

IMB submission to Javed Khan OBE Independent Review of Smokefree 2030 policies

Submitted 21 March 2022

Company background

Imperial Brands PLC (**IMB**) is a FTSE 100 business headquartered in Bristol in the UK and is the parent company of a dynamic international business specialising in tobacco and non-tobacco brands. Our PLC name reflects the breadth of our brands focus across five distinct entities: Imperial Tobacco, Tabacalera, ITG Brands, Fontem Ventures and Logista.

Imperial Tobacco UK (**ITUK**) (together with Imperial Brands PLC) is the Bristol-based trading operation of IMB which distributes Imperial Tobacco's products to the UK market. Alongside our core tobacco brands, our commercial focus is also on our Next Generation Product (**NGP**) portfolio. Our own research suggests, as well as the broader scientific literature demonstrates, that NGP categories have the potential to be substantially less harmful than continued combustible cigarette smoking. Included in our portfolio is blu, a market leader in the UK vape category.

We welcome the opportunity to contribute to this Independent Review on Tobacco Control, and strongly believe that the evidence-based measures discussed throughout this submission will support government's Smokefree England by 2030 ambition and wider public health and levelling up objectives.

IMB is a member of the Tobacco Manufacturers' Association (**TMA**) and UK Vaping Industry Association (**UKVIA**) and has contributed to the TMA and UKVIA submissions to this call for evidence. IMB welcomed the opportunity for the UKVIA to present the overwhelmingly positive evidence base on vape products as a potentially reduced risk alternative for existing adult smokers to Javed Khan on 21 February. While the TMA would also welcome the same opportunity to contribute their views to this independent review, at the time of submission, they have received no response from Javed Khan's office to their request for a meeting.

Executive summary

- Evidence shows that smoking rates are declining year-on-year, and that youth uptake remains low for both combustible tobacco and vape (e-cigarette) products
- The current regulatory approach to tobacco harm reduction (**THR**) should be welcomed, however, to meet the Smokefree England 2030 ambition, government must go further and implement regulatory frameworks that are risk-proportionate for vape products,

- heated tobacco products (HTP) and tobacco-free nicotine pouches (nicotine pouches)
- Relaxing advertising and promotion restrictions for potentially reduced risk products will combat misinformation by allowing relative harms to be communicated clearly to existing adult smokers, increasing transition rates away from combustible tobacco
 - The ongoing post-implementation review of TRPR and the revised Tobacco Control Plan (TCP) for England are important opportunities for government to follow the evidence and fully support vape as a potentially reduced risk alternative to combustible tobacco

Preventing people from starting smoking via THR

Smoking prevalence has been declining continuously in the UK for over a decade,¹ with the largest fall in prevalence among 18-24 year olds.² The Office for National Statistics (ONS) Annual Population Survey reported in 2020³ that between 2011 and 2019, smoking rates in this age group fell by almost 10 percentage points, down to 16%.⁴ For the same year, the total smoking prevalence for all smokers over 18 was 14.1% across all age groups.

IMB strongly believes that this decline in smoking rates has been positively influenced by the emergence of scientifically substantiated, potentially reduced risk alternatives to combustible tobacco including vape products, heated tobacco products and tobacco-free nicotine pouches.

The concept of harm reduction “is supported by the UK government, most of the public health community, the MHRA and NICE”.⁵ In 2016, Public Health England (PHE) and other UK public health organisations including Cancer Research UK and the British Lung Foundation published a joint statement supporting the use of vape products, committing to “provide up-to-date information on the emerging evidence on e-cigarettes.”⁶ Since this commitment, numerous evidence updates and reports on vape products have been published⁷, joined in recent years by evidence on newer forms of potentially reduced risk products including HTP and nicotine pouches.

Current UK policy is based on a growing body of such evidence supporting the reduced harm potential of products such as vape, HTP and nicotine pouches. Most public health authorities and charities welcome the UK’s policy approach to reduced harm, and many undertake and publish their own scientifically substantiated evidence supporting alternatives to combustible tobacco, in particular vape products, and actively encouraging existing adult smokers to transition. While there is still more to be done to ensure the UK has an effective, scientifically substantiated reduced harm framework, particularly in aligning HTP and nicotine pouch regulations with those on vape products based on their reduced harm potential, this approach from public health bodies has enabled the UK to become one

¹ ‘Adult smoking habits in the UK: 2019’ ONS 2020
<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2019#:~:text=In%20the%20UK%2C%20in%202019,2018%20to%2014.1%25%20in%202019.>

² Ibid.

