

Why UK regulations need updating

The Good, the Bad and the Ugly

E-cigarette summit London

Friday 4th December 2020

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ASH (Action on Smoking and Health)

ASH receives funding from:



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Declaration of Interest

- ASH (UK) is a public health charity set up by the Royal College of Physicians in 1971 to advocate for policy measures to reduce the harm caused by tobacco.
- Funded primarily by 2 leading UK health charities: British Heart Foundation and Cancer Research UK.
- Is in receipt of project funding from DHSC to support implementation of the Tobacco Control Plan.
- ASH does not accept commercial funding
- ASH does not have any direct or indirect links to, or receive funding from, the tobacco industry.

What this presentation covers

- ASH data on adult and youth e-cig use
- UK post-implementation review of the regulations due imminently
- Review covers tobacco products as well – this presentation focuses on e-cigs
- My initial thoughts – speaking for myself not our UK alliance the SFAC

ASH 18+ Survey 2020: Good & Bad

- 3.2 million vapers (↓12.5% since 2019)



Smoking status of current vapers

- Growing proportion (59% vs 38% in 2015) ex-smokers
- Under half (38% vs 60% in 2015) current smokers

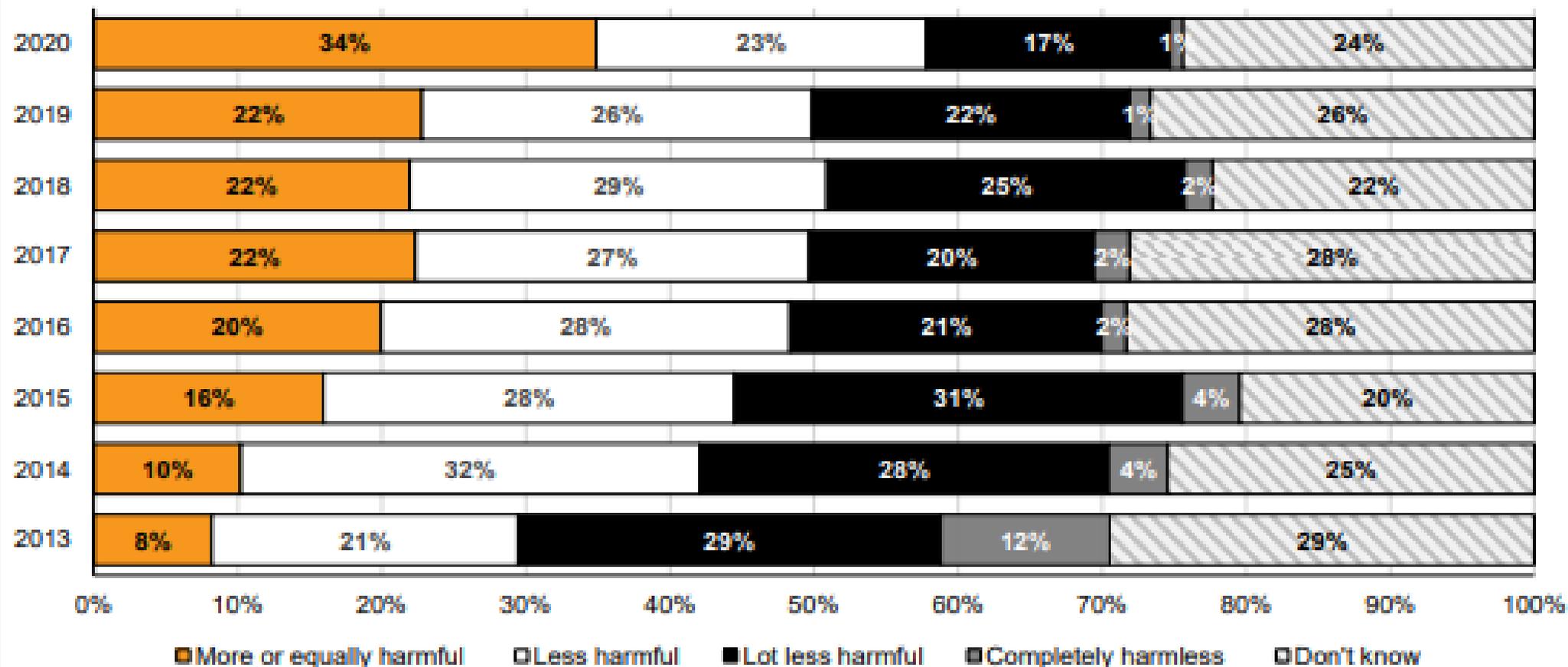


Proportion by smoking status of current vapers

- 17% of smokers vape
- 11% of ex-smokers vape
- Less than 1% of never smokers vape (= 3% of vapers)
- 15% of ex-smokers have tried vaping

