



## **Public submission from the World Vapers' Alliance to the Government of Canada**

### **About the World Vapers' Alliance**

The World Vapers' Alliance (WVA) amplifies the voices of vapers worldwide and empowers them to make a difference in their communities. Our members are vapers associations and individual vapers from all over the world. More information can be found on [www.worldvapersalliance.com](http://www.worldvapersalliance.com)

### **About this consultation and why the World Vapers' Alliance is responding to it**

The Canadian Tobacco and Vaping Products Act prohibits the sale of a wide range of flavoured vaping products. The World Vapers' Alliance considers this to be an erratic measure that reduces the appeal of vaping products for smokers, making it less likely for them to switch, and that could push a proportion of vapers to the illicit market or back to smoking, thus increasing the harm from smoking and damaging public health.

Moreover, the World Vapers' Alliance considers that vaping and other tobacco harm reduction products should play a center role in reducing smoking rates in Canada and submits this document to the Government of Canada to provide extensive scientific evidence on vaping and vaping flavours and to explain how smoking rates could be reduced at higher rates with the support of less harmful alternatives.

### **How to read this document:**

We respond directly to a selection of the questions from the list of key questions presented in the [Appendix A: Discussion Questions](#) of the [Discussion Paper of The Second Legislative Review Of The Tobacco And Vaping Products Act](#).

## World Vapers' Alliance's responses to the Discussion Questions

### 1. What are the factors that lead to tobacco use? Please provide any data or evidence to support your response.

There are several factors that lead young people to take up tobacco, but, despite the common misconception that vaping is a gateway to smoking, e-cigarette use is not one of them.

The main explanation for the take up of tobacco was provided by [Kevin et al. \(2020\)](#), who found that adolescents who were less satisfied with their lives, in general, were more likely to seek risky experiences and have a higher tendency to use illicit substances regularly. [Hiemstra et al \(2021\)](#) suggested that, during early adolescence, different personality traits are associated with the onset of alternative tobacco products use and conventional smoking. As such, e-cigarette use is not a gateway to smoking, but rather a consequence of bad circumstances in teenagers' lives that lead to various risky behaviors. This explanation was extended by [Khouja et al \(2021\)](#), who highlighted the idea of "common liability" and showed that, despite smoking and e-cigarette use being strongly associated, it is currently unclear whether this association is causal, or due to shared factors that influence both behaviors such as a shared genetic liability. Some of these factors are anxiety, parental smoking habits, peer attitudes, and household income.

Moreover, there is evidence that tobacco use is going down among teenagers and that it is not linked to vaping. [Lee, Coombs & Afolalu \(2018\)](#) conducted a review of fifteen studies and concluded that *"a true gateway effect in youths has not yet been demonstrated."*

[Meza, Jiménez-Mendoza & Levy \(2020\)](#) also found that smoking rates for adolescents are declining since vaping gained popularity, debunking the possibility of e-cigarettes being a gateway to smoking: *"use of cigarettes and smokeless tobacco decreased more rapidly since 2012 as e-cigarette use began to increase. Smoking and smokeless tobacco use reached historically low levels among adolescents in the US."* Evidence from several countries supports this idea: data from Action on Smoking and Health (ASH) UK shows that youth smoking rates are at an all-time low and youth use of e-cigarettes is rare in the United Kingdom. In the US, where we mostly hear about the so-called "vaping epidemic", [youth vaping dropped significantly in the past years](#), while in Germany, we also see a [declining smoking rate among young people](#).

If anything, vaping appears to divert a subset of youth at high risk of cigarette smoking away from smoking, as [Mendelsohn & Hall \(2020\)](#) concluded after finding that at least 70-85% of all adolescents try vaping after having already started smoking, and that regular vaping is very rare (below 0,5%) among teenagers who are non-smokers. This idea is also supported by [Polosa et al. \(2022\)](#), who stated that *"(among young adults) trends argue against EC use as a gateway to smoking. Most EC usage is infrequent and unlikely to increase a person's risk of negative health consequences. Furthermore, the majority of EC usage has happened among those who have previously smoked."*

In accordance with the evidence provided above, we encourage Canadian authorities to recognize that vaping is not a gateway into smoking for teenagers and to reject this idea as an argument to restrict access to vaping products. There are many other factors leading to cigarette use that should be tackled.

