



Association of Directors of Public Health (UK)

Association of Directors of Public Health – response to the BSI Code of Practice consultation on the manufacture of vaping and associated products

The Association of Directors of Public Health (ADPH) is the representative body for Directors of Public Health (DsPH) in the UK. It seeks to improve and protect the health of the population through DPH development, sharing good practice, and policy and advocacy programmes. www.adph.org.uk

Directors of Public Health (DsPH) are the frontline leaders of public health working across health improvement, health protection, and health care service planning and commissioning.

ADPH has a strong track record of collaboration with other stakeholders in public health, including those working within the NHS, local authorities, government and other sectors.

ADPH has previously submitted detailed responses to a range of consultation exercises related to tobacco control measures – consistently calling for government to implement evidence-based national action to:

- reduce the harm and health inequalities caused by tobacco – particularly in the most deprived communities;
- reduce the burden of premature death and disability caused by tobacco;
- protect the future health of children in the UK (in light of the 200,000-plus children in the UK who take up smoking each year).

ADPH is a member of the Smokefree Action Coalition – a group of more than 190 organisations - committed to promoting public health and reducing the harm caused by tobacco. <http://www.smokefreeaction.org.uk/>

ADPH Policy Position - overview

Throughout this response we use the term nicotine vapourisers – to encompass the range of products variously described as electronic cigarettes or Electronic Nicotine Delivery Systems (ENDS), etc.

ADPH is working in collaboration with other Public Health organisations to support the development of evidence based approaches to nicotine vapourisers.

ADPH is currently considering the emerging evidence on the impact of nicotine vapourisers, however we are concerned that marketing and widespread use of nicotine vapourisers in enclosed public places will undermine the successful efforts which have been made to de-normalise smoking behaviour.

We are cognisant of arguments for the potential impact of nicotine vapourisers as a means of quitting or reducing harm by substituting for conventional tobacco products. However, we believe that more research is needed to establish clear evidence of safety and their long term impact on health – as well as on wider questions relating to re-normalisation of smoking behaviour, and the impact on young people of product development, advertising and marketing.

Use in enclosed public places

As demonstrated by our 2014 survey of UK Directors of Public Health, ADPH believes that the use of nicotine vapourisers in enclosed and substantially enclosed public places (including work places) undermines and makes more difficult the enforcement of the current ban on

smoking in such places. In our survey, 78% of Directors of Public Health who responded said that the restrictions and regulations relating to the use of smoked tobacco products in public places should also apply to nicotine vapourisers.

Many nicotine vapourisers look similar to regular cigarettes, therefore sending mixed messages to the public about acceptance of smoking. Evidence supports the need for consistency in messages in trying to support behaviour change and culture change. Similarly the use of nicotine vapourisers in an enclosed private vehicle could undermine and make more difficult the enforcement of any ban on smoking in such vehicles.

We are concerned over the second hand effects of vapour on those with respiratory conditions (such as asthma) particularly when nicotine vapourisers are used in enclosed and substantially enclosed public places.

Marketing & advertising

ADPH is particularly concerned that marketing and widespread use of nicotine vapourisers in enclosed public places will undermine the successful efforts which have been made to de-normalise smoking behaviour.

In our 2014 survey of UK Directors of Public Health, 84% of the Directors of Public Health who responded believed that the restrictions and regulations for the advertising and marketing of smoked tobacco products should also apply to nicotine vapourisers.

In responding to the Committee of Advertising Practice/Broadcast Committee of Advertising Practice consultation (2014) on the advertising and marketing of electronic cigarettes and associated products, ADPH advocated for the following principles:

- Advertising and promotion of products containing an addictive drug should always be subject to close supervision by regulatory authorities, since addiction undermines the principle of informed consent by adult consumers.
- Regulation of un-licenced nicotine vapourisers should be consistent with that for licenced products. For example, celebrity endorsement and free samples are not allowed for licenced nicotine containing products and should not be allowed for nicotine vapourisers either.
- Nicotine vapourisers should not be advertised or promoted in ways that could reasonably be expected to promote smoking of tobacco products. There should be a general prohibition on any design, colour, imagery, logos or styles that could create an association with or confusion with any existing tobacco product, or any promotion of smoking-like behaviour. The need for such a prohibition is clear, since some nicotine vapourisers brands are or will be produced and promoted by tobacco manufacturers, and it is important that advertising for such brands cannot be used as a covert means of promoting the brand identity of tobacco products.
- Marketing/advertisements must not contain health or medicinal claims [unless the product is licensed for those purpose by the MHRA]. Advertising and promotion of nicotine vapourisers should be directed at existing tobacco users as an alternative to smoking cigarettes or other tobacco products and not at potential new users of nicotine.
- Nicotine vapourisers should not be advertised in ways or through channels that could reasonably be expected to make them appealing to non-tobacco users. They must not target either explicitly or implicitly, non-smokers or non-nicotine users to use nicotine vapourisers.
- Nicotine vapourisers should not be advertised in ways or through channels that could reasonably be expected to make them appealing to children and young people.

We believe that - in addition to the need to establish clear evidence of safety and long term impact on health - more research is also needed in relation to the impact of advertising and

marketing of nicotine vapourisers, as well as on their impact on the re-normalisation of smoking behaviour. A particular concern is the impact on young people.

Harm reduction

ADPH supports the updated NICE guidance on tobacco harm reduction and in considering their recommendation on supplying licensed nicotine-containing products, we recognise that this should be interpreted based on the available evidence for the effectiveness of those products and the clients' needs.

Concerns have also been raised relating to the risk of nicotine poisoning through accidental ingestion (especially for young children) and the need for improved safety of product packaging (including clear safety and advisory warnings).

In general we would comment that these are rapidly evolving products/markets and the Code of Practice will need to be regularly reviewed in the light of emerging activity and evidence.

**Association of Directors of Public Health
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