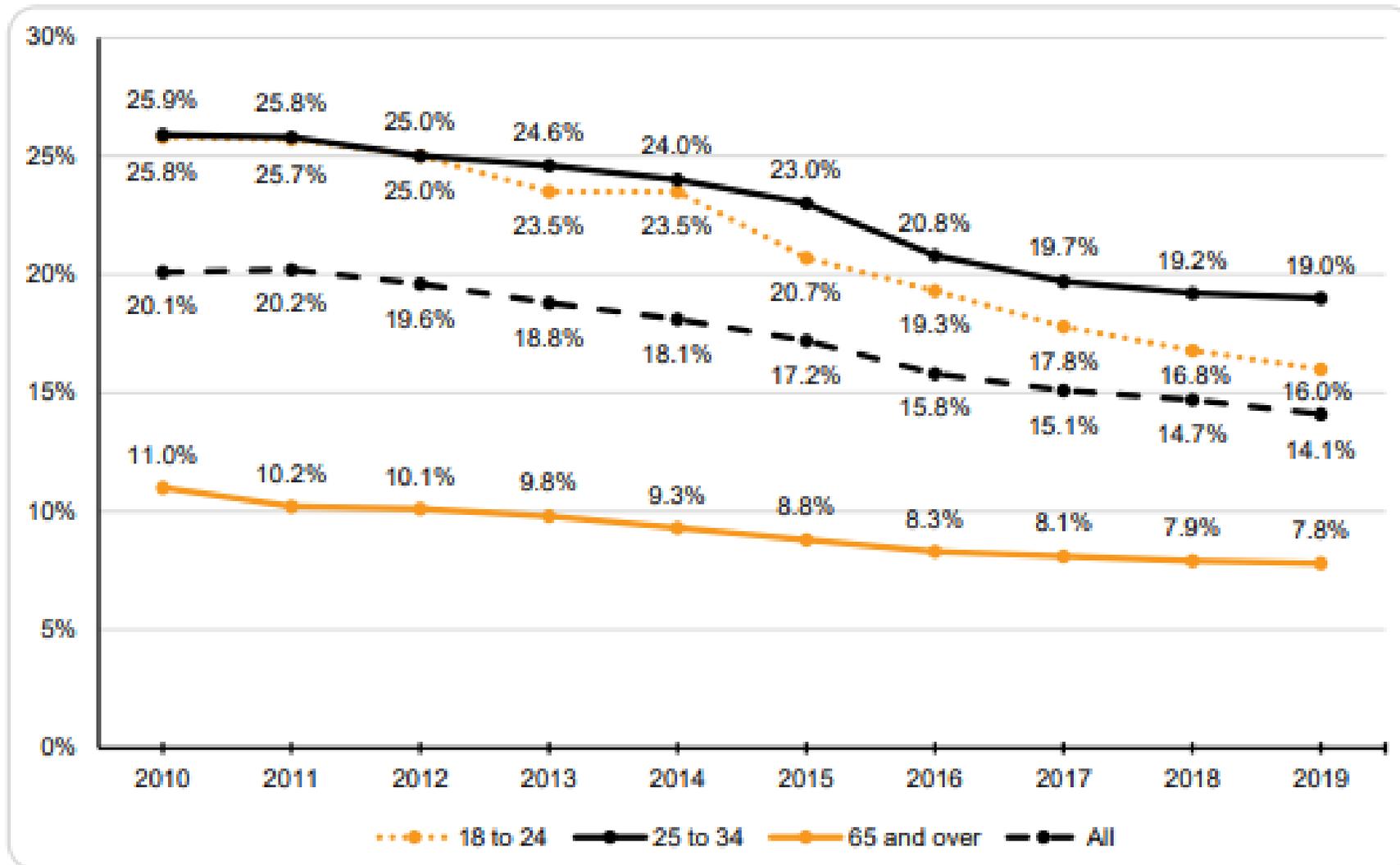


Adult smokers' perceptions of harm

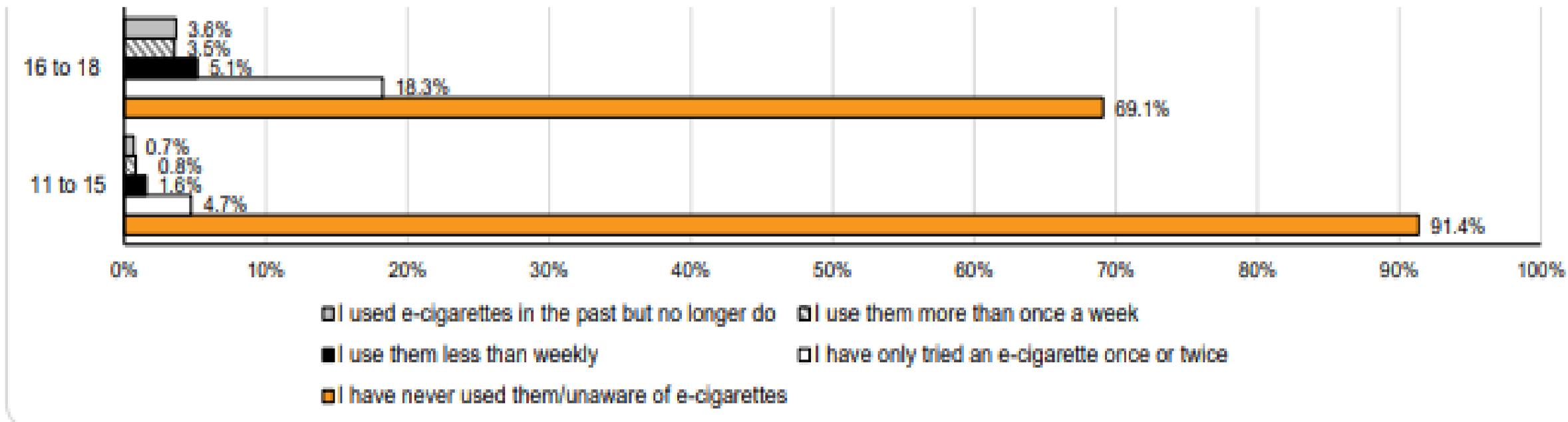


Unweighted base: GB adult smokers who have heard of e-cigarettes (2013, n=1720; 2014, n=1694; 2015, n=1945; 2016, n=1639; 2017, n=1569; 2018, n=1566; 2019, n = 1,679; 2020, n=1,599)

Smoking prevalence among UK adults 18+ broken down by age, 2010-2019



Use of e-cigarettes by age, GB youth (11-15 and 16-18) 2020



ASH Smokefree GB Youth Survey, 2020. Unweighted bases: All 11-18 year olds (11 = 157, 12 = 290, 13 = 268, 14 = 260, 15 = 320, 16 = 272, 17 = 462, 18 = 476). Percentages have been rounded to the nearest decimal place.