## **2. Are there new measures or adjustments to current measures that the Government of Canada could consider to better support smoking cessation efforts?**

In order to better support smoking cessation efforts, the Government of Canada should follow the example of those countries that are reducing smoking rates faster and achieving their smoke-free goals.

Our document ‘Learning from the best: a tobacco harm reduction primer’, which can be accessed [here](#), provides deep insight on how countries like the United Kingdom, Sweden, Japan and New Zealand are quickly reducing smoking rates and improving public health with an open approach towards alternative nicotine products.

Alternative nicotine products can improve public health by allowing smokers to consume nicotine in safer ways. Well [over 100 organizations & government institutions](#) agree that vaping is less harmful than smoking and there is plenty of evidence supporting that vaping helps smokers quit, as the systematic evidence review from the British health NGO [Cochrane](#) shows. This has led vaping to be a [recommended](#) means of quitting for smokers in countries like [France](#), the [United Kingdom](#), [Canada](#), and [New Zealand](#). This year, the UK has launched ‘[Swap-to-Stop](#)’, the biggest Government supported stop smoking scheme to date using e-cigarettes, in which the Government will prescribe vape starter kits to smokers looking to quit.

We strongly encourage the Government of Canada to follow the footsteps of the United Kingdom, Sweden and other countries successfully implementing an open approach towards reduced-harm products to tackle smoking.

Moreover, we also consider that the Nicotine Concentration in Vaping Products Regulation should be amended. The prohibition of vaping products with nicotine concentration levels exceeding 20 mg/mL is not coherent with an open approach towards tobacco harm reduction. Many smokers need higher nicotine concentrations to successfully switch away from cigarettes. Therefore, this arbitrary limit is a roadblock for many smokers on their smoking cessation path.

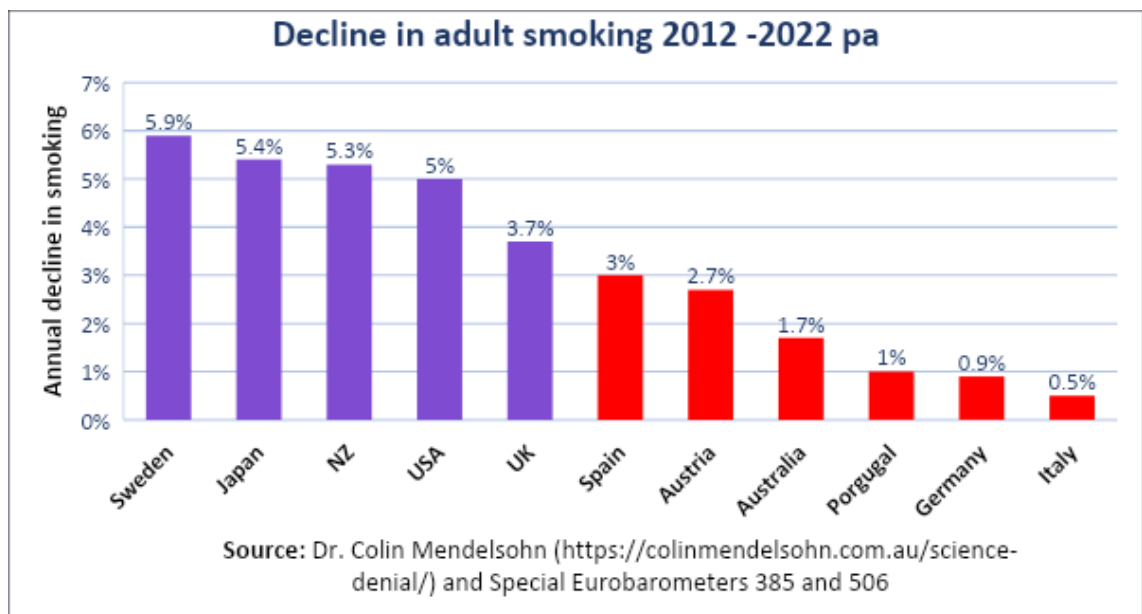
## **3. Are there any international approaches that have proven to be successful in cessation efforts that the Government of Canada should be studying and adopting?**

Sweden has been the most successful country when it comes to smoking cessation. With a current smoking rate of 5.6%, it is set to be the first country in the world to reach the smoke-free country milestone at the end of this year, defined as having a smoking rate below 5%.

