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**MRC/CSO Social and Public Health Sciences Unit Consultation Response**

**Title of consultation**

Creating a smokefree generation and tackling youth vaping

**Name of the consulting body**

Department of Health & Social Care

**Link to consultation**

<https://www.gov.uk/government/consultations/creating-a-smokefree-generation-and-tackling-youth-vaping>

**Why did the MRC/CSO Social and Public Health Sciences Unit respond to this consultation?**

We conduct high quality research that has a real impact on health and wellbeing, and on reducing health inequalities – both at home and across the globe.

We have a particular focus on developing and using cutting-edge methods to understand how social, behavioural, economic, political and environmental factors influence health. We work with decision makers, practitioners and the public to identify interventions and policies that can have an effective and sustained impact on health and wellbeing, particularly among those most in need.

**Our response**

**Question 1: Do you agree or disagree that the age of sale for tobacco products should be changed so that anyone born on or after 1 January 2009 will never be legally sold (and also in Scotland, never legally purchase) tobacco products?**

* Agree

In the UK population in 2022, 12.9% of people aged 18 years and over, or around 6.4 million people, smoked cigarettes [1]. It’s estimated that at least 15,000 deaths in the UK each year from heart and circulatory disease can be attributed to smoking [2]. In 2022 in Scotland, the proportion was 13.9% (around 590,000 people). The Health Behaviour in School-aged Children [3] has asked young people about current smoking status since 1990. Among 15-year-olds, around a fifth (21%) were current smokers in 1990 and this had increased to almost a third (30%) by 1998. Since then, prevalence has declined steadily to reach the lowest level in 2018. In 2022 rates remain the same as 2018 with 11% of 15- year-olds currently smoking cigarettes. This is the lowest rate in 32 years..Since 2011, there has been a statistically significant decline in the proportion of current smokers in England, Scotland, Wales and Northern Ireland [1]. We welcome this bold action from Government, which can help to prevent future generations from coming to harm from smoking.

**References**

[1] Office of National Statistics (2022), Adult Smoking Habits in the UK: 2022; <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2022#:~:text=In%202022%2C%20the%20proportion%20of,%25%20(around%20590%2C000%20people)>.

[2] British Heart Foundation (2023) Tobacco measures headline King’s Speech; <https://www.bhf.org.uk/what-we-do/news-from-the-bhf/news-archive/2023/november/kings-speech-promises-to-deliver-for-a-healthier-future#:~:text=Today%20marked%20the%20first%20King's,and%20addressing%20NHS%20workforce%20challenges>.

[3] Inchley, J., Mabelis, J., Brown, J., Willis, M., Currie, D. (2023) Health Behaviour in School-aged Children (HBSC) 2022 Survey in Scotland: National Report. MRC/CSO Social and Public Health Sciences Unit, University of Glasgow. <https://www.gla.ac.uk/schools/healthwellbeing/research/mrccsosocialandpublichealthsciencesunit/programmes/complexity/healthbehaviourinschool-agedchildrenhbscscotlandstudy/>

**Question 2: Do you think that proxy sales should also be prohibited?**

* Yes

The Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Amount) Regulations 2015 [1] currently bans proxy purchasing of tobacco for children by adults in England and Wales. In order to help to prevent future generations from coming to harm from smoking, we support the prohibiting of proxy sales in Scotland.

**References**

[1] UK Government (2015) The Proxy Purchasing of Tobacco, Nicotine Products etc. (Fixed Penalty Amount) Regulations 2015; <https://www.legislation.gov.uk/ukdsi/2015/9780111130599>

**Question 3: Do you agree or disagree that all tobacco products, cigarette papers and herbal smoking products should be covered in the new legislation?**

* Agree

We agree that all tobacco products, cigarette papers and herbal smoking products should be covered in the new legislation. If these products were to be excluded from the regulations, those born on or after 1 January 2009 would still be able to access tobacco-related products and would not help in achieving a smokefree generation.

**Question 4: Do you agree or disagree that warning notices in retail premises will need to be changed to read ‘it is illegal to sell tobacco products to anyone born on or after 1 January 2009’ when the law comes into effect?**

* Agree

Warning notices should be changed to reflect the change in policy. By stating “it is illegal to sell tobacco products to anyone born on or after 1 January 2009” it ensures that everyone who enters the premises (all customers and those who may be attempting to buy tobacco products for those born on or after 1 January 2009) are aware of the regulations.