E-cig regs: the marketing mix

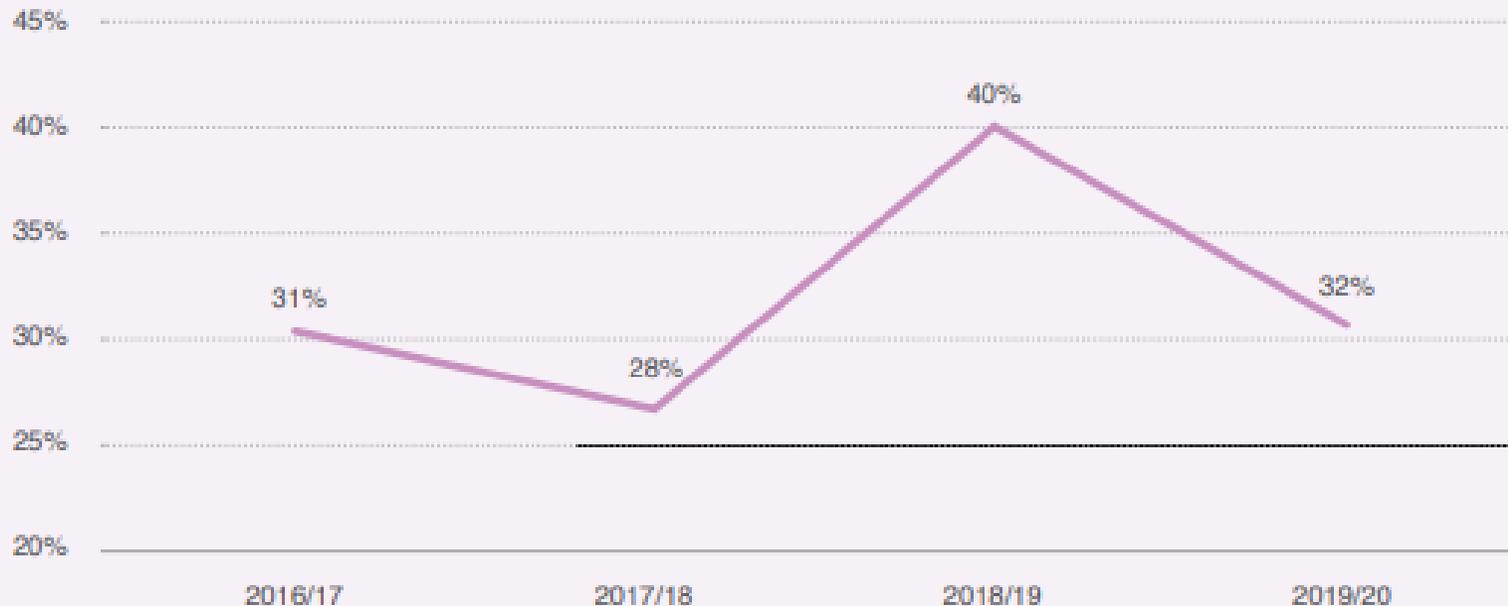
- Place – age of sale 18 but no restrictions on where sold
- Price – no excise tax only VAT
- Promotion – EU TPD prohibits all cross border advertising, promotion, sponsorship
- Product rules



