



The response of the World Vapers' Alliance to the Proposed reforms to the regulation of nicotine vaping products in Australia

The World Vapers' Alliance amplifies the voice of passionate vapers worldwide and empowers them to make a difference in their communities. Our alliance includes more than 55 thousand members from around the world.

More than [600 thousand lives](#) could be saved in Australia if the government embraced vaping as a smoking cessation product and made vaping easily accessible to adult consumers.

On behalf of the World Vapers Alliance, we call upon policymakers in Australia to take into consideration the following crucial evidence on vaping before the implementation of the reforms proposed by The Therapeutic Goods Administration (TGA).

The WVA's public commentary applies to the four main pillars carried out by the TGA in the proposal:

1. Border controls, which entail restrictions on importing nicotine vaping products for personal usage;
2. Pre-market TGA assessment of nicotine vaping products;
3. Minimum quality and safety standards for nicotine vaping products, which among other prohibition suggestions, entail an all-flavour ban (except tobacco);
4. Clarifying the status of nicotine vaping products as 'therapeutic goods';

Border Controls

Among other suggested reforms, the consultation paper proposes to switch to more restrictive border controls, among them preventing the importation of vaping products under the Personal Importation Scheme exemption and tightening import rules by implementing import permits, possibly for all vaping products (including non-nicotine products).

According to the consultation paper, the main reason behind the proposed changes was the emergence of the illicit trade.

The WVA believes that more prohibitive policies on the importation of vaping products would cause counterproductive results - instead of fighting illicit trade, it would boost those activities. Clearly, there is demand for alternative nicotine products, and a quasi-import ban wouldn't change that fact. It would just give black market actors further incentive to satisfy the demand. Additionally, consumers are forced to turn to the black market, where products are sold without safety or security checks.

Instead of more restrictions, the black market should be fought by making vaping products accessible under consumer-friendly regulations on the legal market for adult consumers, including age restrictions.

We urge Australian policymakers not to tighten the restrictions on vaping but rather make it easier for adult smokers to access a life-saving innovation.

Pre-market TGA assessment of nicotine vaping products

While assessing the safety and quality of vaping products is essential, overregulation will hinder many smokers from switching to less harmful alternatives. Vaping should be treated as



a consumer good rather than prescription-only medicine. Access to a less harmful product, such as vaping, must not be further restricted than cigarettes.

Minimum quality and safety standards for nicotine vaping products

In this section, the consultation paper proposes several restrictive measures, including flavour bans and reducing the maximum nicotine concentration levels.

WVA opposes the suggested changes on the following grounds:

Flavour Bans - Flavours are a crucial element of why smokers switch to vaping. The majority of vapers use flavours other than tobacco, not to be reminded of the taste of cigarettes. Therefore, flavour bans are counterproductive as they would push **5 out of 10 vapers** back to smoking or the black market. Studies showed that consumers using flavours are **230% more likely to quit** than with tobacco flavour.

It is time to listen to consumers: a [survey conducted by World Vapers' Alliance](#) confirms that flavour prohibition would bring massive adverse effects on public health:

- To the question of which vaping flavours they prefer, 97% of surveyed responded vaping flavours or a combination of flavours and tobacco taste. Only 3.4% say they prefer tobacco.
- The survey showed that if flavours were banned: more than half of vapers would seek to get their flavours on the black market or return to smoking.

The WVA highly encourages policymakers in Australia to endorse flavours as a life-saving component of vaping for adult ex- or current smokers and, therefore, reconsider banning them.

Nicotine Concentration - the addiction to cigarettes is based on a combination of nicotine and other ingredients of tobacco smoke together with conditioned behaviour (the 'smoking ritual'). Therefore, focusing on nicotine itself won't help smokers quit. The potential for nicotine addiction is low in the absence of tobacco smoke. Nicotine replacement therapy is widely accepted; hence it is counterintuitive that nicotine suddenly becomes an issue in vaping. Lawmakers express no concerns about addiction to nicotine patches or gums.

