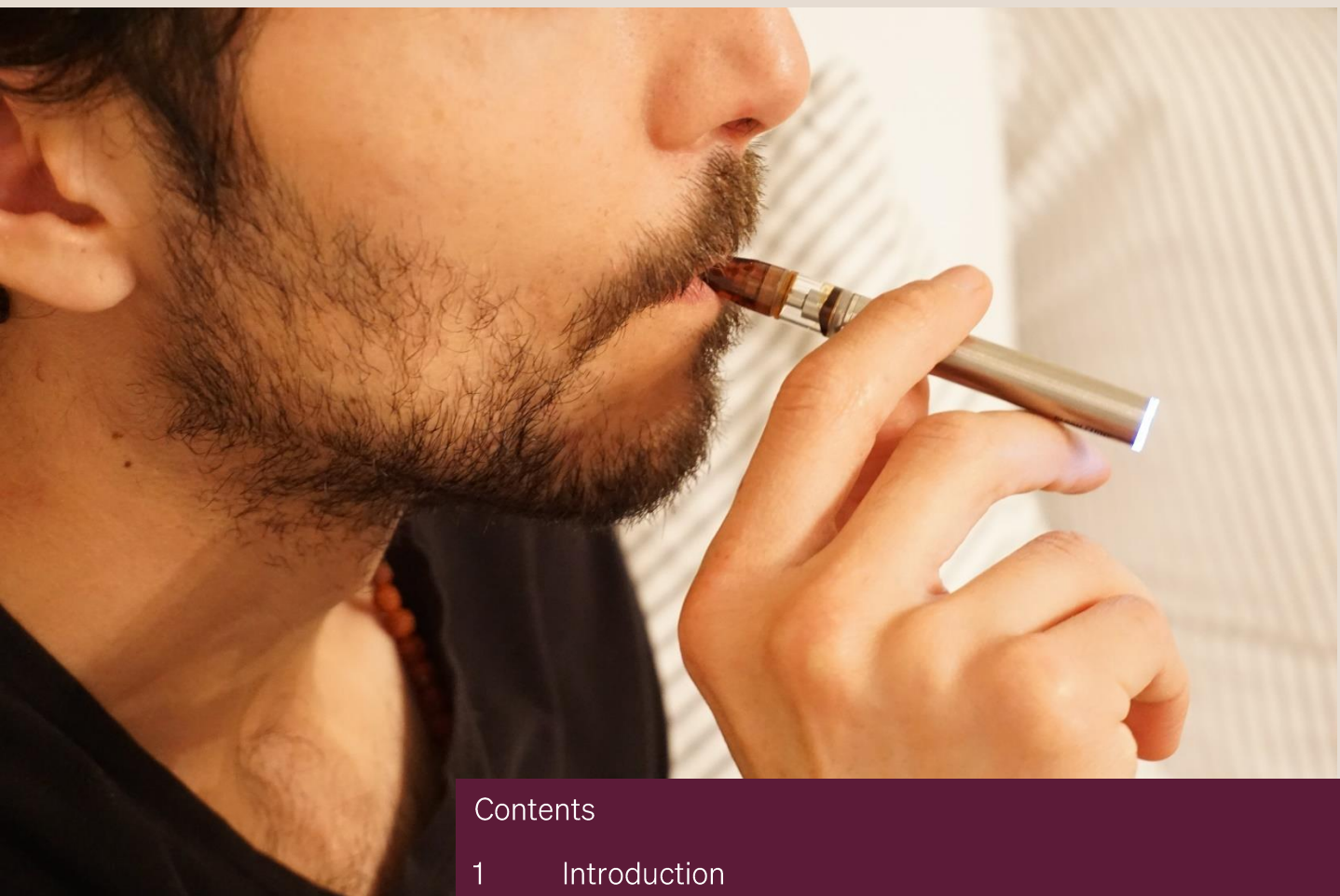


Vaping policy review

January 2024



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1 Introduction

Vaping is using an e-cigarette to inhale nicotine as a vapour, rather than smoke. Despite vaping only being around in the UK since the mid-2000s, it is already an industry worth over £2 billion (1). This is in part driven by the millions of people who have switched from smoking tobacco to vaping, but also vaping's popularity with younger populations.

The number of adults vaping in the UK is now at 4.7 million (9.1% of the population); the highest rate ever. With over half (56%) of these being ex-smokers, this number may be seen as a positive, but many (37%) are also current smokers, and a worrying 6.7% of current vapers have never smoked (2).

There is strong evidence to suggest that vaping is less harmful than smoking tobacco due to the lack of tar and toxins that have been linked to causing cancer, COPD and cardiovascular disease (3) (4) (5). Vaping can also be used as an effective tool to help smokers quit smoking; recent evidence has suggested that if 50% of smokers in England were to switch to e-cigarettes, hospital admissions would reduce by 13%, translating to savings of £518 million (6) and NICE guidelines recommend the use of nicotine-containing vapes as a safe and effective smoking cessation aid (5). A 2022 Cochrane review evidenced that vaping works better than traditional nicotine replacement tools such as patches or gum to help people stop smoking (7). However, e-cigarettes are not risk free, and more evidence, and time, is needed to understand the long-term risks.

Despite evidence that e-cigarettes are a safer alternative to tobacco and an effective quit aid they are banned in over 30 countries including Brazil, India, and Thailand, whereas other countries have taken a strict regulatory strategy, such as Australia where nicotine vaping products can only be purchased with a doctor's prescription (8), and New Zealand where recent regulation changes include banning most disposable vapes, and implementing strict nicotine concentration requirements (9). The World Health Organisation has recommended that e-cigarettes be banned, or regulated as a minimum, with a focus on preventing non-smokers and children being able to start vaping, and regulating product characteristics (10).

Westminster has, until recently, taken a relatively relaxed approach to the regulation of vaping, which could explain the worrying 50% growth in young people experimenting with vaping since last year (11). The 2022 Khan review recommended critical actions for the government to undertake to ensure they achieve their smokefree 2030 target (12), some of which we have seen included in the government's latest smoking reduction measures with the introduction of a "swap to stop" scheme where 1 million smokers will be offered vaping kits to help them quit cigarettes and funding for a new "illicit vapes enforcement squad" to stop underage vaping (13).

Vaping is becoming an increasingly salient issue in the press as a result of concerns around child use and their environmental impact. Public and political views are hardening with political figures including Shadow Health Secretary Wes Streeting looking to campaign on the issue (14), and moves in Scotland to ban disposable vapes (15).

1/3 of people with asthma said that vaping is a trigger for their condition.

- 2023 Life with a Lung Condition Survey

Asthma + Lung UK's current position on vaping is that e-cigarettes are an effective tool for adults to use to stop smoking. Evidence indicates that they are less harmful than tobacco but we do not recommend that anyone uses e-cigarettes unless they are trying to stop smoking. We also agree that more research is needed on how long-term vaping can affect your lungs and overall health.

This policy review is not designed to alter our current policy position, but to set out our position on Under-18s vaping; Disposable vapes; Communicating the harms of vaping; and Support for people to stop vaping.

Our recommendations:

1. Immediate implementation of a minimum floor price for all vaping products so they are less affordable for children.
2. Banning vape flavours that appeal to children.
3. Restrictions on the advertising of tobacco should be extended to include vapes.
4. Immediate closure of the loophole that allows vapes to be given to children for free.
5. Improving Trading Standards enforcement powers.
6. National public health campaigns communicating the harms of vaping to under-18s.
7. More research into how best to support those looking to quit vaping.
8. Transform smoking cessation services into broader nicotine dependency services.
9. Continued monitoring and evaluation of the impact of these policies, and if they are found to be ineffective at reducing the rates of under-18s vaping, then a ban on disposable vapes should be considered.