³ 2020 ONS data is used to accurately compare pre-COVID data sets.

⁴ Ibid.

⁵<https://ash.org.uk/category/information-and-resources/product-regulation/harm-reduction/#:~:text=Tobacco%20harm%20reduction%20within%20a,to%20smoking%20cessation%20see%3A%20Smoking>

⁶ ‘E-cigarettes: a developing public health consensus’ Public Health England, July 2016
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/534708/E-cigarettes_joint_consensus_statement_2016.pdf

⁷ Including the 2018 Science and Technology Committee Inquiry into E-cigarettes
<https://publications.parliament.uk/pa/cm201719/cmselect/cmsctech/505/50508.htm>

of the leading harm reduction countries in the world.

While in some countries, governments have not yet embraced potentially reduced risk alternatives, including over concerns of a ‘gateway effect’ – where never smokers start to use nicotine containing products and transition onto smoking combustible tobacco – data from the UK and other countries with more progressive approaches to harm reduction, in particularly vape products, disprove this theory. The UK now has one of the lowest smoking rates in Europe, and this can be attributed to the regulatory distinction between vape products and combustible tobacco. In fact, UK smoking rates have declined every year since 2011⁸, while between 2010 and 2020 vape use has increased every year.⁹ This evidence shows that the UK regulatory approach, particularly to vape products, has had a positive impact on transition rates, and we believe that our proposals (as set out below) would ensure this approach to vape products is extended more fully to other reduced risk products, to reverse the decline in transitioning seen in 2020, and aid the government in meeting its Smokefree 2030 ambition.

A recent study from University College London supports the growing evidence that youth uptake of vaping, in particular amongst those who have never smoked before, is very low in the UK.¹⁰¹¹ PHE reports that “most young people who had never smoked had also never vaped (~1%) whereas a far greater proportion had used it as a means to quit smoking (~12%).”¹² While this data shows positive development, we believe that current advertising regulations have certain unintended consequences. We have seen from recent studies that the number of vapers is plateauing and disappointingly, one study found that for the first year on record, vape use has declined, from 7.1% to 6.3% of the adult population in Great Britain, amounting to 3.2 million people.¹³ Due to the significant correspondence between increasing smoking rates and declining smoking rates, it is likely any decline in the number of vapes would be reflected in more adult smokers continuing to smoke rather than transitioning to potentially reduced risk products.

For young people, IMB is clear about our commitment to youth access prevention (YAP) measures: We believe that minors (those under 18 years of age) should not use or have access to any vape products. We believe that vape products are to be used by existing adult smokers and adult vapers only. We do not market our vapour products to youth or non-smokers / non- vapers, and we do not market or design e-liquids in flavours that appeal to youth.

Quitting smoking for good

PHE’s *Vaping in England: evidence update*, found that nicotine vape products were the most popular aid used by smokers trying to quit in England in 2020.¹⁴ Available evidence suggests that as the use of vape products in quit attempts increases, the number of successful quits in England also increases. PHE’s independent reviews have consistently shown that vape products were significantly more

⁸ ‘Adult smoking habits in the UK: 2018’ ONS, July 2019 <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2018#the-proportion-who-are-current-smokers-in-the-uk-its-constituent-countries-and-local-areas-2011-to-2018>

⁹ ‘Use of e-cigarettes (vapes) among adults in Great Britain’ ASH, October 2020 <https://www.drugsandalcohol.ie/33211/1/Use-of-e-cigarettes-vapes-among-adults-in-Great-Britain-2020.pdf>

¹⁰ <https://www.ucl.ac.uk/news/2022/mar/e-cigarettes-not-substantial-gateway-smoking-young-people>

¹¹ Ibid.

¹² Ibid.

