

Dear Imperial Tobacco Limited,

Thank you for your letter of 1 December.

As you will be aware, the UK government is required, under Article 5.3 of the WHO Framework Convention on Tobacco Control, to protect public policy from the commercial and other vested interests of tobacco companies. As such, we are responding to the points related to process raised in your letter and will not be responding on issues related to public policy. In line with Article 5.3, we will be publishing both your correspondence and this response.

Point a: The producers of the products that would be subject to the Tobacco Sale Ban proposal – i.e. those most significantly, adversely, affected by the proposal - are not amongst those invited to respond to the Consultation, see, e.g.:

“We want to hear from:

- the public – from young people, parents, carers and teachers*
 - the retail sector and the independent vaping industry*
 - local authorities across the UK*
 - clinicians and medical professionals*
 - public health stakeholders and academic experts*
 - employers and trade unions” “*
- *DHSC response:* All are welcome to respond to the consultation and the UK Government and devolved administrations would like to understand the impact on businesses and on people. The list provided in the consultation is not exhaustive. No organisations or individuals are blocked from responding to the consultation.

Point b: The Consultation was launched on 12 October 2023 and updated on 20 October 2023. Imperial has therefore had less than two months to respond to a consultation which has fundamental implications for the future of its business in the United Kingdom

- *DHSC response:* The government’s guidance consultation principles state that: ‘Consultations should last for a proportionate amount of time on the basis of legal advice and taking into account the nature and impact of the proposal. Consulting for too long will unnecessarily delay policy development. Consulting too quickly will not give enough time for consideration and will reduce the quality of responses.’
- The duration of the consultation is consistent with this guidance. There will be further opportunities to scrutinise any proposal which the government decides to take forward following the consultation, as part of the parliamentary process.
- Given the consultation is UK-wide, we also produced a Welsh translation. This was published on 20 October. The page updates are explained at the bottom of the publication page “20 October 2023 – Added link to the consultation in Welsh”.

Point c: The questions in the Consultation are multiple choice with a request to provide an explanation and evidence for the selected response in a maximum of 300 words for each question. That format is fundamentally unsuitable for consideration of a policy with such far reaching effects and which raises complex, multifactorial issues.

- *DHSC response:* The government is consulting against the policy proposals being considered. The free text boxes allow for respondents to make alternative suggestions.

- An organisation or individual sharing professional views on behalf of an organisation, can already upload documents to support their response at the end of the survey. However, to make this clearer, we have amended language on the consultation landing page to make it clear that uploads can be made within the survey and provided an email address for any issues respondents may have in completing the survey. This now reads:

If you're responding as an individual sharing your professional views or on behalf of an organisation, you may upload a document to support your response at the end of the survey. Please do not upload information that could identify an individual or member of the public.

If you have any issues completing the online survey, contact sfgconsultation@dhsc.gov.uk. Please do not include any personal information in your email.

Point d: In terms of next steps, it is unclear whether Imperial (and others) will be afforded the opportunity to provide further comments, by way of a further consultation, in light of the Government's review of the Consultation responses and accompanying evidence, as well as the planned further review of the international evidence base and publication of impact assessments. Imperial questions the fairness of a process which does not provide for further or alternative ways for interested parties to make representations on the current proposals devised by the UK Government and devolved administrations.

- *DHSC response:* The consultation closes on 6 December 2023. We will provide a response in due course.

Point e: No information or evidence is provided in the Consultation regarding what review of the "international evidence base" DHSC and the devolved administrations have already conducted. Imperial is essentially unsighted on and unable to respond intelligently to any analysis or evidence on which DHSC and the devolved administrations rely in this regard. Imperial has serious concerns about the adequacy and fairness of a proposal where the evidence base for such proposal has not been shared and it is unclear if the process will provide an opportunity for further consultation in light of the planned further review of the evidence base.

- *DHSC response:* As set out in the consultation on the 4 October DHSC published a command paper setting out proposed action to protect future generations from the harms of smoking by creating the first smokefree generation. Evidence and modelling are set out in this [command paper - Stopping the start: our new plan to create a smokefree generation](#) .
- The impact assessment for the Tobacco and Vapes Bill will be published in due course. Parliament will have further opportunity to scrutinise our approach, including the impact assessment, as the Bill progresses.