These are explored in detail on page 16.

2 Under-18s Vaping

The consensus that vaping is a useful tool to be used to support smoking cessation does not apply to vaping in Under-18s. This group should not be smoking therefore should not need access to vapes to stop doing so, indeed it is illegal to sell e-cigarettes to under-18s in the United Kingdom (16). However, regulation and enforcement has failed to keep pace with product availability and market changes, and there is considerable buzz in the news and media about under-18s vaping, with concerns about the growing popularity of these products and the seemingly younger and younger age of children trying vaping. In spring 2023, the Department of Health and Social Care (DHSC) ran a call for evidence on youth vaping to identify opportunities to reduce the number of under-18s accessing and using vape products, and youth vaping was a key topic within the October 2023 Smokefree Generation consultation, suggesting this is also a government priority.

State of the UK

ASH's 2023 survey found 20.5% of UK children aged 11-17 had tried vaping, up from 15.8% in 2022 (11). On average, 7.6% of children are 'current vapers', and this increases with age to 18% for 18-year-olds. The most frequent source of vapes is shops (48%) followed closely by being given them (46%), and the most frequently used device in under-18s was disposable/single use vapes (69%) (11).

There has been a significant growth in awareness of e-cigarette promotion between 2021 and 2022 with more than half all children (53%) aware of promotion in shops, and nearly a third (32%) online. Alarming 2.1% of children who have ever tried vaping report that their first vape was given to them by an e-cigarette company (11), something which is currently legal, but which the government have committed to changing. (17)

The main concerns around children vaping are the direct health-related impacts of vaping, of which there is considerable debate around the scale and nature (3): nicotine exposure during adolescence and young adulthood can harm the developing brain (18), and the addictive nature of the nicotine content may promote and/or lead to tobacco use, something the WHO has raised concerns about (19). There is currently no evidence to indicate that this is occurring to any significant extent in the UK however there is some data indicating that e-cigarette use among non-smoking adolescents is increasing in certain countries though, particularly the USA (20). It will therefore be important to continue to monitor the situation in the UK.

It is illegal to sell, and proxy purchase, e-cigarettes and e-liquids which contain nicotine to under 18s, and further regulations have been put in place to protect children, such as making the vape child-resistant and having warnings on vape packaging (16). There are regulations on the advertisement and promotion of vapes: they cannot be advertised or promoted on TV, on-demand TV, radio, online, through commercial e-mail, or in certain printed publications including newspapers, magazines, periodicals, and similar publications (21). The BMA's 2017 e-cigarettes position paper suggests that it is reasonable to conclude that these regulatory measures have been effective in addressing concerns around their use in young people (22); yet there has been an increase in the number of young people using these products since 2017, suggesting the opposite.

More recent DHSC reviews of these regulations (23) (24) found the regulations to be achieving their aims and concluded that they should be retained in their current form, however areas where the regulations could be amended to be more effective were identified including reducing the increase in child use of vapes and amending the poor compliance with the ban on sales to under 18s and the sale of non-notified products. Indeed, a 2022 study of business compliance by Trading Standards found an overall non-compliance rate of 33% (145 illegal sales/442 attempted sales), with 40% of attempts to purchase made by test purchasers aged 16 resulting in a sale, and a quarter of the products purchased not complying with UK requirements and should not have been on sale in the UK (25). A similar exercise in Scotland found 63 of the 312 premises tested (20%) sold vapes to an underage volunteer (26).

Price

Young people are using disposable vapes more than more traditional refillable e-cigarettes with disposable vapes being the product used most frequently by 69% of children who vape (11). Disposable vapes themselves are discussed in section 3 of this report, but they must also be considered here as a key driver behind under-18s vaping. The price of vaping is significantly cheaper than the cost of smoking: the majority of high street disposable vapes cost around £5 for 600 puffs (the equivalent of 40 cigarettes¹), with some disposable vapes being available from as little as £1-£2. This is further driven by the ability to have discounts and deals on vapes (see figure 1); something that is prohibited for tobacco products (27).

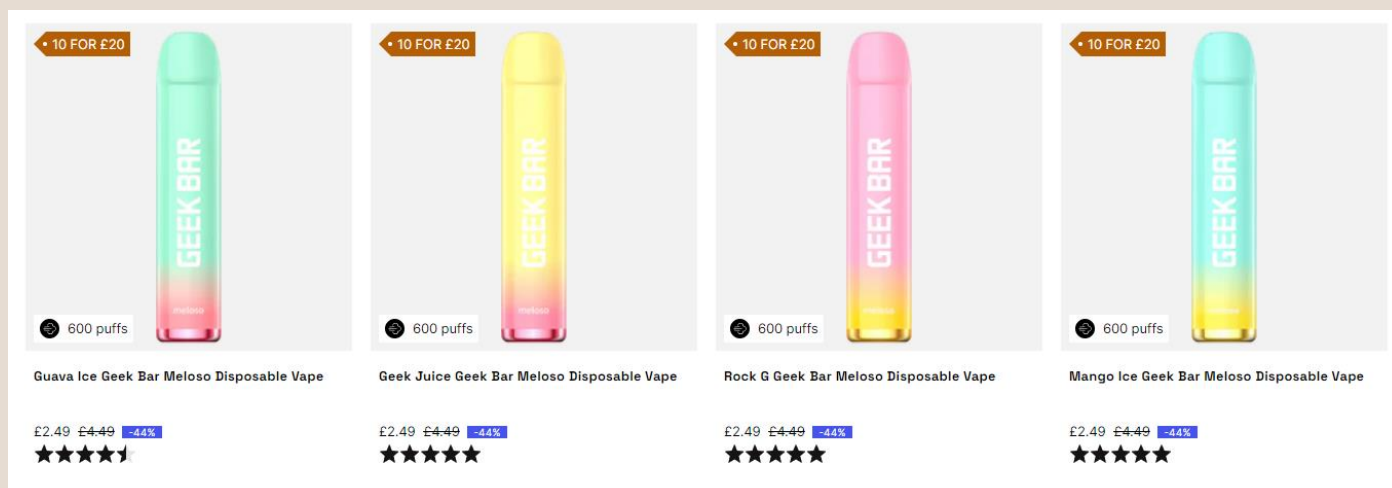


Figure 1: a screenshot taken from an online retailer selling vape products at discounted prices, and promoting deals.

These pocket money prices are not at all a barrier to young people accessing these products, and although children do not report price as a motivator to vape, a substantial body of evidence demonstrates that children are highly price sensitive. Reducing the affordability of tobacco has been highly effective in reducing smoking rates (28) and affordability has the most impact on those who are most price sensitive, such as smokers of a low socioeconomic status and younger smokers (29), it seems fairly reasonable to assume the same relationship applies to vaping. Furthermore, there is specific evidence that young people are highly responsive to changes in the price of vapes: a US study showed an increase of e-cigarette prices and taxes was associated with significant reductions in past 30-day use as well as reductions in the intensity of use (30).

Product and appeal

ASH found that, of those under 18 who have never smoked, their main reasons for vaping were 'just to give it a try' (54%), 'Other people use them so I join in' (18%), and 'I like the flavours' (12%) (11), suggesting that the appeal of vapes comes from them being new and exciting, and the cultural impact vaping is currently having. The bright colours and packaging, stylised designs, use of cartoon characters, and sweetshop-inspired flavours of vapes available on the high street are often discussed in relation to under-18 vaping, as these techniques are highly appealing to children.