¹³ ‘Use of e-cigarettes (vapes) among adults in Great Britain’ ASH, October 2020 <https://www.drugsandalcohol.ie/33211/1/Use-of-e-cigarettes-vapes-among-adults-in-Great-Britain-2020.pdf>

¹⁴ Ibid.

effective for helping people stop smoking than nicotine replacement therapy (NRT) products.¹⁵

Behaviour change & media influence

There are several challenges preventing existing adult smokers from quitting or transitioning to a potentially reduced risk alternative. Many are misinformed or unaware of the differences in risk profile between combustible tobacco and potentially reduced risk alternatives such as vape products which deters them from attempting to quit. We believe that government must address the following challenges as a matter of priority:

1. Relaxation of advertising & promotion regulation on vape products

Too many smokers, reported by PHE to be 38%, believe that vaping is just as harmful as smoking, with 15% believing that it is more harmful.¹⁶ It is likely that without rectifying this misperception, the government will not reach its 2030 Smokefree England ambition. IMB believes regulated advertising and responsible marketing, as detailed below, could address this challenge.

This misinformation often stems from misleading media reports which conflate all nicotine categories and their potential relative risks to health. Government, public health bodies and media should ensure they communicate to existing adult smokers utilising scientifically substantiated information.

To educate and correct existing adult smokers' views on potentially reduced risk products, IMB has called on government for the relaxation of advertising and promotion regulations on vape products, to enable appropriate communication of scientifically substantiated, educational information to existing adult smokers on the potential of vape products. In 2020, nicotine vape products were the most popular aid used by smokers trying to quit in England¹⁷ and evidence indicates that as the use of vape products in quit attempts increases, the number of successful quits also increases. As discussed, evidence shows that vape products are significantly more effective for helping people stop smoking than NRT products.¹⁸

However, IMB believes that current advertising regulations under Part 7 TRPR and Rule 22 of the CAP code limit the number of adult smokers looking to reduce or replace combustible tobacco use using vape products, as they restrict/prevent manufacturers from combatting misinformation. **We believe decoupling vape and combustible tobacco regulations, relaxing some of the current regulations relating to the advertising of vape products and permitting regulated switching messages would present a significant opportunity to encourage more adult smokers to confidently transition.**¹⁹ This proposal is supported by PHE evidence, and their recommendation that 'a greater emphasis needs to be placed on how to best communicate evidence of relative harm to smokers so that they can consider all the options available to them to quit smoking'.²⁰

We would support the further relaxation of advertising restrictions currently applied to vape products relative to the prohibitions applied to combustible tobacco, as vape products are fundamentally

¹⁵ Ibid.

¹⁶ 'Vaping in England: an evidence update including vaping for smoking cessation' PHE, February 2021 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962221/Vaping_in_England_evidence_update_February_2021.pdf

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ <https://pubmed.ncbi.nlm.nih.gov/31753541/> ; <https://openresearch.lsbu.ac.uk/item/86955>

²⁰ 'Vaping in England: 2021 evidence update summary' PHE, February 2021 <https://www.gov.uk/government/publications/vaping-in-england-evidence-update-february-2021/vaping-in-england-2021-evidence-update-summary>

different to tobacco products and should be recognised as such. Many regulators and public health bodies have concluded that vape products are less harmful alternatives to smoking, and therefore have a positive role to play in reducing smoking-related disease. Regulating vape products, and several forms of advertising, in a similar way to combustible tobacco products conflates the two categories – particularly in the eyes of potential consumers – does not recognise the harm reduction potential of the vape category and is not in the interest of the government’s public health objectives. Effective regulation should support vape products being made more accessible to more adult smokers, encouraging and supporting them in their transition to potentially less harmful products.

IMB believes that government, in line with recommendations from major public health bodies, as well as the UK House of Commons Science and Technology Committee²¹, should review and change current marketing and advertising laws governing vape products to enable more widespread education and understanding of these products among adult smokers. Informative and scientifically substantiated communications would also support those vape retailers who offer educational support to those adult smokers looking to transition using vape products at point of sale. Having approved materials on potentially reduced risk products would likely encourage confidence in existing smokers in their choice to transition away from combustible tobacco.

Adult smokers should have access to informative, educational, and scientifically substantiated information about the alternative products available to them. Regulated advertising and responsible marketing help in this regard.

2. Regulatory frameworks should reflect the concept of Tobacco Harm Reduction with a distinction between combustible / non-combustible

The UK is widely regarded as progressive in its regulatory approach to potentially reduced risk products. IMB supports and welcomes this approach but believe that the increasing scientific evidence base²² underpinning the effectiveness of reduced harm products relative to combustible tobacco should enable the UK to go further, post-Brexit, to efficiently establish a risk-proportionate harm reduction regulatory framework that maximises the public health potential of these products.