PLACE

Better compliance still needed on sales

FIGURE 10: UNDERAGE SALES: NICOTINE INHALING PRODUCTS - PERCENTAGE VISITS RESULTING IN ILLEGAL SALE



Survey of local councils

90% response rate

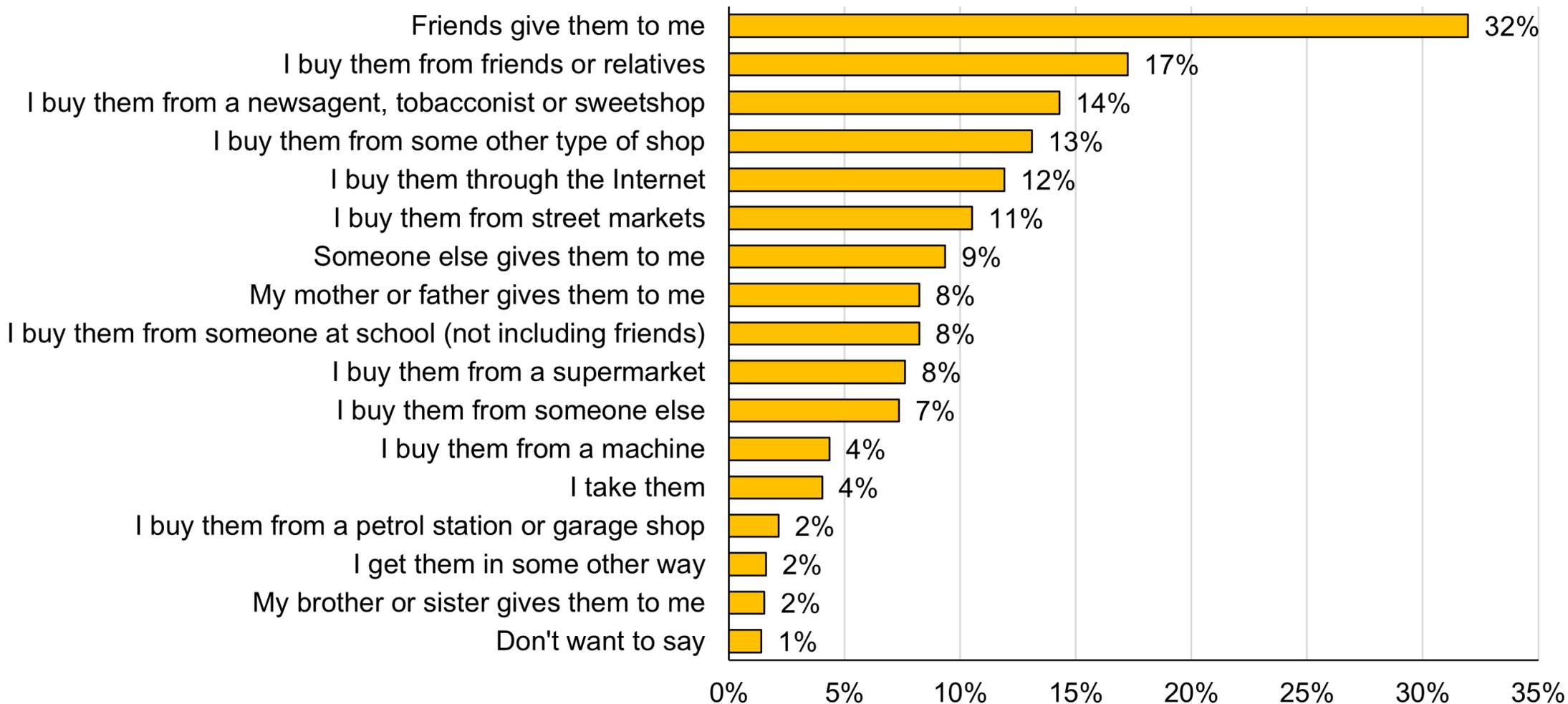
Complaints

- 7/10 received complaints or enquiries about under age sales (9/10 for tobacco)