Sweden has managed to do so only with the help of alternative nicotine products. Snus, a smokeless, moist powder tobacco pouch, originated in Sweden, and used by placing it under the top lip, has gained great popularity due to its lower health risks in comparison with those of traditional tobacco. Due to the switch of smokers to this less harmful alternative, the use of snus has surpassed the smoking of combustible cigarettes in Sweden, with 18% of Swedes being oral tobacco users according to the last [Eurobarometer on the Attitudes of Europeans towards Tobacco and Electronic Cigarettes](#), published in 2021. The fact that the switch from

smoking to alternative nicotine products can help improve public health is supported by the latest data from Sweden. Even though the total nicotine consumption in Sweden is within a similar range to other European countries, smoking-related mortality is much lower, as demonstrated by [Clarke et al. \(2019\)](#). Extensive information on the Swedish performance in reducing the burden of tobacco smoking can be found in the [Smoke-Free Sweden report](#).

Similarly to Sweden, the United Kingdom has made great progress in recent years in reducing smoking rates. Data from the series of Eurobarometers on the Attitudes of Europeans towards Tobacco and Electronic Cigarettes shows the success of the United Kingdom in comparison with the rest of European countries.



The open approach of the United Kingdom towards vaping and supportive research of its public health institutions has encouraged millions of smokers to switch to this less harmful alternative, which led to a rapid reduction of the smoking rate.

**4. Are there legislative measures that could be considered to address the public health problem posed by tobacco use in groups disproportionately affected by tobacco? If so, how could the legislation better address these disparities?**

The burden of smoking-related illnesses disproportionately falls on the poor. In order to reduce the disproportionate impact of smoking in lower- and middle-income groups, it is essential to keep alternative nicotine products available at affordable prices for everyone. Keeping a tax differential between cigarettes and alternative nicotine products is key to maintain alternative products available at affordable prices and incentivize smokers to switch.

Scientific evidence shows that e-cigarettes' demand and sales are very responsive to price changes and tax increases. As [Huang, Tauras & Chaloupka \(2014\)](#) showed, policies increasing e-cigarettes retail prices, such as taxes on vaping products, can lead to significant reductions in e-cigarettes sales. Taking in consideration the substitutability of e-cigarettes and traditional cigarettes found by [Cotti et al. \(2020\)](#), we can expect increases in e-cigarettes prices to be

followed by increases in traditional cigarettes' sales. This was confirmed by [Huang, Tauras & Chaloupka \(2014\)](#), who found that a \$1 increase in vaping taxes yielded an increase in recent smoking, primarily reflecting greater dual use. Evidence on this unintended consequence of vaping taxation can be found in several studies. [Pesko, Courtemanche & Maclean \(2020\)](#) studied the effects of traditional cigarettes and e-cigarettes taxes on the use of both products in the United States and found that higher e-cigarette tax rates increased traditional cigarette use.

The effect mentioned above appears to be particularly relevant for young adults. [Friedman & Pesko \(2022\)](#) studied young adults' responses to traditional cigarettes and vaping taxes and found that: *"higher ENDS tax rates are associated with decreased ENDS use, but increased cigarette smoking among 18- to 25-year-olds, with associations reversed for cigarette taxes."* [Abouk et al. \(2023\)](#) studied the unintended consequences of e-cigarette taxes on youth tobacco use and concluded: *"we estimate sizable positive cigarette cross-tax effects, suggesting economic substitution between cigarettes and ENDS for youth. (...) We conclude that the unintended effects of ENDS taxation may considerably undercut or even outweigh any public health gains."*

