Public submission from the World Vapers' Alliance to the Latvian Government

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

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

The *amendment proposal* *to the* *Law on the circulation of tobacco products, herbal smoking products, electronic smoking devices and their liquids* bans non-tobacco vaping flavours and establishes heavy restrictions on nicotine pouches, a safer nicotine product used as an alternative to traditional cigarettes by many smokers looking to quit. The World Vapers' Alliance considers these measures to be a step backwards in the adoption of an open approach towards alternative nicotine products in Europe that jeopardizes the smoking cessation efforts of Latvians.

Therefore, the World Vapers' Alliance participates in this consultation and submits this text to the Latvian Government to provide extensive scientific evidence on vaping flavours and explain how the flavour ban and the restrictions on nicotine pouches would impact public health.

How to read this document:

We present the main proposed amendments to the law and WVA's concerns on each of them.

Banning vaping flavours: the amendment proposal establishes that "liquids of electronic smoking devices containing flavourings, except flavourings which produce the odour and flavour of tobacco" should be included in the category of products that "may not be placed in the market".

WVA's response:

The World Vapers' Alliance considers this measure to be a threat to smoking cessation efforts and public health in Latvia. 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, restrictions of vaping flavours are justified under two concerns: that vaping flavours are targeted to teenagers and children and that they are behind what has been called the youth vaping and smoking epidemic. 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 Gravely 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 flavor. 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. These studies 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 use among age groups are small. In the United States, as Gravely 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.

There is no evidence connecting flavours with youth vaping and smoking. Friedman & Xu (2020) found that *"relative to vaping tobacco flavors, vaping nontobacco-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."*

Therefore, there appears to be no causal relationship between youth vaping and youth smoking, while the true factors behind youth smoking are not being addressed. 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. The 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, and most users are current or former smokers. 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."*

So, the reasons given for banning vaping flavours are invalid.

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

- Gravely 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.

As we have shown, vaping flavours are not targeted to teenagers and have no causal relationship with youth vaping or smoking. Also, as the EU SCHEER (2021) report concluded: "To date, there is no specific data that specific flavourings used in the EU pose health risks for electronic cigarette users following repeated exposure." There are therefore no good reasons to ban vaping flavours. Moreover, banning them will jeopardize the smoking cessation efforts of Latvians. The flavour ban will discourage smokers to switch 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 flavour ban will make it a public health disaster. We urge the Latvian Government to reconsider the ban on vaping flavours and keep them available for adult smokers and vapers.

Restricting nicotine pouches: the amendment proposal establishes that "tobacco substitute products (effectively nicotine pouches) containing flavourings, except flavourings which produce the odour and flavour of tobacco" should be included in the category of products that "may not be placed in the market", and that "the maximum concentration of nicotine in tobacco substitute products shall not exceed four milligrams per gram".

WVA's response:

The World Vapers' Alliance considers these measures to be a threat to smoking cessation efforts and public health in Latvia.

Nicotine pouches are the least harmful alternative to smoking, as Azzopardi, Liu & Murphy (2022) proved, with a risk profile similar to that of conventional nicotine replacement therapies (such as nicotine gums or nicotine patches). Similarly to vaping, they also work as a smoking cessation tool, since they can deliver a high amount of nicotine with very limited risks, as Lunell et al. (2020) demonstrated: *"The two higher doses of ZYN (6 and 8 mg) deliver nicotine as quickly and to a similar extent as existing smokeless products, with no significant adverse effects."*

These two characteristics make nicotine pouches a great smoking cessation aid with great potential to save lives and improve public health. Lee, Fry & Ljung (2022) estimated the impact on public health nicotine pouches could have had in the United States if they had been introduced in the year 2000. They found that, in the worst-case scenario, the reduction in deaths would have been about 600,000 by 2050.

Therefore, given the potential of nicotine pouches to reduce smoking rates and improve public health in Latvia, the proposed amendments to ban flavoured nicotine pouches and limit their nicotine concentration are a threat to public health.

As with vaping flavours, banning non-tobacco flavoured nicotine pouches available will make nicotine pouches less attractive to smokers looking for safer alternatives and will push a considerable share of users to the black market or back to smoking.

Moreover, the nicotine concentration limit of four milligrams per gram is unjustified. Nicotine is relatively harmless and it is an important factor in whether smokers are able to switch.

Foulds et al. (2021) found that *"e-cigarettes with nicotine delivery approaching that of a cigarette are more effective in helping ambivalent smokers to quit cigarette smoking."* A similar reasoning should be followed with nicotine pouches: if nicotine pouches cannot deliver the same amount of nicotine cigarettes do, they will fail as a smoking cessation tool. On the other hand, if they give smokers the same satisfaction as cigarettes with less harm, they will be a good alternative and smokers will be able to switch. Also, each user needs a different concentration for nicotine pouches to be a good replacement of tobacco, with most of them using concentrations above 4 milligrams per gram.

Most nicotine pouches weigh around 0.5 grams, and in most EU Member States that have regulated pouches, nicotine concentration limits are between 12 and 20 milligrams per pouch. Therefore, enacting a 4 milligrams per gram nicotine concentration limit is disproportionate and risks ending the role of nicotine pouches as a smoking cessation product. We therefore urge the Latvian Government to reconsider such heavy limitations on nicotine pouches.

WVA's conclusion remarks:

Vaping and nicotine pouches have been proven to be substantially less harmful than smoking and great tools to quit smoking, with flavours playing a vital role in the process. Therefore, we urge the Latvian authorities to consider all the evidence and establish the necessary measures to keep vaping products and nicotine pouches (including all flavours) available for adult smokers.

A comprehensive review of the literature can be found in our Vaping and Harm Reduction Fact Sheet here: https://worldvapersalliance.com/harm-reduction-vaping-fact-sheet/

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