- Half were about specialist shops; 15% convenience stores, 10% independent newsagents (for cigarettes 71% were convenience stores)

Test purchases

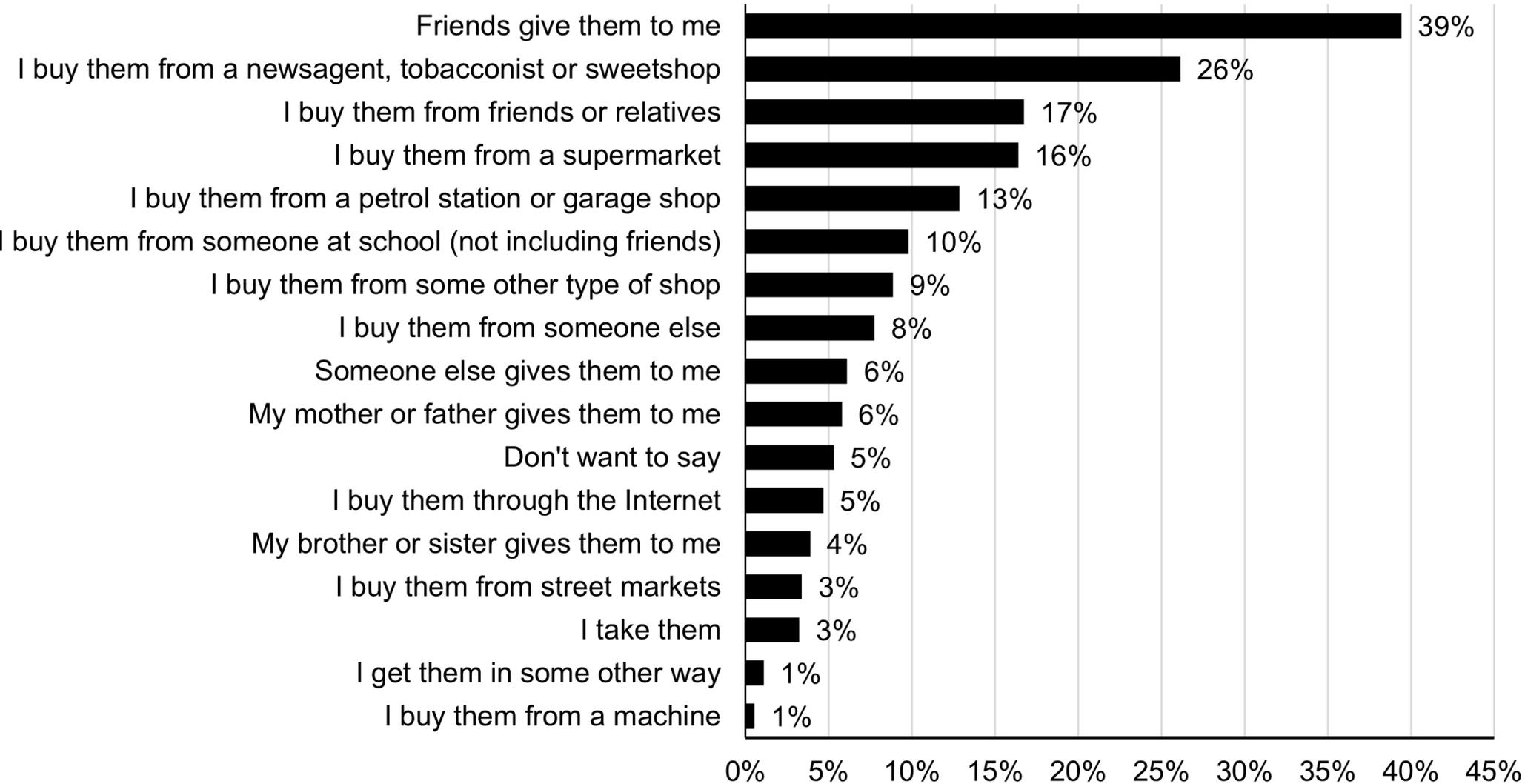
- 5/10 carried out test purchases
- There was a 32% test-purchase to sale rate (compared to 15% for cigarettes)