We therefore consider that taxes on alternative products should be set in accordance with their risk relative to that of cigarettes. From an incentives point of view, it does not make sense to tax traditional and electronic cigarettes the same way. Taxes on traditional cigarettes are meant to cover the healthcare costs and negative externalities derived from smoking. Since vaping is 95% less harmful for the user and does not have negative effects to those around him, it is only proportional that taxes are 95% lower too. This will not only be enough to cover the healthcare costs derived from vaping, but the price differential with traditional cigarettes will be yet another incentive for smokers to switch and improve public health and their own. Moreover, this is the best way to make sure that those groups disproportionately hit by tobacco, the lower and middle classes of the Canadian society, have enough incentives to switch and reduce their smoking burden.

**5. Are the prohibitions within the TVPA and requirements in its regulations sufficient to protect young persons and others from inducements to use tobacco products and the consequent dependence on them? If not, what more could be done?**

The World Vapers' Alliance considers the provisions within the TVPA and the requirements in its regulations to be sufficient to protect young persons from inducements to use tobacco (and vaping) products while maintaining alternative nicotine products available for adults' smokers looking to switch and quit.

Regulations should focus on preventing minors from accessing these products and we believe the provisions within the TVPA are well designed for it. Prohibiting young people (those under 18) from accessing the products, requiring age verification processes in the sale and delivery processes, setting fines and punishments for those not complying with the regulations and requiring products to not be appealing to minors are a good strategy to protect young persons. However, these regulations require resources and personnel to be effectively enforced, and we urge the Government of Canada to take the necessary steps to do so. If well enforced, we think

this set of measures is an example for countries lagging behind and we encourage them to follow this approach.

**6. Are there additional sources of information that could be collected to improve monitoring the tobacco market in Canada? If so, what are they?**

Given the recent gain in popularity of vaping and other alternative nicotine products in Canada, we think it is a perfect time to collect even more evidence that alternative nicotine products help smokers quit. We strongly suggest the Government of Canada to collect as much information as possible from these markets and their relationship with the traditional tobacco products' market.

**7. Are measures in the TVPA sufficient to prevent youth from accessing tobacco products? If not, what more could be done to restrict youth access to these products?**

The World Vapers' Alliance considers the measures in the TVPA to be sufficient to prevent youth from accessing tobacco products while maintaining alternative nicotine products available for adults' smokers looking to switch and quit.

Regulations should focus on preventing minors from accessing these products and we believe the measures in the TVPA are well designed for it if properly enforced. We think these are examples for countries lagging behind and encourage them to follow this approach.

**8. To what extent have tobacco product appearance, packaging and labelling requirements been sufficient to increase public awareness about the health hazards of these products? If not sufficient, what more could be done?**

The World Vapers' Alliance considers the appearance, packaging and labeling requirements of tobacco products sufficient to increase public awareness about the health hazard of these products. However, we think the Government of Canada should take one more step in reducing the burden of tobacco by making it mandatory for tobacco products to include an informative leaflet with extensive information on smoking cessation and how less harmful alternative nicotine products can be an aid.

Regarding vaping products, the World Vapers' Alliance considers the appearance, packaging and labeling requirements of these products to be too restrictive and not fully supportive of a tobacco harm reduction approach. Particularly, we believe vaping products should be able to include information regarding both their lower harm relative to smoking and their capacity to help smokers quit traditional cigarettes. This information should be widespread and promoted by the Government of Canada and including this information in the appearance, packaging and labeling of products has the potential to improve public health.

**9. Are the current product standards and prohibitions on promotion sufficient to prevent the public from being deceived or misled about the health hazards of tobacco products? If not sufficient, what more could be done?**

The World Vapers' Alliance considers the current product standards and prohibitions on promotion sufficient to prevent the public from being deceived or misled about the health hazards of tobacco products.

Regarding vaping products, the World Vapers' Alliance considers the current product standards and prohibitions on promotion to be too restrictive and not fully supportive of a tobacco harm reduction approach. The TVPA prohibits the promotion of vaping products by comparing the health effects arising from the use of the product or from its emissions with those arising from the use of a tobacco product or from its emissions. We believe vaping products should be compared with tobacco products and be promoted as a means to quit smoking, showcasing their lower relative harm as an attractive feature for smokers looking to quit and improve their health.