The British [National Health Service](#) follows a pragmatic approach towards nicotine consumption and vaping by stating, "*While nicotine is the addictive substance in cigarettes, it's relatively harmless. Almost all of the harm from smoking comes from the thousands of other chemicals in tobacco smoke, many of which are toxic.*"

We recommend abolishing the nicotine limit, or at least not further lowering the current level.

Clarifying the status of nicotine vaping products as 'therapeutic goods'

While vaping products play a groundbreaking role in smoking cessation, we believe that restricting vaping to a status of a therapeutic good will make it harder for consumers to purchase vaping products, thus decreasing their incentive to quit smoking.

The WVA suggests that vaping is accessible on the market under sensible regulation, safety and quality controls, and strict age restrictions; however, as a consumer good and innovation, that has the potential to save thousands of lives across Australia.



Conclusion

The reasoning behind the proposed reforms is to prevent youth and adolescents from vaping. WVA believes that smarter age restrictions are the most sensible way to prevent youth vaping.

Furthermore, a [review of fifteen studies](#) found that “*a true gateway effect in youths has not yet been demonstrated.*” Factors such as anxiety, parental smoking habits, peer attitudes, poor schooling, and household income must be considered. So it would help adolescents more to fix those areas than over-regulating a product that has already helped millions of smokers to quit worldwide.

Vaping is a life-saving innovation that policymakers should embrace as a smoking cessation method. The only sensible way to encourage high smoking quit rates is to make vaping products accessible as consumer goods for adults. Therefore, we highly encourage the Australian government to consider the above-stated arguments and evidence and drop potential restrictions on adult vaping.

Recommendations:

A further regulatory decision should be based on these three questions:

Is vaping less harmful than smoking?

Yes, and there are well over 100 organisations & government institutions that agree that vaping is less harmful than smoking. The Safer Nicotine Wiki team compiled a [list](#) of many of these organisations. Additionally, CASAA, a US-based vaping consumer *organisation*, provides an extensive list of research on vaping [here](#).

Does vaping help smokers quit?

Yes, a new systematic evidence review including 78 completed studies (representing 22,052 participants) from the health NGO [Cochrane](#) confirmed that vaping helps smokers to quit. Cochrane systematic reviews are recognized globally as the gold standard in health evidence.

How should vaping be regulated?

What we need instead is **risk-based regulation**. Vaping is 95% less harmful than smoking and, therefore, must not be treated the same way. Less harmful alternatives should be less regulated than the most harmful product on the market - cigarettes.

- **A clear commitment to the concept of harm reduction**
 - The goal of harm reduction is to reduce adverse consequences among persons who continue to use unhealthy products. It was developed in response to the unsuccessful “zero tolerance approach.” Instead of idealised goals, it puts practical solutions center stage. Harm reduction has proved to be effective and is accepted in many countries.
- **Encourage current smokers to switch to e-cigarettes** like the governments of France, the United Kingdom, Canada, and New Zealand.
- **Guarantee access to vaping products for adults and prevent flavour bans:** it is essential that affordability and variety are ensured. Flavour bans would hurt public health by pushing millions of vapers back to smoking or the black market.



- **Risk-based regulation and taxation:** A modern, open, risk-based regulatory framework should be implemented focused on tobacco harm reduction. Vaping is not smoking and must not be treated the same. Since vaping is less harmful than smoking, it should be less strictly regulated and less taxed than cigarettes.

Sources:

<https://academic.oup.com/ntr/article/22/10/1831/5843872?login=false>

<https://academic.oup.com/ntr/article/22/10/1831/5843872>

<https://www.gov.uk/government/publications/e-cigarettes-an-evidence-update>

<https://www.nejm.org/doi/10.1056/NEJMoa1808779>

<https://pubmed.ncbi.nlm.nih.gov/32501490/>

<https://worldvapersalliance.com/wva-conducted-a-survey-on-a-perception-of-vaping-policies-worldwide/>