Packaging

Historically, the branding of tobacco products made them more appealing to children, this led to the government introducing standardised packaging across tobacco products in May 2016, requiring cigarettes and rolling tobacco to be sold in standardised green packs, with the brand name in standard font and no brand imagery or logos (31). This has been effective for reducing the appeal of tobacco cigarettes, particularly among young people (32) (33). The Standardised Packaging of Tobacco Products Regulations 2015: post-implementation review found evidence that suggested the ban on branding reduced the appeal of tobacco products to children, with young non-smokers and

¹ 1 cigarette = 15 puffs

occasional smokers potentially affected the most (34). This evidence base could be applied to vaping products and be an opportunity for action against under-18s vaping.

Marketing of vapes, including their packaging, has been found to influence the appeal of vaping products to youth and adult smokers (35) (36), the use of cartoon characters being a clear example of packaging used to appeal to younger customers, thus a similar approach to standardising the packaging that vapes come in could impact the appeal of vapes to young people. This is supported by a 2023 study that when compared with fully branded packaging, green standardized e-cigarette packaging with no brand imagery was associated with decreased interest in trying the vaping products among youths but not adults (37), therefore restricting packaging designs could reduce the appeal of vaping to young people, whilst having little impact on adult smokers' interest in using the products to quit smoking.

Flavours

Another avenue of appeal is the flavour options: fruit flavours are the top choice for adults and children. However, fruit or chocolate, desserts, sweet, or candy flavour make up 77% of e-cigarette liquid flavour chosen by under-18 current vapers (11), whilst fruit, menthol and tobacco flavours rank in the top 3 preferred flavours for adults (2) suggesting that chocolate, desserts, sweet, or candy flavoured vapes are being designed to appeal to children, and it's working; the use of sweet names like gummy bears and skittles is appealing to children and irrelevant for adults trying to quit smoking. Conversely, a study found that adult users of flavoured e-cigarettes reported greater satisfaction and self-perceived addiction than users of non-flavoured e-cigarettes (38); and another study found that over time adult long-term e-cigarette users migrated from preferring tobacco and menthol/mint (40% baseline vs. 22% follow-up) to preferring sweeter flavours such as chocolate/candy (16% baseline vs. 29% follow-up) (39).

There is some evidence to suggest health risks of the chemicals used to flavour e-cigarettes, for example vaping products that contain the flavouring chemical cinnamaldehyde are a cause of concern (40), and flavourings that were linked to Bronchiolitis obliterans, also known as 'popcorn lung', were subsequently banned from e-cigarettes (41). Although the evidence base on whether flavourings affect health is limited. This might suggest that policy changes on flavourings need to weigh up the risks vs the unintended consequences of reducing the appeal of vaping to adults trying to stop smoking. Indeed, a decision tool developed by academics at the University of Bristol concluded that there would be a negative net population impact of a flavour ban on the general UK population and low-socioeconomic position population, who have higher than average smoking rates (42). However, some jurisdictions have decided to ban flavoured vapes including the Netherlands (43).

Social media

Vaping is also part of a cultural moment; a subculture has emerged over the past decade with 'vape artists' on YouTube gaining millions of subscribers and vaping expos being hosted around the world. This has enabled these products to become mainstream, fashionable, and covetable. ASH's Smokefree GB Youth Surveys 2023 found that half (49%) of 11–17-year-olds have seen e-cigarette promotions on TikTok, with YouTube, Instagram and Snapchat being similar in exposure levels at 29%, 28% and 24% respectively (11). The impact of social media on young people's behaviour cannot be underestimated; and when it comes to vaping, a US based study found that adolescents who view social media posts featuring e-cigarettes are more likely to vape and to view e-cigarettes positively (44). Another study, conducted in Australia, found that almost all (98%) of user-generated vaping videos on TikTok portrayed e-cigarettes positively, with more than one-quarter of the videos clearly violating TikTok's content policy by promoting vaping products for purchase (45). This is an issue that spans wider than vaping: social media policies are commonly violated and there are no major consequences; the platforms themselves decide the consequences for breaches which is highly problematic as platforms have a clear financial incentive not to punish people who breach their policies.

To reduce the appeal of vaping to under-18s, removing the product characteristics that make them appealing, and reducing their presence on social media should be considered.

Physical availability

E-cigarettes are available in all supermarkets, newsagents, convenience stores, and in many barbershops, sweet shops, and markets. Physical stores hold 74% of the market share, with only 26% being sold through online outlets

(46). A 2022 economic assessment of the vaping industry estimated the number of vape shops across the UK increased from 2,281 in 2017 to 3,644 in 2020, with the North West of England hosting the highest number of vape shops (1).

ASH data shows that under-18s are accessing vapes in similar ways to cigarettes: they are buying them from a shop (48%), they purchase them informally (26%), but, most concerning, is they are being given them (46%), as shown in Figure 2. This is furthered by 73% of under-18s first source of an e-cigarette being one that was given to them (11). This is indicative of the major loophole in UK legislation that allows vapes to be given to children for free. Despite it being illegal to sell vapes to under 18s, the most common source of supply for underage vapers is shops (48%) showing there is clearly a need to improve enforcement of the age of sale.

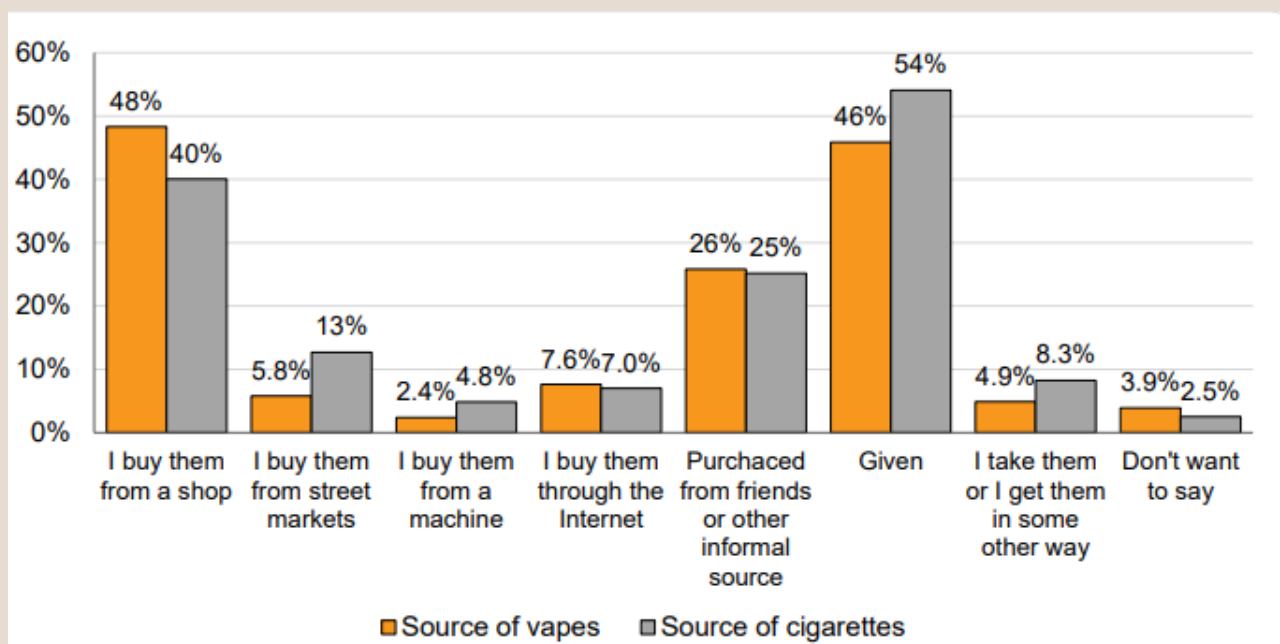


Figure 2: Sources of cigarettes and e-cigarettes among current users in 2023 (11-17 years) (11).