**Question 5: Do you agree or disagree that the UK Government and devolved administrations should restrict vape flavours?**

* Agree

There are currently no regulations restricting the flavours available to consumers in the UK. Research has shown that the variety of available flavours is one of the top reasons for experimentation with e-cigarettes among youths, in addition to peer influence and curiosity [1,2]. Compared to adults, youths are more likely to use sweet e-liquid flavoured e-cigarettes and their popularity among youths and the rates of prevalence have significantly increased in recent years [3]. Research [4] has shown that participants particularly like the variety of disposable e-cigarette flavours and the variety of available flavours is one of the top reasons for experimentation with e-cigarettes among youths. There is concern that this variety of flavours may encourage young non-smokers to take up vaping.

Given the appeal of flavours to young people should we suggest introducing some restrictions of e-cigarette flavours as this may be a compelling way in which the appeal of flavours to youths can be reduced without restricting adult smokers’ access to different flavoured e-cigarettes.

**References**

[1] Kong G, et al. Reasons for electronic cigarette experimentation and discontinuation among adolescents and young adults. Nicotine Tob Res 2015

[2] BOLD, K et al. 2016. Reasons for Trying E-cigarettes and Risk of Continued Use. Paediatrics

[3] HARRELL, M et al. 2017. Flavoured e-cigarette use: Characterizing youth, young adult, and adult users. Preventive Medicine

[4] Zare S et al. A systematic review of consumer preference for e-cigarette attributes: flavour, nicotine strength, and type. PLoS One 2018

[5] Smith MJ et al. Youth’s engagement and perceptions of disposable e-cigarettes: a UK focus group study BMJ Open 2023

**Question 6: Which option or options do you think would be the most effective way for the UK Government and devolved administrations to implement restrictions on flavours? (You may select more than one answer)**

* Option 1: limiting how the vape is described
* Option 2: limiting the ingredients in vapes
* Option 3: limiting the characterising flavours (the taste and smell) of vapes

Research [1,2] has shown that participants particularly like the variety of disposable e-cigarette flavours and the variety of available flavours is one of the top reasons for experimentation with e-cigarettes among youths. There is concern that this variety of flavours may encourage young non-smokers to take up vaping, with a study of English school children finding that flavoured e-cigarette adverts elicited greater interest in trying them than adverts for non-flavoured e-cigarettes [2].

Youths in Smith and Hilton’s [3] research highlighted a variety of tactics e-cigarette companies use, including influencer or celebrity endorsement, attractive youth flavours, bright colours and emotional appeal to advertise and promote their products directly to young people [3]. We suggest reviewing the names, descriptions, ingredients and characteristics of e-cigarette flavours as this may be a compelling way in which the appeal of flavours to youths can be reduced without restricting adult smokers’ access to different flavoured e-cigarettes.

**References**

[1] McDonald EA, Ling PM. One of several “toys” for smoking: young adult experiences with electronic cigarettes in New York City. Tob Control 2015;24:588–93.

[2] Zare S, Nemati M, Zheng Y. A systematic review of consumer preference for e-cigarette attributes: flavour, nicotine strength, and type. PLoS One 2018;13:e0194145.

[3] Smith, M. J. and Hilton, S. (2023) Youth’s exposure to and engagement with e-cigarette marketing on social media: a UK focus group study. BMJ Open, 13(8), e071270. (doi: 10.1136/bmjopen-2022-071270)

**Question 7: Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict vape flavours to children and young people?**

* Option C: flavours limited to tobacco, mint, menthol and fruits only

The appeal of flavours to young people should continue to be monitored and it is possible that restrictions of e-cigarette flavours may be necessary to limit this appeal. New Zealand has prohibited generic retailers (e.g., supermarkets and service stations) from selling e-cigarette flavours other than tobacco, mint and menthol while still allowing specialist vape retailers to sell other flavours and this could be a potential path for UK regulations to follow [1]. We suggest reviewing the name and descriptions of e-cigarette flavours as this may be a compelling way in which the appeal of flavours to youths can be reduced without restricting adult smokers’ access to different flavoured e-cigarettes.

