



## **World Vapers' Alliance paper to the United Kingdom Government's open consultation**

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

The [legislation proposal](#) presented by the UK Government to create a smoke-free generation and tackle youth vaping contemplates tight restrictions on vaping flavours, a ban on disposable vapes and a generational smoking ban that would include less-harmful heated tobacco products. We believe these restrictions are a step backwards on the United Kingdom's path to a smoke-free future and jeopardise the successful smoking cessation efforts undertaken by millions of citizens in the recent past. Furthermore, the proposed measures represent a departure from the United Kingdom's open approach towards alternative nicotine products and its embracement of a tobacco harm reduction strategy.

We participate in this consultation to provide extensive scientific evidence on the key three measures the legislation proposal contemplates: tightening restrictions on vaping flavours, banning disposable vapes and enacting a generational smoking ban that would include Heat-Not-Burn products.

In addition, and due to the questionnaire format of the consultation, we have prepared this paper to further inform about the possible consequences of the proposed measures and to provide as much scientific evidence as possible to the UK government and all those who wish to respond to the consultation in an informed way.

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

We explain the most significant regulatory proposals made by the Department of Health and Social Care and provide WVA's response to them.

## Restricting vape flavours

The UK Government presented three options for how they can restrict vaping flavours:

1. Limiting how vapes are described: following the approach of New Zealand, this option would restrict flavours by mandating the way in which they can be described, restricting their descriptions to a list of generic flavour names.
2. Limiting the ingredients in vapes: this option would only permit certain ingredients to be used in the products, effectively banning flavours if the ingredients needed to make them are prohibited.
3. Limiting the characterising flavours (the taste and smell) of vapes: this option would effectively ban vape flavours other than that of tobacco.

The UK Government also presented three options for which flavours vapes should be limited to:

- A. Flavours limited to tobacco only.
- B. Flavours limited to tobacco, mint and menthol only.
- C. Flavours limited to tobacco, mint, menthol and fruits only.

Such restrictions are presented by the UK Government as a need to reduce youth vaping, stating that *“research shows that children are attracted to the fruit and sweet flavours of vapes, both in their taste and smell, as well as how they are described. Restricting flavours has the potential to significantly reduce youth vaping.”* However, the UK Government also recognizes that *“flavoured vaping products can assist adults to quit smoking.”*

### **WVA’s response:**

The World Vapers’ Alliance considers such restrictions on flavoured vape products to be a threat to smoking cessation efforts and public health in the United Kingdom. Vaping flavours play a central role in smoking cessation. Their attractiveness is an added incentive for smokers considering trying vaping to quit smoking. Dr. Colin [Mendelsohn \(2017\)](#) summarised their role as follows: *“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.”*

Additionally, by not reminding vapers of the taste of tobacco, flavours are more likely to keep people off traditional cigarettes. [Friedman & Xu \(2020\)](#), researchers from the Yale School of Public Health, associated the use of vaping flavours with a 230% increase in the odds of adult smoking cessation and concluded that: *“Adults who vaped flavoured e-cigarettes were more likely to subsequently quit smoking than those who*

*used unflavored e-cigarettes. (...) Adults who began vaping non-tobacco-flavoured e-cigarettes were more likely to quit smoking than those who vaped tobacco flavours.”*

Moreover, as we explain hereinafter, vaping flavours are not targeted to minors but to adult smokers, who widely use them, and no evidence supports the idea that they are the cause of the uptake of vaping and smoking by teenagers.

[Leventhal & Dai \(2021\)](#) found that flavours are commonly used among regular vapers of all age groups, with [Gravelly et al. \(2020\)](#) estimating that around two thirds of adult vapers in the United States and Canada use flavours. [Farsalinos et al. \(2023\)](#) surveyed adult vapers in the United States and found that only 2.1% reported tobacco as their single most often used flavour while, at the time of quitting smoking fruit (83.3%), dessert/pastry/bakery (68.0%) and candy/chocolate/sweet (44.5%) flavours were the most useful. In Europe, the latest [Eurobarometer on the Attitudes of Europeans towards tobacco and electronic cigarettes](#) showed that, among those who vape at least on a monthly basis, almost half (48%) use fruity flavours, and 20% use candy flavours.