Source of e-cigarettes among 11-17 year olds (2020)



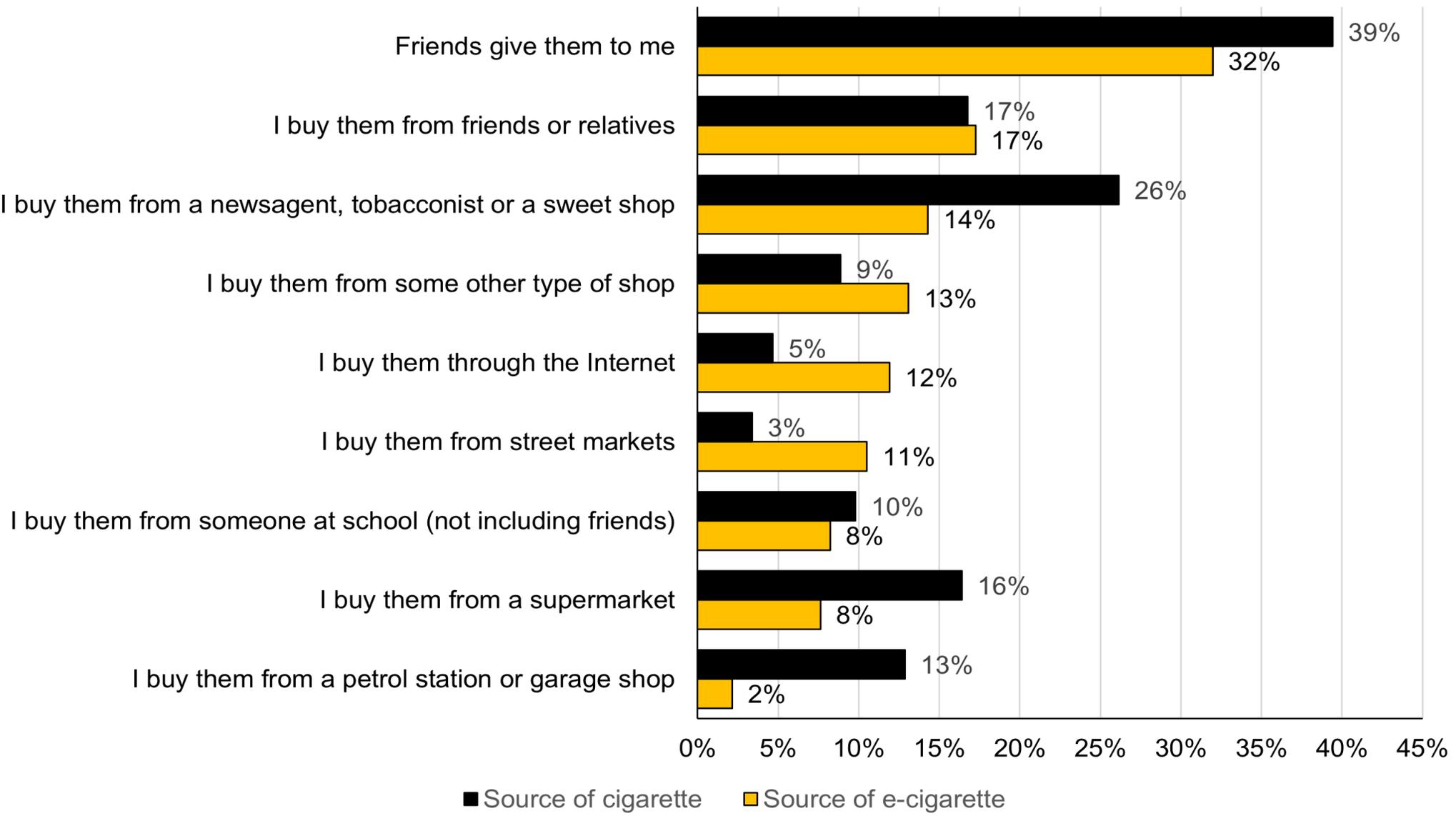
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Source of cigarettes among 11-17 year olds (2020)