The ongoing post implementation review of the Tobacco and Related Products Regulations (TRPR) and upcoming publication of a revised Tobacco Control Plan (TCP) for England provide important opportunities for the UK in its newly independent regulatory capacity. Such a framework, based on mandatory compliance with high quality, safety, and manufacturing standards, would cover all forms of consumer nicotine products, however the key differentiator, for policy purposes, must be whether the product combusts or not. IMB believes that such an approach – based on this simple concept – would more effectively tackle misinformation on, and declining adult smoker confidence in, tobacco harm reduction and support those adult smokers looking to transition away from combustible tobacco to potentially reduced risk products.

The concept of tobacco harm reduction is not new – in 2007 the Royal College of Physicians (RCP) concluded that “harm reduction in smoking can be achieved by providing smokers with safer sources of nicotine that are acceptable and effective cigarette substitutes”²³ – and current evidence, discussed

²¹ ‘Government missing opportunity with e-cigarettes’ Science and Technology Committee, August 2018 <https://committees.parliament.uk/committee/135/science-and-technology-committee-commons/news/100841/government-missing-opportunity-with-ecigarettes/>

²² Including Imperial Brands Science research. For example: <https://imperialbrandsscience.com/blog/press-release-next-generation-products-induce-lower-biological-activity-than-combustible-cigarettes/>

²³ ‘Harm reduction in nicotine addiction’ Royal College of Physicians Tobacco Advisory Group, October 2007 <https://cdn.shopify.com/s/files/1/0924/4392/files/harm-reduction-nicotine-addiction.pdf?15599436013786148553>

throughout this submission, supports the reduced harm potential of vape products, HTP and nicotine pouches.

As indicated above, the important distinction between these products and combustible cigarettes is that they either do not combust tobacco (HTP) or do not contain tobacco leaf (vape products and nicotine pouches). Ensuring that this contrast is recognised in the UK's regulatory approach to harm reduction will support adult smokers, who would otherwise continue to smoke, understand the reduced harm potential of such products, which will in turn foster greater confidence in their choice to transition.

3. Recognition of the role of nicotine in potentially reduced risk products

A clear distinction between combustible and non-combustible products would also correct societal misunderstanding around the role of nicotine and smoking-related disease risk. Nicotine is not a known carcinogen, nor the primary cause of smoking-related disease (inhalation of tobacco smoke is the primary cause.) However, it is an addictive chemical and one of the many reasons why many adult smokers may choose to smoke combustible tobacco – the most harmful form of nicotine consumption.

IMB believes that while nicotine is addictive and not risk-free, in order to be an effective tool in increasing adult smoker transition rates to potentially reduced risk alternatives, a harm reduction regulatory framework must tackle the commonly held (and un-corrected by authorities) misperception that nicotine is the cause of many smoking related diseases.

Like many substances, at high doses nicotine can be poisonous. However, this is not the case when consumed through potentially reduced risk products where the products are used as intended by adult smokers. All potentially reduced risk products need to be stored securely and retailed responsibly, with appropriate packaging and labelling, to ensure vulnerable people – including those under the age of 18 – cannot access them. As with many consumable products, they should also not be adapted or tampered with.²⁴

Nicotine is a mild stimulant and produces a broad range of physiological effects, including increased heart rate, increased blood pressure and increased respiration. However, these effects are transient. To date, the scientific consensus is that nicotine has not been established to cause, by itself, cardiovascular disease or cancer^{25,26} and its use in traditional medicinal nicotine products where nicotine is decoupled from tobacco combustion (for example, nicotine gums and patches) has been well-established through years of pharmaceutical clinical trials.

In 2018, PHE stated that “four out of 10 smokers and ex-smokers wrongly think nicotine causes most of the tobacco smoking-related cancer, when evidence shows nicotine actually carries minimal risk of harm to health.”²⁷ It is likely that this lack of understanding around the health impacts of nicotine, coupled with frequent misreporting of scientific studies in the media, has had a negative impact on adult smoker transition rates from combustible tobacco. It follows that to achieve the government's Smokefree 2030 ambition, it will be important to ensure that the role of nicotine is more clearly understood by adult smokers and those looking to transition to potentially reduced risk alternatives.