The studies mentioned above show that, although flavours use is more often reported in younger age groups, flavours are not just for young users, and they are definitely not targeted to underage people. Moreover, differences in flavours used among age groups are small. In the United States, as [Gravelly et al. \(2020\)](#) found, the percentage of those who used flavoured e-cigarettes was 89.6% for adults aged 18-24 years, 86.7% for those aged 25-34 years, 76.0% for those aged 35-44 years 60.4% for those aged 45 years and older, meaning that flavours are used by the vast majority of users in all age groups.

Additionally, there is no evidence connecting flavours with youth vaping and smoking. [Friedman & Xu \(2020\)](#) found that *“relative to vaping tobacco flavors, vaping non tobacco-flavored e-cigarettes was not associated with increased youth smoking initiation.”* On the other hand, several studies were not able to find a causal relationship between youth vaping and smoking. [Lee, Coombs & Afolalu \(2018\)](#) conducted a review of fifteen studies and concluded that *“a true gateway effect in youths has not yet been demonstrated.”*

[Mendelsohn & Hall \(2020\)](#) found that at least 70-85% of all adolescents try vaping after having already started smoking, that regular vaping is very rare (below 0,5%) among teenagers who are non-smokers, and that vaping appears to divert a subset of youth at high risk of cigarette smoking away from smoking. [Meza, Jiménez-Mendoza & Levy \(2020\)](#) found that smoking rates for adolescents are declining since vaping gained popularity: *“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.”*

In the United Kingdom, the [ASH 2023 report](#) shows that most children who vape used flavoured vaping products. Yet, this does not show a causal relationship between vape flavours and youth vaping suggesting that flavoured devices lead to children vaping uptake. On the contrary, [NHS data](#) on electronic cigarette use among secondary school pupils in England shows that most e-cigarette users are smokers or ex-smokers, while those who did not smoke have very low vaping prevalence:

**Table 4.4**

**E-cigarette status, by cigarette smoking status**

2021

All pupils

Numbers / Percentages

E-cigarette status	Cigarette smoking status				
	Regular smoker %	Occasional smoker %	Ex smoker %	Tried smoking once %	Never smoked %
Regular e-cigarette user	61	53	30	15	1
Occasional e-cigarette user	12	25	25	19	2
Ex e-cigarette user	14	7	22	9	1
Tried using e-cigarettes	5	11	10	35	9
Never used e-cigarettes	8	4	12	21	87
<b>Current e-cigarette user</b>	<b>74</b>	<b>78</b>	<b>56</b>	<b>34</b>	<b>3</b>
<b>Ever used e-cigarettes</b>	<b>92</b>	<b>96</b>	<b>88</b>	<b>79</b>	<b>13</b>
Unweighted bases	122	219	175	687	7624
Weighted bases	93	180	144	619	7693

Therefore, there appears to be no causal relationship between vaping flavours and youth vaping, while the true factors behind youth smoking, which is causally correlated with youth vaping, are not being addressed. For example, [Hiemstra et al \(2021\)](#) suggested that, during early adolescence, different personality traits are associated with the onset of ATP use and conventional smoking, while [Kevin et al. \(2020\)](#) 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. As such, e-cigarettes are not a gateway for smoking, but rather bad circumstances in teenagers' lives lead to various risky behaviours.

Additionally, data shows that young smoking and vaping rates have been falling in many countries in recent years. In the [United States](#), 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. The use of vaping in adolescents was perfectly summarised by [Polosa et al. \(2022\)](#): *“EC use has surged greatly among high school students and young adults over the last decade but fortunately has declined significantly since its peak in 2019. During the same time period, smoking rates have constantly fallen to new low record levels. These 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.”*

Lastly, banning vaping flavours is unlikely to reduce their usage, particularly among the youth. Evidence from surveys and flavour bans across the globe has shown that they rather push vapers back to smoking or to the black market:

- [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.
- [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.
- [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 black market.

