

Dear Sir or Madam,

In response to your consultation on e-cigarettes, a few comments from the UK

E-cigarettes and/or nicotine fluid has been illegal in several countries due to historical accident or the precautionary principle, but these bans are being overturned. Canada and New Zealand are in the process of legalising these products. Finland, Denmark, Sweden, Hungary and Belgium have all recently repealed their bans. Every EU country now allows the sale of e-cigarettes and nicotine refills.

I am sure that other respondents will discuss the health benefits of vaping as compared to smoking so I will not go into the science here. Suffice it to say that the UK has seen a 20 per cent fall in the smoking rate (4.3 percentage points) since 2012 as e-cigarettes have become mainstream. This compares to a negligible decline in smoking prevalence in the period between 2007 and 2012 (0.5 percentage points), and a similarly tiny fall in prevalence in Australia between 2013 and 2016 (0.6 percentage points). Perhaps more than any other country, Britain has seen a cultural phenomenon of vaping develop that has led to a significant fall in cigarette consumption and smoking prevalence. This has been fostered by the active encouragement of health organisations such as Public Health England and the Royal Society of Physicians.

Fears about the gateway effect has been shown to be baseless. Only 4.6% of nonsmokers have ever tried an e-cigarette and only 0.6% are current users. There is no evidence of this small minority of vapers moving onto tobacco cigarettes.

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/drugusealcoholandsmoking/datasets/ecigaretteuseingreatbritain>

Fears about "dual use" are also baseless. There is no evidence that dual users in Britain would have given up smoking if they had never taken up vaping. In practice, a dual user is someone who has taken the first steps to the quitting.

If the aim of regulation is to encourage smokers to shift to e-cigarettes, a light touch is required, namely:

1. Permit vaping in indoor and outdoor public places
2. Do not place a "sin tax" on e-cigarette fluid
3. Allow advertising under normal regulations, ie. require adverts to be decent, honest and truthful
4. Regulate e-cigarette devices using the same laws that regulate all other electrical/battery powered devices
5. Allow e-cigarettes to be sold wherever tobacco is sold

The EU has recently introduced laws forbidding some advertising and placing arbitrary limits on fluid strength and tank size. Such regulations serve no obvious purpose and are likely to make vaping less attractive, especially to heavy smokers who have not yet switched.

It is important to note that large numbers of smokers have still not tried vaping, even in Britain, and many of those who try it do not switch permanently. This suggests that e-cigarettes have some way to go before they have maximum appeal. Advertising is important in driving innovation of the product and should not be curtailed.

I attach a discussion paper I wrote about safer nicotine devices. It was written in 2013 but still contains many relevant points.

All the best,

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