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Sources of cigarettes and e-cigarettes among 11-17 year olds (2020)



ASH Smokefree GB Youth Survey, 2020. Unweighted bases: All 11-17 year olds (11 = 157, 12 = 290, 13 = 268, 14 = 260, 15 = 320, 16 = 272, 17 = 462). Percentages have been rounded to the nearest decimal place.

PROMOTION

The Ugly

Big Tobacco needs to clean up its act

- Social media is advertising
- ASA investigation underway
- Impact on UK youth: young people are as likely to report seeing online ads as in the US despite their being illegal here and not in the US.

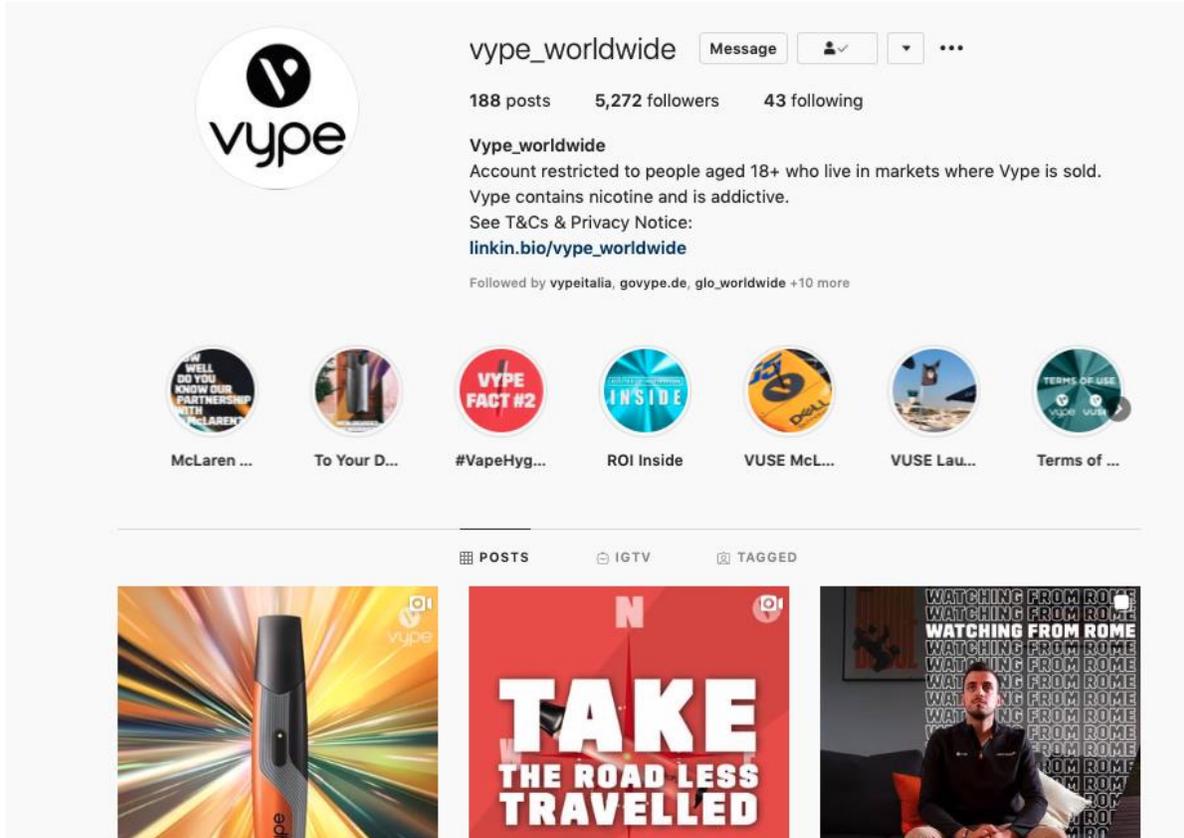


Big Tobacco confirm 'earned social media' tactics as ad authorities investigate

April 30, 2019 by Arvind Hickman and Stephen Delahunty

Advertising authorities are investigating the use of influencers to promote e-cigarette products on social media as one major tobacco company focuses on earned media tactics to reach adult consumers.

Big Tobacco *still* needs to clean up its act



Advertising watchdog bans e-cigarette promotion on Instagram

British American Tobacco and three other firms' use of platform ruled as advertising

- **ASA** ruled social media was advertising
- Yet BAT still advertising Vype on Instagram this week
- Impact on UK youth: young people are as likely to report seeing online ads as in the US despite their being illegal here and not in the US.

That's not all: vype freebies handed out with no age checks



Legal loophole allows children to get free vape samples

The Observer
E-cigarettes

PRODUCT

Children 'addicted to sweet tasting e-cigarettes' after milkshake and bubblegum flavours launched

A report found 11 and 12-year-olds have been buying them in pizza parlours and high street shops in America

- Two overlapping issues: flavours themselves and how they are promoted
- On their promotion – good evidence that packaging, labelling and branding influences childrens' choices
- On impact of flavours themselves more evidence needed



Packaging and labelling

Minister in e-cig debate 31 Oct 2019:

- “I would like the industry to show stronger leadership in the areas of e-cigarette product labelling and, in particular, design to ensure that its products do not appeal to young people. Some of the current naming appears to lean in that direction.”

Not just *lean*: use of sweet names, cartoon characters, garish coloured packaging



Packaging and labelling

- Child friendly packaging and labelling is:
 - Unacceptable