Illicit trading also impacts the accessibility of products to under-18s: those selling illicit products are also more likely to sell to children. The recent announcement of £3 million of new funding to create a specialised “illicit vapes enforcement squad” to enforce the rules on the sale of vapes, tackling illicit vapes and underage sales is welcome. However, this funding has only been secured for the next two financial years, and while enhanced enforcement activity has been shown to lead to large declines in outlets selling tobacco to children in the short-term, the impact on underage smoking prevalence using these approaches alone may be small if the level of compliance attained does not sufficiently restrict access and is not sustained in the longer-term (47).

Advertising and promotion

ELFBAR, the most popular vaping brand in young people (11), state one of their core principles as “Our products should not be sold to or used by anyone who is not at least 18 years of age.”, yet ASH found the most popular brand for disposable vapes for 11–17-year-olds in 2023 was ELFBAR, identifying a clear contradiction between the marketing tactics and the declared interests of these companies.

As outlined in Table 1, there are restrictions on the advertisement and promotion of vapes including being banned from TV and newspapers and magazines etc. (21). However, vapes are allowed to be displayed in retail outlets, advertising on poster campaigns is allowed, and large adverts on the side of buses can regularly be seen. Research has shown that Point of Sale (POS) displays have a direct impact on young people’s smoking (48) (49) (50) (51) and in the 2023 ASH survey, over half (53%) of 11 to 17 year olds reported being aware of vape promotion, most frequently in shops, or online (11). In comparison, the advertising of tobacco products is illegal, as is displaying tobacco products in general retail outlets and giving out free tobacco products.

Current regulations state that marketing communications must ensure that they do not appeal particularly to people under 18, especially by reflecting or being associated with youth culture. They also must not encourage non-smokers or non-nicotine users to vape. Though evidence has shown that almost all (98%) of user-generated vaping videos on TikTok portray e-cigarettes positively (45). The impact of social media has already been discussed, but this is furthered by the advertising of vaping products on social media through the use of influencers. Whilst influencers are legally required to make any advertisement obvious to a viewer, this is not always the case: the ASA found disclosure rules being followed only 35% of the time (52) but their strategies to hold these individuals accountable are futile: they have ‘named and shamed’ only 6 influencers who are non-compliant with this law since 2021 (53). With >97% of young people using social media (54), it is a crucial marketing tool for vaping companies, and large brands are using influencers and competitions to lure in young audience members. Some social media platforms are already implementing safety policies, for example TikTok shows a ‘Be informed and aware’ message when searching for vape content, see Figure 3.

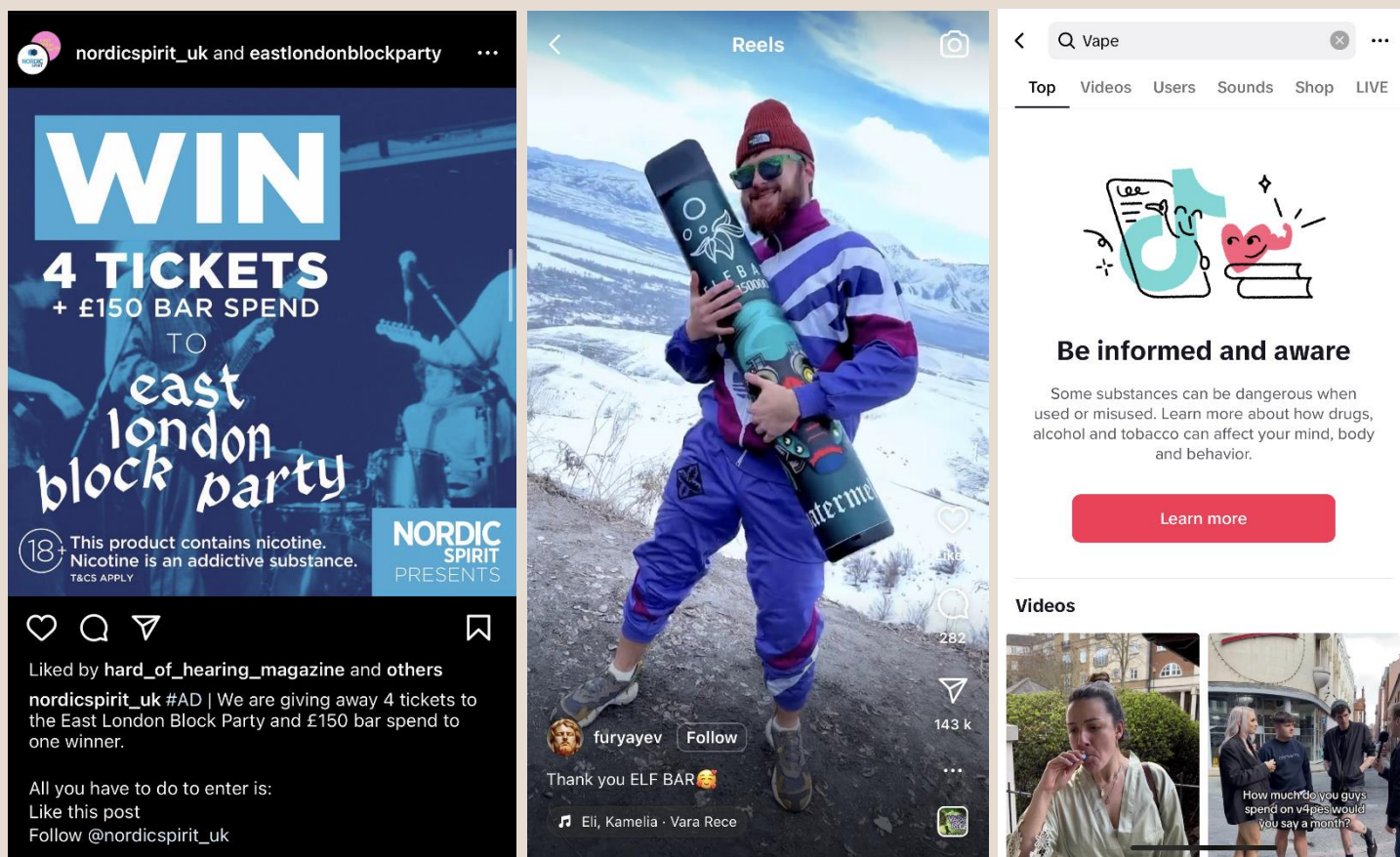


Figure 3: from left to right: an image taken from Instagram showing an example of how a vaping brand uses competitions as a marketing technique; an image from Instagram showing the portrayal of vaping products by influencers on the platform; an image taken from TikTok showing the ‘Be informed and aware’ message that is shown when a user searches for vape content

There is no reason for under-18s to be vaping, especially as a part of youth culture. For this reason, there is the need to prevent and reduce the number of children being able to access these products, though these policy changes must be proportionate to the risk associated with this activity, focus on the factors that are driving under-18s towards vaping, and not limit the ability of adults wanting to access vapes to support them stop smoking.

3 Disposable Vapes

Disposable vape pens are non-rechargeable devices that typically come ready-filled with 2ml of e-liquid (approximately 600 'puffs') and a maximum of 2% nicotine. These products have entered the vape market more recently than the traditional, refillable 'vape mods', and with 1.3 million disposable vapes thrown away every week, they have also become a regular item of litter on UK streets (55).

ASH's 2023 survey found that the most commonly used type of e-cigarette device by adults remains a refillable tank system, with 50% of current vapers reporting this type as their main device (2), however the use of disposable vapes among children and young adults has grown rapidly in the last two years, with over half (57%) of current e-cigarettes users aged 11-17 using disposables as their main type in 2023, an increase from only 2.8% in 2021. This was also reflected in results from the US Food and Drug Administration's annual national youth tobacco survey (56). The use of disposable e-cigarettes has increased across all age groups over the past 2 years, see figure 4.