**References**

[1] Library of Congress. New Zealand: Bill to Regulate Vaping Introduced. Library of Congress, March 2020. Available at: <https://www.loc.gov/item/global-legal-monitor/2020-03-12/new-zealand-bill-to-regulate-vaping-introduced/>

**Question 8: Do you think there are any alternative flavour options the UK Government and devolved administrations should consider?**

* Don’t know

**Question 9: Do you think non-nicotine e-liquid, for example shortfills, should also be included in restrictions on vape flavours?**

* Yes

Short-fill e-liquids are typically nicotine-free and come in larger, underfilled bottles allowing customisation with nicotine shots. As short-fill e-liquids do not contain nicotine, they are not regulated by the UK Tobacco and Related Products Regulations (TRPR) [1] and so do not include nicotine warning labels and are not limited to 10mL bottles. However, ‘nicotine shots’ are regulated by the TRPR, and therefore, like other nicotine-containing e-liquids, packaging should contain nicotine warning labels and require labelling of nicotine content, ingredients and relevant hazard symbols.

A recent study by Taylor et al. [2] reported that under one-quarter of youth (23%) surveyed reported awareness of short-fill e-liquids while just under one-quarter (22%) who had vaped in the past 30 days had used short-fill e-liquids. Research [2] suggest that the prevalence of short-fill use is not uncommon among youth in England. We suggest integrating short-fill products into new and existing e-cigarette regulations (such as the TRPR). Any regulatory changes should avoid unintended consequences among adults who may also use short-fills to quit or reduce their smoking, especially as these may be more economical products for disadvantaged smokers.

**References**

[1] UK Government (2016), The Tobacco and Related Products Regulations 2016, <https://www.legislation.gov.uk/uksi/2016/507/contents/made>

[2] Taylor E, East K, Reid JL, et al Awareness and use of short-fill e-liquids by youth in England in 2021: findings from the ITC Youth Tobacco and Vaping Survey Tobacco Control Published Online First: 02 May 2023. doi: 10.1136/tc-2022-057871

**Question 10: Which option do you think would be the most effective way to restrict vapes to children and young people?**

* Option 1: vapes must be kept behind the counter and cannot be on display, like tobacco products

Despite it being illegal to sell vapes to under 18s, the most common source of supply of e-cigarettes for underage vapers is shops. Cuts to trading standards in recent years have halved the numbers of trading standards officers [1,2] limiting their ability to tackle underage sales, both of tobacco and e-cigarettes. We suggest that vapes must be kept behind the counter and cannot be on display, like tobacco products.

**References**

[1] Report by the Comptroller and Auditor General. Protecting consumers from scams, unfair trading and unsafe goods. National Audit Office. 2016. <https://www.nao.org.uk/reports/protecting-consumers-from-scams-unfair-trading-and-unsafe-goods/>

[2] Labour Party. Local Government Health Check Report 4. Trading Standards. 2018. <https://andrewgwynne.co.uk/wp-content/uploads/2018/08/HC-Trading-Standards.pdf>

**Question 11: Do you think exemptions should be made for specialist vape shops?**

* Don’t know

In the case of tobacco, specialist shops were exempt, provided there was no marketing or display visible from the street. The Sale of Tobacco (Display of Tobacco Products and Prices etc.) (Scotland) Regulations 2013 [1] give an exemption, with restrictions, for specialist tobacconists, allowing them to display tobacco products within their stores. According to the Government, the reason for the exemption was because of the specialist nature of their trade and because young people are not commonly customers in specialist tobacconists. It is possible that regulations regarding specialist vape shops could align with tobacco provisions which would be easier for enforcement. However, there are more specialists vape shops than there are tobacconists.

**References**

[1] UK Government Tobacco Advertising and Promotion (Specialist Tobacconists) (England) Regulations 2010 <https://www.legislation.gov.uk/ssi/2013/85/made#:~:text=The%20Tobacco%20Advertising%20and%20Promotion%20(Specialist%20Tobacconist)%20(Scotland),the%20premises%20(regulation%2019)>.

**Question 13: Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict the way vapes can be packaged and presented to reduce youth vaping?**

* Option 3: prohibiting the use of all imagery and colouring and branding (standardised packaging) for both the vape packaging and vape device

E-cigarette and e-liquids branding often contain elements that are appealing to youths such as cartoons [1,2]. E-liquid brands often use images, sensory descriptors, and conceptual names (e.g., ‘blue voltage’) to describe flavours [3] on their packaging and online advertising [4], which have been found to be popular among youth [5]. Previous research indicates that standardised cigarette packaging of tobacco cigarettes in olive green packs can reduce their appeal to youth [6], and similar findings have recently been observed for e-cigarettes. Recent research has found that standardised e-cigarette packaging can reduce appeal to youth [7], with fewer youth from Great Britain (GB) reporting interest in trying e-cigarette products in standardised green) or white packs compared to fully branded packs.