### **10. Is there anything else that you would like to add as it relates to any of the topics covered in this discussion paper?**

The World Vapers' Alliance wants to express its concerns regarding the prohibitions adopted in Schedule 3 of the Tobacco and Vaping Products Act of confectionery, dessert, cannabis, soft drink and energy drink flavours in vaping products.

Flavours play a central role in smoking cessation and we believe they should be available for smokers looking to switch. Flavours do not only increase attractiveness for adults, but they are also essential for smokers trying to quit. According to [Dr. Colin Mendelsohn](#), by not reminding vapers of the taste of tobacco, flavours are more likely to keep people off traditional cigarettes: *"Flavours are an important part of the appeal of vaping for adult smokers and make the products attractive as an alternative to smoking, just as flavours are also used to enhance the appeal of nicotine gum. Banning flavours would likely undermine the use of e-cigarettes and the public health benefits."*

Vaping flavours are not only instrumental in helping smokers switch, but also ensure that they do not take up cigarettes again. According to [Yale School of Public Health](#), flavoured vaping devices are associated with an 230% increase in the odds of adult smoking cessation. [Friedman et al \(2020\)](#) found that *"adults who vaped flavoured e-cigarettes were more likely to subsequently quit smoking than those who used unflavored e-cigarettes"* and *"adults who began vaping non-tobacco-flavoured e-cigarettes were more likely to quit smoking than those who vaped tobacco flavours"*.

There is also strong evidence showcasing the unintended consequences flavour bans can have on public health. [Gravelly et al. \(2020\)](#) surveyed users of vaping non-tobacco flavours in Canada, the United Kingdom and the United States and found that, in the case of a flavour ban, **5 out of 10 would get their flavours from the back market or take up smoking again**. Recent evidence from flavour bans across the world supports this hypothesis. [Friedman \(2020\)](#) analyzed the effects of a flavour ban in San Francisco and found that it resulted in rising smoking rates among teenagers for the first time in decades. Similarly, [Rich \(2022\)](#) analyzed the effects of a flavour ban in Massachusetts and concluded that it resulted in higher sales of cigarettes. The [Tholos Foundation \(2022\)](#) analyzed the effects of a flavour ban in Estonia and found that 60% of vapers kept using them by mixing their own liquids or obtaining them from the illicit market.

Since flavours are [widely and commonly used](#) by adult vapers of all age groups – with [around two thirds using them in the United States and Canada](#) – and not associated with youth uptake as shown by [Friedman & Xu \(2020\)](#), we find no good reason to ban vaping flavours.

We consider this ban to drive Canadian users to the illicit market to obtain their flavoured e-liquids or to push them back to smoking. It also removes incentives for smokers to try vaping in order to switch and we expect it to have a negative effect on public health.

The World Vapers' Alliance urges the Government of Canada to remove its flavour ban.

### **Final remarks**

The World Vapers' Alliance encourages the Government of Canada to take an open approach towards alternative nicotine products and follow the steps of the United Kingdom and Sweden.

We encourage Canadian policymakers to review the evidence supporting vaping as a smoking cessation aid. A comprehensive review of the literature can be found in our “Vaping and Harm Reduction Factsheet” [here](#):  
<https://worldvapersalliance.com/harm-reduction-vaping-fact-sheet/>

For any questions or comments, please contact the submitter of the response.

Michael Landl  
Director of the World Vapers' Alliance  
[michael@worldvapersalliance.com](mailto:michael@worldvapersalliance.com)

### **Declaration of interests of the World Vapers' Alliance**

The World Vapers' Alliance is now an independent 501(c)(3) organization, having first been launched and now funded in part by the consumer advocacy group, [Consumer Choice Center](#). We welcome funding and donations from partners and individual donors. We are proud to have full independence in our work. We are committed to only representing the interests of consumers, empowering them to make informed decisions about their own health and advocating for consumer access to low-risk nicotine products such as vaping.