 - Unnecessary
 - Must stop
- Tobacco packaging and labelling strictly regulated
- Regulation needed for e-cig packaging and labelling too



From **£2.50**

10ml

Vape UK RY6

Caramel, Creamy, Sweet, Tobacco, Vanilla

£3.99

★★★★★ 6 reviews



3 for **£9.99**

10ml

Momo Salt Caramel Tobacco

Caramel, Sweet, Tobacco

£3.99

Packaging and labelling

- Child friendly packaging and labelling is:
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- Tobacco packaging and labelling strictly regulated
- Regulation needed for e-cig packaging and labelling too
- What's needed is plain packaging differentiated from combustible tobacco



From
£2.50

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The evolution of mainstream vaping



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Regulatory gap for new products

Nicotine pouches already available in the UK

- No age limits
- No nicotine limits
- Advertising promotion and sponsorship only subject to standard consumer product regulations
- No requirement for safety information to be provided to consumers

On sale in the US



Alarm bells ringing.....

- Freebies on offer
- Youth-oriented marketing
- Much higher nicotine levels than e-cigs - 50 mg/g available in the UK

NORDIC SPIRIT OF SWEDEN

The Nordic way to nicotine, 100% tobacco-free.

TRY A FREE SAMPLE



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Initial thoughts on regulatory review

- **Regulation needs to include all nicotine products not just e-cigs**
- **Promotion**
 - Freebies to children must be made illegal
 - Advertising rules need to be enforced
 - Government should fund social marketing campaign to tackle misperceptions of harm
- **Product**
 - Plain packaging for e-cigs differentiated from combustible tobacco
 - Research needed on:
 - impact of flavours on children – and adults
 - Impact of nicotine strength cap on product effectiveness and addictive liability
- **Place**
 - Trading standards enforcement needs more resource - part of MHRA notification fees need to be earmarked

THANK YOU

Contact: deborah.arnott@ash.org.uk

Resources:

ASH research and factsheets: www.ash.org.uk

E-cigarette regulations: http://www.legislation.gov.uk/ukxi/2016/507/pdfs/ukxi_20160507_en.pdf

Department of Health [Tobacco Control Plan for England 2017](#)

Public Health England e-cigarette evidence reviews [2018](#); [2019](#)

MHRA regulation of e-cigarettes:

- [Regulations for consumer products](#)
- [Medicines licensing process](#)