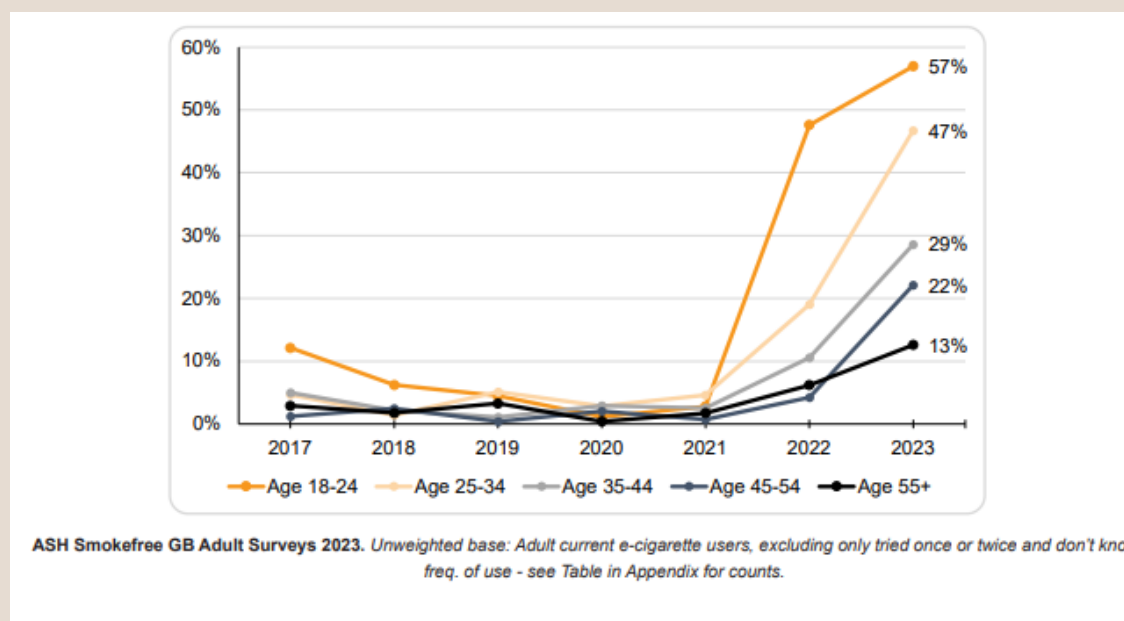


Figure 4 Use of disposable e-cigarettes by age group, Great Britain (2017-2023) (2)

The accessibility and availability of disposable vapes has been touched upon in section 2, but the recent increase in using disposable vapes seems to be being driven by their convenience, their flavours and their price (2). Although disposables are more expensive to use in the long term, they do not require any initial outlay for equipment and are cheap to buy.

The Local Government Association, which represents councils in England and Wales, is calling for the Government to ban the sale and manufacture of single use vapes by 2024 (55). This follows the EU proposing a ban in 2026, France rolling out a ban in December 2023, and a Scottish Government commissioned report calling for a ban on disposable vapes. This is based upon concerns surrounding disposable vapes including their appeal to young people, and their negative impact on the environment.

Environmental impact

The availability of disposable vapes pose a threat to the move towards a circular economy; disposable vapes consume natural resources in their use of metals, plastics and lithium. While each vape contains just 0.15g of lithium in its battery, producing the metal is a complex process that uses huge amounts of energy and water (57). Furthermore, disposal of disposable vapes into landfill could release plastic, nicotine salts, heavy metals, lead, mercury, flammable lithium-ion batteries, and hazardous chemical waste into the environment (58); with over 1.3 million disposable vapes being thrown away every week, this accumulates to 10 tonnes of lithium a year being discarded into landfill (59). This

contamination of waterways and soil poses a risk to animal health: the fruit and saliva odour released by waste vapes attracts foxes and other animals which search them out and chew them (60). And a review for the Scottish Government by Zero Waste Scotland found the total emissions associated with disposable vapes in 2022 were estimated to have been up to 4,292 tonnes of carbon dioxide equivalent (CO₂e); equivalent to around 2,100 cars (61).

Vapes are classed as waste electrical and electronic equipment (WEEE) (62); WEEE require manufacturers and importers of vapes to finance the cost of collection and proper treatment of equipment that is returned to dedicated collection points (usually household waste recycling centres). Retailers, both those with stores and those selling online, also have take-back obligations for unwanted vapes on the sale of new products. There are also obligations under The Waste Batteries and Accumulators Regulations 2009 (63). However, emerging evidence suggests compliance with these obligations is low, given the recent surge of businesses supplying disposable vapes, and the design of disposable vapes as one unit makes them almost impossible to recycle without going through special treatment. The current requirements on producers to make products that can be recycled are insufficient and too few consumers are disposing of products responsibly (59). Both the WEEE and batteries regulations are being reviewed by DEFRA to make it easier for people to recycle these items, and increase recycling rates. Standardisation of these products recycling potential needs to be established.

Illicit trading

Evidence has emerged that disposable vapes are more likely to breach UK regulations than their reusable counterparts: trading standards teams have reported seizing increasing numbers of illegal products, with 1.4 tonnes of illegal vapes seized in the last six months of 2022 in the North East of England alone, and test purchasing finding around 1 in 3 vape products to be non-compliant (64). The cost of disposing of illegal products and recycling illicit vapes is estimated at 30-50p per vape so has become a huge cost burden, and there no mechanism to recover those costs.

There are also regulatory loopholes that are being exploited such as devices that feature multiple 2ml tanks to overcome the 2ml limit e.g. the IVG 2,400 puff, and 'refillable' vape pens that are being marketed as a greener option, but are only refillable in a way that is not viable physically or cost effectively for consumers.

The value of disposable vapes

Whilst some have called for a blanket ban of disposable vapes, they do have some advantages. They do not require refilling, recharging, cleaning or maintaining like more traditional vapes do, so are much easier to use, particularly for elderly smokers or those with dexterity issues or learning disabilities. Furthermore, the price of disposable vapes, though previously discussed as a driver of vaping in under-18s, means these products are accessible for people on low incomes, who are also the people more likely to be smokers, therefore the population that needs vapes the most to help them stop smoking.

“All my friends vape, even the ones who have never smoked. They do it because it looks cool. Because it’s something to hold, it tastes good.” - A+LUK supporter

Two main policy options are commonly discussed when considering how to tackle the issues surrounding disposable vapes.

1. Banning disposable vapes

A blanket ban on them seems the simplest option, and has been proposed by many bodies already including the Royal College of Paediatrics and Child Health and the Local Government Association. It would remove them from stores, dramatically tackling their accessibility, and the need for resources to regulate and enforce disposable vape legislation would be minimised. It is likely that a ban such as this would have to be an environmental bill by the Department for Environment Food and Rural Affairs (DEFRA), on the basis of their damaging impact on the environment.

However others, including ASH, argue that a ban may simply encourage the illicit supply chain to expand, and with trading standards lacking the capacity to address the current levels of illegal products and underage sales, they are unlikely to be able to tackle an increase in this (65). Furthermore, a legal supply chain can allow policies on electrical recycling regulations and the safe disposal of these products to be mandated; is not possible for an illegal market to be held accountable in the same way, thus growth in the illicit market would likely exacerbate the environmental concerns of disposable vapes. A ban also risks reinforcing misconceptions around the safety of vaping as an alternative to smoking, thus reducing its power as a smoking cessation tool. Any ban being put into place on disposable vapes must consider the needs of those who are likely to need them as a smoking cessation tool, and the risk of reducing their likelihood of quitting smoking; anecdotal evidence suggests that the easy-to-use design of disposable vapes are the most suitable for those with dexterity limitations; the inability to add e-liquid prevents the adulteration of the e-liquid with illicit substances; and they are easier to manage in healthcare settings than refillable vapes, thereby making them a preferred option in places like prisons or mental health wards.