In conclusion, vaping flavours are not targeted to teenagers and the causal relationship with youth vaping is very weak to say the least. Banning them will discourage adult smokers from switching to vaping – a 95% less harmful alternative ([Public Health England, 2015](#)) – and push vapers back to smoking or to the black market, where products do not comply with safety and quality standards, do not pay taxes and are sold to minors.

The unintended negative consequences of the proposed flavour ban restrictions will set the ground for a public health disaster. We urge the UK Government to abandon the proposed restrictions on vaping flavours and keep them fully available for adult smokers and users. Measures should aim to make it more difficult for minors to access the products, for example by providing for stronger surveillance and increased penalties for those who make the products available to children.

## [Restricting the supply and sale of disposable vaping products](#)

The UK Government is considering restricting and possibly banning disposable vaping products due to their environmental impact and their use by children.

### **WVA's response:**

While it is true that disposable vapes have an environmental impact if not properly recycled and their use by teenagers needs to be addressed, their prohibition is likely to have a negative impact on public health.

Disposable vapes are an accessible, easy to try product for smokers looking to quit. They act as a bridge for smokers seeking a less harmful alternative that are not who are unfamiliar with vape products and their complexities. As an entry point into vaping, disposables can be more cost-effective than initially investing in a high-end device. This affordability can encourage more smokers to try vaping without the pressure of a significant initial investment. In the long run, other systems are more cost-effective, and once a smoker switches to disposable, he will soon find incentives to switch to refillable devices.

In summary, the simplicity and price of disposable vapes provides a low-risk, affordable trial, helping smokers to switch quickly. The concerns presented by the UK Government are legitimate, but they should be addressed in a different way, since a ban on these products is likely to have a big negative impact in smoking cessation, preventing many smokers from switching and damaging public health in the long term.

[Data from ASH](#) shows that underage vaping users mainly used disposable vapes, but this does not mean that the existence of disposable vaping products lead to youth vaping. As we have shown before, most underage users also are or were smokers, suggesting that children's vaping initiation is a consequence of tobacco use and other factors, rather than of the existence of disposable vapes. These factors are not being properly addressed, while targeting disposable vapes and banning them will impact smokers looking to switch. As we stated in the previous version, all measures should aim to prevent their use in minors while keeping them available for adults. We accordingly urge the UK Government to abandon the establishment of a disposable ban and take other measures aiming to prevent minors from accessing them.

Regarding the environmental impact of disposable vapes, we believe that the array of measures that could be implemented to reduce it is large, and that prohibition should be the last option. Regulations to promote improved less-damaging designs, recycling, reutilization, and awareness of their environmental impact should go first.

Lastly, there are many other activities and products that have larger environmental impacts, yet their prohibition is not discussed. It then should not be argued that disposable vapes should be banned, moreover given the beneficial impact they can

have on public health. We therefore urge the UK Government to weigh the pros and cons of disposable vaping products, consider alternative measures to prevent their use from minors and to reduce their environmental impact and reject a disposable ban.

### Generational smoking ban

The UK Government will ban the sale of tobacco products - a category including heated tobacco products - to anyone born on or after January 2009, effectively banning smoking for those currently 14 years old or younger.

#### **WVA's response:**

While preventing people from starting smoking is commendable, the extent to which the ban will work will strongly depend on whether the UK Government is able to enforce it. Historical evidence shows that product bans have always led to black market, where products are sold without safety and quality standards and where age controls are not carried out. The WVA fears that this measure will lead to massive tobacco smuggling and erode people's trust in government and public policy.

For its part, the inclusion of heated tobacco products in the ban will undoubtedly lead to smuggling and have negative consequences for public health. Heat-not-burn products are considerably less harmful than traditional cigarettes, as [Simonavicius et al. \(2019\)](#) found, and should be treated as such. Its prohibition will drive many users back to smoking or to the black market, and prevent many others from quitting. We therefore urge the UK Government to revert this decision and keep heated tobacco products fully available to smokers.