**References**

[1] Seitz CM et al. Cartoon images on e-juice labels: A descriptive analysis. Nicotine & Tobacco Research (2020)

[2] Jackler RK, Ramamurthi D. Unicorns cartoons: marketing sweet and creamy e-juice to youth 2017

[3] Laestadius L et al. (2023) Themes in e-liquid concept names as a marketing tactic: evidence from Premarket Tobacco Product Applications in the USA. Tob Control

[4] Laestadius LI et al. From Apple to Werewolf: A content analysis of marketing for e-liquids on Instagram. Addictive Behaviors 2019

[5] Kreslake JM et al. Perceived Sensory Characteristics of Blended and Ambiguous “Concept” Flavors Among Adolescent and Young Adult E-cigarette Users. Nicotine Tob Res (2023)

[6] McNeill A et al. Tobacco packaging design for reducing tobacco use. Cochrane Database of Systematic Reviews (2017)

[7] Taylor E et al. Association of Fully Branded and Standardized e-Cigarette Packaging With Interest in Trying Products Among Youths and Adults in Great Britain. JAMA Netw Open. 2023 Mar 14;6(3):e231799.

**Question 15: Do you agree or disagree that there should be restrictions on the sale and supply of disposable vapes?**

* Agree

In Great Britain, data captured in 2022, found that disposable e-cigarettes have become the most common device type (52.0% compared with 7.7 % in 2021) [2]. E-cigarettes have become increasingly popular and visible in public life and research by Smith et al. [2] highlights that perceptions about e-cigarette users were tied to product characteristics, with tank models being associated with adults and disposable e-cigarettes associated with youths. Recently, disposable e-cigarettes (such as ‘Puff- bar’, ‘Elf- bar’ or ‘Geek- bar’) have started to dominate the market [3].

Research by Smith et al. [2] highlights that disposable e-cigarettes are perceived by young people to be ‘cool’, ‘fashionable’, and enticing and are viewed as a modern lifestyle ‘accessory’. Disposable e-cigarette products are attractive to young people because of their vibrant colours and flavours, low cost, and ease of access. We suggest that policymakers could consider measures to discourage youth experimentation with disposable e-cigarettes, while not making the products inaccessible to vulnerable groups who may use them as a smoking cessation option.

**References**

[1] Action on Smoking and Health. Use of e- cigarettes (vapes) among young people in Great Britain. Action on Smoking and Health, 2022.

[2] Smith MJ, MacKintosh AM, Ford A, et al Youth’s engagement and perceptions of disposable e-cigarettes: a UK focus group study BMJ Open 2023;13:e068466. doi: 10.1136/bmjopen-2022-068466

[3] Wang TW, Gentzke AS, Neff LJ, et al. Disposable E- cigarette use among U.S. youth - an emerging public health challenge. N Engl J Med 2021;384:1573–6.

**Question 16: Do you agree or disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply?**

* Don’t know

Research by Smith et al [1] has shown that disposable e-cigarette products are attractive to young people because of their vibrant colours and flavours, low cost, and ease of access. We suggest that policymakers should adopt a balanced approach and consider measures to discourage youth experimentation with disposable e-cigarettes, while not making the products inaccessible to vulnerable groups who may use them as a smoking cessation option.

**References**

[1] Smith MJ, MacKintosh AM, Ford A, et al Youth’s engagement and perceptions of disposable e-cigarettes: a UK focus group study BMJ Open 2023;13:e068466. doi: 10.1136/bmjopen-2022-068466

**Question 17: Are there any other types of product or descriptions of products that you think should be included in these restrictions?**

This area requires monitoring.

**Question 18: Do you agree or disagree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced?**

* Agree

**Question 19: Are there other measures that would be required, alongside restrictions on supply and sale of disposable vapes, to ensure the policy is effective in improving environmental outcomes?**

Disposable e-cigarettes are designed for single use and the environmental impact of the waste was raised by participants in research by Smith et al [1]. The increased popularity of disposable e-cigarettes has resulted in the generation of more single-use plastic waste. As disposable e-cigarettes contain valuable materials such as lithium batteries and copper, they are classed as Waste Electrical and Electronic Equipment (WEEE). If damaged when thrown away, lithium batteries can cause fires at waste disposal plants, so consumers should dispose of them at a local electronics recycling centre or at the shop where they bought the device. However, there appears to be confusion across the marketplace with respect to the WEEE Regulations [2] and how to comply. We suggest policymakers to work together to evaluate the safe recycling and disposal of disposable e-cigarettes.