Furthermore, local authority Trading Standards have the responsibility but not the capacity to properly enforce a blanket ban on disposable vapes. They have half the funding and half the staff they had in 2009 (66), and the £3 million additional resource announced in 2023 is a sticking plaster not a long-term solution (67). There is an already established illegal supply chain with millions of illegal vapes seized in the last 3 years – and this is just the “tip of the iceberg” according to Trading Standards (68). A ban would not necessarily impact this market without additional resources for Trading Standards. In fact, banning disposables would also cut off the enforcement resources needed as part of their tax revenue goes towards this. With disposable vapes likely to remain in circulation and may still make it into the UK, this is a key cause for concern. A legal industry can be compelled to fund safe recycling of products, but an illegal market cannot.

2. A levy, or minimum floor price, on disposable vapes

The other option often discussed is that of a tax on disposable vapes, with ASH recently proposing the introduction of *“an excise tax on disposable vapes to bring their price up to the price of the equivalent refillable, rechargeable vapes, and bring them within the Excise Movement and Control System, strengthening controls over their importation and requiring them to be held in secure premises under duty suspension until the excise tax is paid. On current prices our estimate is that this would require a specific tax of £5 per disposable vape. Given current estimates of the impact of price changes on vaping behaviour, this would lead to major reductions in sales of disposable vapes, particularly to children, with a concomitant reduction in their environmental impact, while allowing their continued use where necessary.”* (69).

A tax could be implemented quickly through a Finance Bill and immediately increase the price of disposable vapes significantly above current pocket money prices of under £5, pricing children out of the vape market. Making vapes excisable would give HMRC and Border Force the additional powers they already have for tobacco. In 2021-2 between them they seized 1.35 billion cigarettes, over 95% before they entered the UK (70). In addition, the income generated through this could be used to support the extra resources required for safe/appropriate disposal and recycling schemes, and enforcement of any legislation changes.

However, a tax, and subsequent price increase, could limit the use of these as a smoking cessation tool for those on lower incomes, so consideration should be given to it being accompanied by a zero rating for re-chargeable and refillable products which have to date been the main products used by adult ex-smokers who used e-cigarettes to help them quit smoking, or the expansion of the Swap-to-Stop scheme to ensure everyone on a low income has access to an e-cigarette when they are trying to stop smoking.

4 Communicating the harms of vaping

Whilst vaping is not as harmful as smoking, it is not risk free. People need to be aware of the health risks associated with vaping, but messaging needs to be proportionate and not scare those who smoke away from trying to use vaping as a smoking cessation tool. The government's 2022 review of nicotine vaping in England found that only 11% of adults who smoked knew that none or a small amount of the risks of smoking were due to nicotine and expressed the need for inaccurate perceptions to be addressed (3).

ASH's most recent survey found that the number of people who think that vaping is more or equally as harmful as smoking has increased to 39%, for the first time overtaking the number of people who think that vaping is less harmful than smoking (34%) (2), shown in Figure 5. Over time perceptions of the relative harmfulness of e-cigarettes have become less accurate (71), yet even as perceived harm of e-cigarettes has increased, so has the number of people using them, suggesting the perceived harmful effects are not a barrier to their use, and 80% of smokers believe e-cigarettes are a good way of quitting smoking (71). However, communicating accurate information about the relative harms of vaping can help to correct misperceptions of vaping and promote more smokers to make the switch: unsurprisingly, evidence shows that smokers who thought vaping was lower risk were more likely to vape (3).

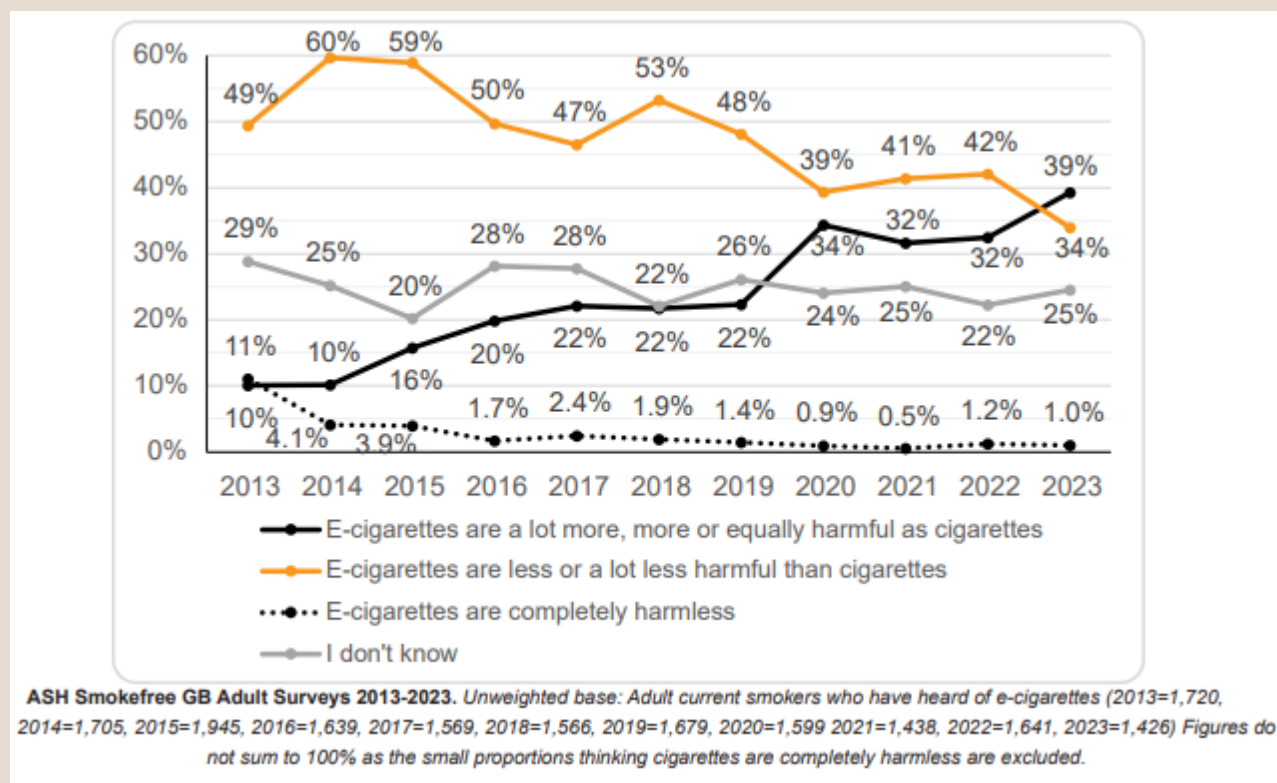
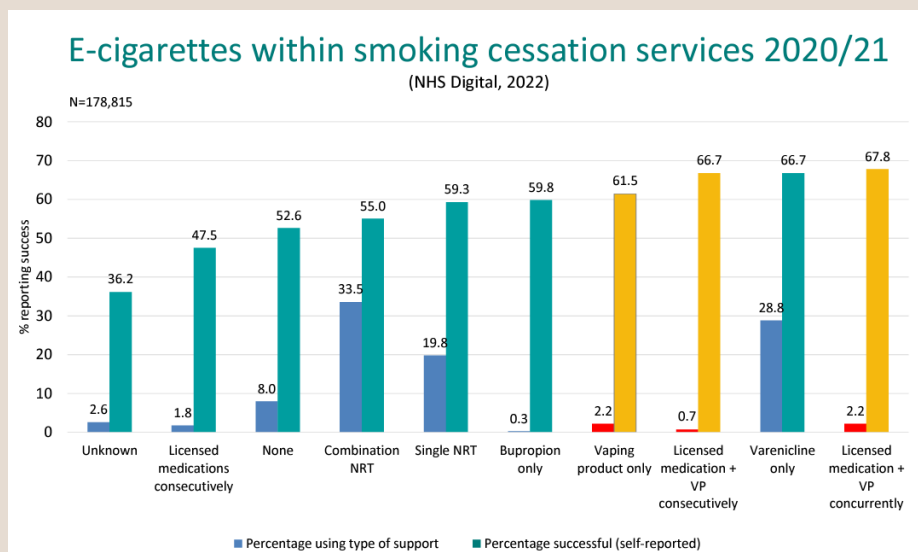