²⁴ https://imperialbrandsscience.com/about-us/positions/#cite_note-nicotine-2

²⁵ <https://www.cancerresearchuk.org/about-cancer/causes-of-cancer/smoking-and-cancer/is-vaping-harmful>

²⁶ 'The health consequences of smoking – 50 years of progress' National Centre for Chronic Disease Prevention and Health Promotion, 2014 <https://www.ncbi.nlm.nih.gov/books/NBK179276/>

²⁷ <https://publichealthmatters.blog.gov.uk/2018/02/20/clearing-up-some-myths-around-e-cigarettes/>

Vape products (e-cigarettes)

How do vape products work?

Vape products are battery-powered devices that heat e-liquids (water-based fluids) to create an aerosol which is inhaled by the user. E-liquids are produced in varying nicotine strengths, with nicotine-free variants also available. These products are fundamentally different from all tobacco-based products and devices as they do not contain tobacco leaf. Most nicotine used in e-liquids is derived from tobacco plants (as is the case for medicinal nicotine replacement products.)

Vape products fall into two broad sub-categories: closed or open systems. Closed systems include pod format products which are popular amongst adult smokers; simple-to-use devices, which feature a pre-filled pod of e-liquid, while open systems are customisable and enable the user to fill and refill the device with e-liquid.

Vape product use in the UK

IMB believes that regulations could go further to improve adult smoker confidence in the reduced harm potential of vape products and to encourage more adult smokers to consider transitioning to vape products.

In 2020, year-on-year vape use declined for the first time on record, from 7.1% to 6.3% of the UK adult population, equalling 3.2 million people.²⁸ It is possible that this decline is linked to the increasing proportion of the public who believe that vape products are as harmful or more harmful than combustible tobacco.²⁹ While the current domestic regulatory framework has supported the transition of many adult smokers, government must now go further to correct misinformation, ensure those who have already transitioned remain confident in their decision, and to raise awareness and confidence among those adult smokers who have not yet transitioned.

Vape as a potential reduced harm alternative to combustible tobacco

Youth access (the ability for under-18's to purchase or use vape products) and vape products acting as a potential 'gateway' to combustible tobacco use, are both issues that are commonly mis-reported in media as presenting a significant public health challenge in the UK. In contrast, available evidence shows that this is not a prevalent issue. A 2020 ASH report on the use of vape products by young people found only 0.7% of those aged between 11-18 who have never smoked have used vape products more than once or twice, with 94.1% of 11-18-year-old never smokers having never used vape products.³⁰ PHE's *Vaping in England: evidence update* also confirmed that vaping in young people was rare among never smokers.³¹

IMB continues to take proactive measures to ensure responsible sales practices, both on our own online storefront and through third-party online and brick-and-mortar retail locations. We are committed to fulfilling our responsibilities as a manufacturer and distributor of vape products and work closely with regulators to implement best practices in all commercial activities. We fully support

²⁸ 'Use of e-cigarettes (vapes) among adults in Great Britain' ASH, October 2020 <https://www.drugsandalcohol.ie/33211/1/Use-of-e-cigarettes-vapes-among-adults-in-Great-Britain-2020.pdf>

²⁹ Ibid.

³⁰ 'Use of e-cigarettes among young people in Great Britain' Action on Smoking and Health, January 2021 <https://ash.org.uk/wp-content/uploads/2021/02/YouthEcig2020.pdf>

³¹ 'Vaping in England: an evidence update including vaping for smoking cessation' Public Health England, February 2021 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/962221/Vaping_in_England_evidence_update_February_2021.pdf

legislation prohibiting sales of vape products to young people. We voluntarily implement several YAP initiatives, including online age-verification mechanisms and clear product labelling that states ‘not for sale to minors’ on all of our blu vape products.

IMB has a common aim with regulators in proactively preventing underage sales, and we welcome the opportunity to demonstrate and work with the Department of Health to further strengthen our own YAP policies, procedures, and initiatives, as necessary.

As a founding member of the UKVIA, we have contributed to the implementation of the UK vaping industry Code of Conduct, and adhere to the ten-point UKVIA Code of Conduct³² which outlines the standards that all members apply across their businesses from retail to marketing; this includes requiring retailers to use ‘Challenge 25’ in stores, have robust online age of sale verifications and ensure products are only marketed towards existing adult smokers or vapers.