Some observers of e-cigarette debates suggest that banning disposable e-cigarettes would be a step in the right direction, arguing that e-cigarettes would still be available in a rechargeable form, which, although not without their own environment impacts, is the eco-friendlier option. Others argue that this approach is hypocritical as cigarettes, which also pose an environmental threat, are still on the market. Results from Smith et al. [1] highlighted that policymakers could consider measures to discourage youth experimentation with disposable e-cigarettes, while not making the products inaccessible to vulnerable groups who may use them as a smoking cessation option. In addition, we suggest the growing need for policymakers to work together to develop and implement comprehensive policies to prevent initiation of e-cigarette use among young people and evaluate the safe recycling and disposal of disposable e-cigarettes.

**References**

[1] Smith MJ, MacKintosh AM, Ford A, et al Youth’s engagement and perceptions of disposable e-cigarettes: a UK focus group study BMJ Open 2023;13:e068466. doi: 10.1136/bmjopen-2022-068466

[2] https://www.gov.uk/guidance/regulations-waste-electrical-and-electronic-equipment

**Question 20: Do you have any evidence that the UK Government and devolved administrations should consider related to the harms or use of non-nicotine vapes?**

* Don’t know

This area is out with the scope of our research but is an area of concern and requires research.

**Question 21: Do you think the UK Government and devolved administrations should regulate non-nicotine vapes under a similar regulatory framework as nicotine vapes?**

* Don’t know

This area is out with the scope of our research but is an area of concern and requires research.

**Question 22: Do you have any evidence that the UK Government and devolved administrations should consider on the harms or use of other consumer nicotine products such as nicotine pouches?**

* Don’t know

This area is out with the scope of our research but is an area of concern and requires research.

**Question 23: Do you think the UK Government and devolved administrations should regulate other consumer nicotine products such as nicotine pouches under a similar regulatory framework as nicotine vapes?**

* Don’t know

This area is out with the scope of our research but is an area of real concern and requires research.

**Question 24: Do you think that an increase in the price of vapes would reduce the number of young people who vape?**

* Yes

Disposable e-cigarettes retail for around £5–£7 (US$7–US$9) in the UK—about half the price of a pack of 20 cigarettes [1]. Results from Smith et al. [2] highlighted that youths positively describe the low cost of disposable e-cigarettes, suggesting that price could be a factor in why youths experiment with disposable e-cigarettes. Raising prices on combustible cigarettes and alcohol has consistently shown to be inversely related to use, [3,4] particularly among younger populations [5,6]. Therefore, policymakers could consider implementing measures to deter youth experimentation with disposable e-cigarettes, while not making the products inaccessible to vulnerable groups who may use them as a smoking cessation option.

**References**

[1] Tattan-Birch H, Jackson SE, Kock L, et al. Rapid growth in disposable e-cigarette vaping among young adults in Great Britain from 2021 to 2022: a repeat cross-sectional survey. Addiction 2023;118:382–6. doi:10.1111/add.16044

[2] Smith MJ et al. Youth’s engagement and perceptions of disposable e-cigarettes: a UK focus group study BMJ Open 2023;13:e068466. doi: 10.1136/bmjopen-2022-068466

[3] Wagenaar AC et al. Effects of beverage alcohol price and tax levels on drinking: a meta- analysis of 1003 estimates from 112 studies. Addiction 2009;104:179–90. 39 [4] van Hasselt M et al. The relation between tobacco taxes and youth and young adult smoking: what happened following the 2009 U.S. federal tax increase on cigarettes? Addict Behav 2015;45:104–9.

[5] Chaloupka FJ, Wechsler H. BINGE drinking in college: the impact of price, availability, and alcohol control policies. Contemporary Economic Policy 1996;14:112–24.

[6] Slater SJ et al. The impact of retail cigarette marketing practices on youth smoking uptake. Arch Pediatr Adolesc Med 2007;161:440–5.

**Date of submission**

30th November 2023

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