Figure 5 Smokers' perception of harm from e-cigarettes, Great Britain (2013-2022) (2)

The expert consensus is that vaping should be used as a smoking cessation tool, with the Khan review, the Royal College of Physicians and NICE recommending their use. Areas such as Greater Manchester are now use vaping plus NRT (a 4-week supply) as their standard package of care within their NHS initiated tobacco dependency treatment programme, and the 'Swap to Stop' scheme is offering a million smokers across England a free vaping starter kit. These interventions are based on high certainty evidence that nicotine e-cigarettes are more effective than traditional

nicotine-replacement therapy (NRT) in helping people quit smoking (7). Data from NHS Digital in England demonstrates that vaping is already proving its effectiveness as a quit aid (ref):



Given the evidence above and the need to provide evidence-based interventions to reach a Smokefree 2030, vaping should be part of the standard care offer. However, this is put at risk by the increased perceptions of harm, of which the negative coverage of vaping in the media is likely to be driving:

'Vaping: E-cigarettes have ruined my life, woman says' – BBC, 24 June 2023

'It took years to learn the deadly lessons of cigarettes. We can't wait so long for vaping' – The Guardian, 25 June 2023

'Urgent warning as illegal 'mega tornado' vapes can be easily bought by kids' – The Sun, 12 Aug 2023

'E-cigarettes: Primary school age children are ending up in hospital due to excessive vaping' – Sky News, 25 June 2023

These are all recent headlines from major UK new outlets. Of course, they are not completely unwarranted: EVALI (e-cigarette or vaping use-associated lung injury) cases leading to deaths in the US, the risks of illegal products on the UK market, and side effects such as throat and mouth irritation, headache, cough and feeling sick are well known; people should be aware of them, and the risks associated with vaping. However, some claims in the media have been found to be unsubstantiated, for example on ITV's This Morning, Dr Sara Kayat said vaping "can be even more addictive" compared to smoking cigarettes (72).

The UK Vaping Industry Association (UKVIA) has called on the government to allow the sector to inform smokers that vaping is much less harmful than cigarettes; currently health claims are not permitted except on medicinally licensed product, which no vapes are currently. The UKVIA is a trade body for the vaping industry so there is a significant conflict of interest to be considered when noting their support for policy change, however, advertising regulators are applying the same rules to health bodies trying to provide smokers with accurate generic rather than product-specific information about the benefits and effectiveness of stopping smoking by switching to e-cigarettes (69), which is having a potentially negative impact on people accessing vapes for smoking cessation.

Anti-smoking campaigns have proven to increase quitting attempts and quit success in the past, and are highly cost-effective. These campaigns need to be persistent to continue to prompt and drive this change, but funding for such campaigns has declined by over 90% between 2008/9 and 2018/19, during which time the proportion of smokers trying to quit fell by a quarter from 40% to 30% (73). Campaigns are vital to maximise the effectiveness of smoking cessation schemes such as 'Swap to Stop'.

Accompanying smoking cessation services with resources to support the use of vaping could help to improve their success rate (74), resources for campaigns need to be designed carefully to encourage more people to make the swap but discourage non-smokers, in particular young people, not to start vaping. Smokers over 30 should also be the priority group for anti-smoking campaigns, as those quitting by 30 will avoid almost all the harm caused by smoking (75). A study exploring e-cigarette users' perceptions of vaping found that both commercial and medical routes to vaping offer perceived benefits and both can support smoking cessation, however medicalisation of vaping raised

concerns about cost-effectiveness, quality of support, conflicts of interest and limiting product choice. Thus, the promotion of vaping as a medical intervention should consider how this will change patients' willingness to access the products (76).

The Scottish government have included plans for marketing campaigns on the risks and dangers of vapes to deter young people from vaping in their 2023 Tobacco and vaping framework (77). Resources have been created to communicate the harms of vaping such as the OHID/NHS evidence-based information on vaping to quit smoking including facts to tell young people about vaping (78), but these will likely need to be expanded to be audience specific, and tackle common misconceptions about vaping such as vaping causing poor oral health, the nicotine content of e-cigarettes being harmful, and EVALI (79). Additionally, the utilisation and access of resources must be considered, with resources being made accessible to those most vulnerable to smoking.

5 Vaping cessation support

As discussed, switching to vaping from cigarettes is a positive health decision, however nicotine in e-cigarettes is addictive and therefore people can find it challenging to stop using them. People may want to stop vaping for various reasons including not wanted to be addicted to any substances, the cost of this habit, or the associated health risks of vaping. For young people, concerns around the need to them to stop vaping are often centred around the 'gateway effect': although the number of children that have tried vaping in the UK has increased, there remains a continuous decline in smoking rates among children despite there being a rise in children who vape (80) however this highly contested with emerging evidence from other countries such as Australia where a study of students aged 12-17 found the strongest perceived factor for susceptibility to future smoking was having ever used e-cigarettes (28). More evidence is needed to accurately assess this.

Support to help people to do this should be provided but guidance suggests this should not be rushed and should not be done at risk of tobacco smoking relapse.

BTS says 'Smokers who use e-cigarettes as a tool to quit smoking should be supported to end their use of e-cigarettes at the appropriate time' (81).

NICE recommends that people should use vapes for as long as they help prevent them going back to smoking but their guidelines do not cover vape cessation (82).

NHS England's advice on quitting vaping is: "*Once you have been vaping for a while and feel sure you will not go back to smoking, you can aim to quit vaping too. Many vapers find they get to this stage after about 12 months.*

There are a couple of ways to try to quit vaping:

1. Reduce your frequency of vaping over time

2. Gradually reduce the strength of nicotine in your e-liquid

Do not rush this step. Only reduce your vaping frequency or nicotine strength when you feel you will not go back to smoking and do not have to puff more to compensate." (78).

This advice is incredibly brief and insufficient for someone looking to the health services for support to quit vaping.

However, a recent article highlighted that no published randomized clinical trials for e-cigarette discontinuation currently exist (83) meaning there are currently no evidence-based treatments to guide people who want to quit vaping, this is a large and problematic data gap. We may be able to draw conclusions from addiction support studies and tobacco cessation studies, and use similar tools such as NRT, pharmacotherapy, and behavioural support (84), but until there is vape cessation specific evidence we cannot be certain of the best way to support these people wanting to quit vaping. This particularly applies to those who have never smoked tobacco and only vaped.

Once the evidence base has been built, smoking cessation services should include advice and support for those wanting to quit vaping when the time is appropriate. Support must be designed to support those more likely to go back to cigarettes e.g. people with mental health problems, people experiencing homelessness, people on low incomes, and people within the LGBTQIA+ community.