IMB understands that as a responsible manufacturer, we must ensure industry-wide measures are taken to prevent youth access to vape products. IMB-owned vape brand blu is and always has been marketed as an adult brand. We are clear and passionate about our commitment to YAP: i) we do not market our vapour products to youth and ii) we do not market or design e-liquids in flavours that appeal primarily to underage audiences.

Media reports suggesting that flavours encourage young people to start vaping when they would not otherwise have done so, have propagated a misleading rhetoric which does not reflect UK evidence. We believe that current measures are proportionate in protecting young people from starting to vape. Flavoured liquids should be permitted, provided they meet high product quality standards, comply with technical regulations and are not marketed or presented in a way that is aimed at appealing to minors or non-smokers. A growing body of research shows flavours play a critical role in attracting and retaining adult smokers into vaping. Any further regulation – such as prohibiting the use of flavours in vape products – risks fundamentally undermining the ability of vape products to contribute to a reduction in smoking in the population. YAP measures must be upheld without sacrificing the net benefit of vape products for the rest of the UK adult smoking population.

IMB believes that as evidence clearly demonstrates the success of using vape products for adult smokers looking to transition, more must be done to ensure that these products are available, and effective communication is enabled, and that adult smokers are confident in their decision to transition.

IMB believes that regulations relating to online product promotion are too restrictive and do not allow for vaping to be positioned openly and clearly in all channels.³³³⁴ The restrictions on online advertising of vape products prevents many adult smokers from being made aware of price promotions in certain channels. This limits the ability of adult smokers to make an informed choice by considering the significant cost savings of vape products compared to combustible tobacco. These communication barriers encourage reliance on misinformation, further impacting consumer confidence in potentially reduced risk alternatives. It is likely that some existing smokers who attempt to quit using potentially less effective alternatives could revert to cigarettes. IMB believes access to

³² <https://www.ukvia.co.uk/wp-content/uploads/2019/02/UKVIA-Code-of-Conduct.pdf>

³³ ‘Vaping in England: an evidence update including mental health and pregnancy’ Public Health England, March 2020
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/869401/Vaping_in_England_evidence_update_March_2020.pdf

³⁴ ‘Electronic cigarettes for smoking cessation (review)’ Cochrane Library, October 2020
<https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD010216.pub4/epdf/full>

information on vape products would both reduce these missed opportunities and further the government's Smokefree 2030 ambition.

Stop Smoking Services & medical support

Stop smoking services

While local authorities are becoming increasingly aware of potentially reduced risk alternatives, government must go further to support local stop smoking services in communicating the reduced harm potential of alternatives such as vape – only 11% of local authority stop smoking services offered vaping products to some or all people making a quit attempt.³⁵ Many local authorities who are supportive of the inclusion of vape products in their drive to reduce smoking prevalence, focus on the proven efficacy of vaping as an alternative to combustible tobacco. For example, Leicester City Council supply vape starter kits to existing smokers looking to transition through their local smoking cessation service 'QuitReady'.³⁶ Wirral Borough Council stop smoking service, which was recently ranked first of 169 local services³⁷, states "the service will also support people that wish to use e-cigarettes to assist their quit".³⁸ This approach is to be welcomed.

IMB would also support a recent call from the Local Government Association to decrease the level of VAT charged on vape products from 20% to 5%.³⁹ Decreasing VAT would ensure high-quality vape products are more financially accessible to those adult smokers to transition away from combustible tobacco effectively, making them a viable alternative to combustible tobacco for many more existing adult smokers. This cut would bring VAT of vape products in line with NRT products such as nicotine patches and gum. As discussed earlier in this submission, evidence shows that vape products are more effective in supporting adult smokers to quit than NRT products, and a lower rate of VAT would likely encourage many more adult smokers to transition to vape as a potentially reduced risk alternative.

The COVID-19 'lockdowns' across the UK in 2020 and 2021 forced vape retailers across the UK to close retail stores, as they were not categorised as 'essential' despite the service they offer to those adult smokers looking to quit. Some adult smokers moved away from smoking combustible tobacco at this time, and more must be done to ensure that national and local governments partner with the private sector in times of uncertainty and change, such as 'lockdowns', to help those who are looking to transition as the category landscape evolves.

