and license revocation for repeat offenders.
3. MHRA TPD regulations from 2016 upheld, and laws clearly laid out to prevent any misconception by the trading standards enforcement officers.

3. Snus Market Regulation

Section: Prohibition of Certain Tobacco Products Amendment:

1. Include a specific clause addressing the sale of snus, aligning with EU regulations.
2. Prohibit the sale of snus to individuals under the age of 18.
3. Implement strict age verification processes for the sale of snus products.

4. Tax Revenue Protection

Section: Measures to Prevent Illicit Trade Amendment:

1. Strengthen measures to combat the illicit trade of vaping products.
2. Ban all disposables, 2ml and beyond to protect the environment, limit youth access and kill the black-market industry, currently valued at £2.4bn.
3. Allocate additional resources to customs and law enforcement agencies to intercept illegal imports.

4. Increase penalties for businesses involved in the illegal sale of vaping products.

5. Pricing and Promotions Restrictions

Section: Regulation of Advertising and Promotions Amendment:

1. Allow for in-store discussions of pricing and promotions to support customers in their quit-smoking journey.
2. Prohibit external advertising but permit informational materials within stores to educate customers on cost savings from vaping over smoking.
3. Highlight the financial benefits of switching to vaping and sustainable products like e-cigarettes.

Summary of Amendments:

- Evidence-Based Restrictions: Ensure flavour restrictions are based on conclusive evidence.
- Regulation of High-Puff Vapes: Strictly regulate "big puff" disposable vapes, or ban completely to protect the UK from exposure because of foreign imports blatantly flaunting UK law, and impose penalties.
- Snus Sales Regulation: Align with EU standards and implement age restrictions.
- Combat Illicit Trade: Strengthen enforcement to protect tax revenue.
- Supportive In-Store Promotions: Allow in-store discussions on pricing and cost savings.
- Remove the clause on sweeping changes that can be implemented after the bill is approved to protect the thousands employed in the industry following a record year of retail job losses in the country, and the millions trying to stay smoke free and make healthier lifestyle choices.

By incorporating these amendments, we can achieve the Bill's primary goals of promoting smoking cessation and reducing youth access while addressing practical concerns and supporting businesses.

Yours Sincerely,
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