"I know lots of people who have stopped smoking by vaping, which is great, but now they vape all the time and that worries me." - A+LUK supporter

6 Our recommendations

Based upon the issues and evidence above, our recommended policy calls are:

1. Immediate implementation of a minimum floor price for all vaping products so they are less affordable for children.

A ban on disposable vapes will take time to develop and implement. In the meantime, a Finance Bill should be used to immediately set a minimum floor price for all vapes, whether disposable or reusable. This should be done by making vapes excisable, so that revenues are recouped by the Treasury.

In the short term this would increase the price of disposable vapes and children will be priced out of the vape market. With the average packet of 20 cigarettes costing £14.39, we suggest that the minimum price for a vape should be at least £10. A price point such as this would make no difference to the reusable vaping market, where prices are already higher, while significantly impacting the disposable market and recouping funds for the UK Treasury.

In the longer term, once disposable vapes are banned this floor price would provide an ongoing revenue stream from which enforcement and recycling costs could be recouped. A complementary floor price for the vape liquids used within reusable vapes would be needed alongside the floor price for the vape pens themselves.

Making vapes excisable would also have the advantage of giving HMRC and Border Force the additional powers they already have for tobacco, aiding enforcement and the implementation of the ban on disposable vapes.

We would like to see the implementation of a minimum floor price for vapes accompanied by the expansion of the Swap to Stop scheme, to allow more people on low incomes to access a free vaping device to help them stop smoking, so that these individuals are not priced out of accessing this smoking-cessation tool.

2. Banning vape flavours that appeal to children.

It has already been mentioned that vape manufactures have designed their products in a way that clearly appeals to children, and their use of flavours is one element of this. Options such as bubble gum and candy inspired flavours like gummy bears and skittles is appealing to children and irrelevant for adults trying to quit smoking.

We want to see flavours clearly designed to appeal to children banned but are aware that there is likely to be some need for flavour options and so this needs careful consideration. Another option could be to implement generic flavour descriptions rather than banning the flavours themselves, these could be done in conjunction.

3. Restrictions on the advertising of tobacco should be extended to include vapes.

Strict advertising restrictions should stop the promotion of vapes in both traditional and social media. These restrictions should include plain packaging, behind the counter point of sale restrictions and bans on price promotion (such as buy one get one free). This would prevent advertising and branding which appeals to children, preventing bright colours, and cartoon characters.

Social media content should be tightly regulated to ensure it is not promoting vaping as a positive recreational activity and social media platforms should be mandated to implemented safety policies such as warnings on content that contains vaping content, or that appears when searching for vape content.

As with the ban on disposable vapes, there is a need to ensure sufficient funding and capacity for enforcement of these restrictions.

4. Immediate closure of the loophole that allows vapes to be given to children for free.

The government has already announced that it will close the legal loophole allowing free vapes to be given to children. This should happen without delay.

5. Improving Trading Standards enforcement powers.

Trading Standards should have the power to seize non-compliant vapes and liquids in UK ports/at any time, not just at the point of sale as is currently the case.

6. National public health campaigns communicating the harms of vaping.

We would like to see a two-pronged public health campaign: Smokers need better information about vaping and to be made aware that it is a better alternative to tobacco for them. Those who do not smoke, especially children, need to know that they should not take up vaping and it is only recommended as an aid to quitting tobacco.

Actions recommended above, such as significantly raising the price of disposables vapes, provide excellent opportunities to talk about these more nuanced issues.

7. More research into how best to support those looking to quit vaping.

Funding and resources should be provided through UKRI to fund further independent research into the long-term health impact of vapes on both adults and children, vape cessation studies, including randomised control trials and real-world studies, analysis of the impact of e-cigarette use on smoking behaviours including the long-term effectiveness, and the continuous evaluation of the regulatory frameworks and regulations pertaining to vaping/TRPR regulations to make sure they are keeping up with product development and market changes.

8. Transform smoking cessation services into broader nicotine dependency services.

Additional support is needed for local and national public health bodies to universally offer vaping as part of their stop smoking offer. This should also include efforts to dispel myths that vaping is as harmful as smoking. Health services need to review and provide more advice on vaping cessation. NICE guidelines for smoking cessation should also cover vape cessation (with the caveat that this is a better option than going back to smoking). And smoking cessation services should be expanded to include advice and support to quit vaping when the time is appropriate.

9. Continued monitoring and evaluation of the impact of these policies, and if they are found to be ineffective at reducing the rates of under-18s vaping, then a ban on disposable vapes should be considered.

Data shows the most frequently used vaping device in under-18s was disposable/single use vapes, therefore if we are to protect under-18s from vaping, limiting access to disposable vapes must be considered. In the first instance our recommendations to reduce access to disposable vapes should be implemented. With monitoring and evaluation of the impact of these policies, it can be concluded how successful they have been at limiting the use of vapes by under-18s whilst still encouraging their use by adults wanting to use e-cigarettes to quit smoking. If they are found to be ineffective at reducing the rates of under-18s vaping, then a ban on disposable vapes should be considered.

Cheap, single use disposable vapes are not necessary in order to achieve further decline in smoking rates, with reusable vapes a better option. We support a ban on disposable vapes because their cheap price, as well as their marketing and flavour options, have clearly been designed in a way to appeal to children, rather than to adults looking to quit tobacco. We should not be surprised by this given that most vape producers are owned by tobacco manufactures who have a long history of recruiting children onto their products. In addition, disposable vapes have a negative environmental impact, and both their plastic bodies and their batteries are much harder to recycle than reusable vapes.

If other restrictions are evaluated as unsuccessful, implementing a ban on disposable vapes would make it harder for children to vape, while adults looking to quit tobacco would transition onto reusable vapes.

However, there are big questions about how a ban will work, there needs to be careful consideration on enforcement of a ban and sustainability of the vaping market.

Enforcement

We are extremely keen to ensure that a ban is effective and free of loopholes, and there are issues in need of careful consideration. For example, vape manufacturers may simply add a small 'refill hole' to a standard disposable vape in order to make it reusable, but in practice their use would remain the same. Loopholes like this must be avoided. Likewise, the impact of the black market, with millions of illegal vapes seized in the last few years, must be considered. Any steps forward on this issue must be done in careful consultation with Trading Standards who will have to enforce a ban and don't have the current resources and powers they need to implement it, both at the point of sale and at UK ports. While the government recently announced £3 million of additional resource for enforcement of vaping regulations this is not a long-term solution; Trading Standards currently have half the funding and half the staff they had in 2009 (66). For a ban to work Trading Standards will need additional resources and a sustainable revenue stream needs to be developed from the long-term vaping market (see recommendation 2 below).

Recycling

While the government is legislating on vaping it should also consider ways to standardise the long term, reusable vaping market in order to make the recycling of these products easier.

NOTE: Any policy changes need to consider the enforcement capacity and resources required.

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Appendix

This is a non-exhaustive list of topics which may impact vaping policy that have not been included in this report:

- E-cigarettes and the tobacco industry, and the concerns about the involvement of multinational tobacco companies in the e-cigarette market, and the potential for this to ‘renormalise’ the tobacco industry through vaping. It remains vitally important to protect health policy from tobacco industry interference, and protect tobacco control from commercial interference, in line with article 5.3 of the WHO Framework Convention on Tobacco Control.
- Illicit trading and the importation of non-complaint and/or illegal vapes into the UK.
- Non-nicotine containing vapes such as vapes containing herbs, aromatherapy, cannabinoids, or controlled substances.
- Funding of regulatory enforcement remains a key barrier to policy changes, in particular the funding for the “illicit vapes enforcement squad” which has only been secured for the next two financial years, as well as funding cuts impacting enforcement agencies including trading standards.
- The cap on nicotine levels imposed by the Tobacco Products Directive.
- Supply chain impacts to the UK as other countries, particularly in the EU, change their vaping and tobacco legislation.

This report was written by Laura Williamson.

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