To support the recent drive of local authorities and to achieve the government's Smokefree 2030 ambition, more flexibility must be allowed to position and build confidence in vaping (and other potentially reduced risk alternatives) as an effective tool to reduce and replace smoking.

In light of this, IMB welcomed the news last year that smoking cessation advice and vape starter kits are being given to patients presenting at A&E with any health issue, who identify themselves as adult smokers as part of a trial run by the University of East Anglia, which is running for 30 months across five hospitals in England and Scotland.⁴⁰ Introducing potential harm reduction tools such as vape

³⁵ 'Vaping in England: 2021 evidence update summary' PHE, February 2021 <https://www.gov.uk/government/publications/vaping-in-england-evidence-update-february-2021/vaping-in-england-2021-evidence-update-summary>

³⁶ <http://www.quitready.co.uk/help-topics/e-cigarettesvaping/>

³⁷ <https://wirralview.com/news/wirral-s-stop-smoking-service-ranked-no1-country#:~:text=Free%2C%20local%20support%20from%20health,for%20free%20advice%20and%20support.>

³⁸ <https://www.ablhealth.co.uk/wirral/what-do-we-do-in-wirral/>

³⁹ <https://www.local.gov.uk/about/news/lga-review-vat-e-cigarette-sales-help-stop-smoking-efforts>

⁴⁰ <https://www.uea.ac.uk/news/-/article/starter-vape-packs-to-be-handed-out-in-hospitals>

products to adult smokers in a trusted medical setting such as A&E will likely increase consumer confidence in transitioning, while also more generally increasing awareness and availability of potentially reduced risk products among adult smokers.

The RCP has argued that “if [a risk averse and precautionary] approach also makes e-cigarettes less easily accessible, less palatable or acceptable, more expensive, less consumer friendly or pharmacologically less effective, or inhibits innovation and development of new and improved products, then it causes harm by perpetuating smoking”.⁴¹ Regulations as they stand do exactly this. Simply because vape products are not subject to strict combustible tobacco-style restrictions does not mean they are always available to adult smokers who might choose them. Research has shown that the effectiveness of vape products as a tool in smoking cessation “appears only effective for sustaining smoking abstinence in a less restrictive EC (e-cigarette) environment suggesting that the benefits of EC’s for smoking cessation are likely highly dependent on the regulatory environment.”⁴² IMB believes that careful consideration of future vape product (and other potentially reduced risk alternatives) regulation is crucial in order to maximise public health benefits while enforcing robust mechanisms on regulatory aspects such as product safety and youth access prevention measures.

Prescription vape products

The MHRA recently updated its guidance on licensing vape products as medicines⁴³. The support of the vape category shown by government in this step is to be welcomed. IMB also welcome the product quality and safety standards required by the process, which will likely increase confidence in the vape category, and those adult smokers seeking support to make the decision to transition using vape.

Conclusion

Evidence consistently shows the continuous decline in smoking rates under the current regulatory framework of combustible tobacco products. Studies also show that access by vulnerable groups, such as youth and never-nicotine users, to tobacco and vape products is extremely low. IMB believe that to support these encouraging trends, more must be done to develop proportionate and science-based regulation of potentially reduced risk products.

Allowing appropriate communication of scientifically substantiated, educational information to existing adult smokers on the potential of vape products, correcting misleading information on topics such as nicotine and establishing a separate regulatory framework for potentially reduced risk products, would likely all work towards government meeting its 2030 Smokefree ambition.

This independent review on smoking, alongside the ongoing post-implementation review of TRPR and the revised Tobacco Control Plan for England are important opportunities for government to follow the evidence and fully support vape as a potentially reduced risk alternative to combustible tobacco.

⁴¹ ‘Nicotine without smoke: Tobacco harm reduction’ Royal College of Physicians, April 2016

<https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction>

⁴² ‘Does the Regulatory Environment for E-Cigarettes Influence the Effectiveness of E-Cigarettes for Smoking Cessation?: Longitudinal Findings From the ITC Four Country Survey’ Yong HH, Hitchman SC, Cummings KM, Borland R, Gravely SML, McNeill A, Fong GT, Nicotine & Tobacco Research, 2017 <https://pubmed.ncbi.nlm.nih.gov/28340053/>

⁴³ <https://www.gov.uk/guidance/licensing-procedure-for-electronic-cigarettes-as-medicines>