

# Aide-Mémoire

## Meeting with Vaping Industry Association New Zealand (VIANZ)

<b>Date due to MO:</b>	2 April 2024	<b>Action required by:</b>	N/A
<b>Security level:</b>	IN CONFIDENCE	<b>Health Report number:</b>	H2024038458
<b>To:</b>	Hon Casey Costello, Associate Minister of Health		
<b>Consulted:</b>	Health New Zealand: <input type="checkbox"/> Māori Health Authority: <input type="checkbox"/>		

### Contact for telephone discussion

Name	Position	Telephone
Jane Chambers	Group Manager, Public Health Policy and Regulation, Public Health Agency   Te Pou Hauora Tūmatanui	§ 9(2)(a)
Emma Hindson	Manager, Ope Ōpiki, Public Health Policy and Regulation, Public Health Agency   Te Pou Hauora Tūmatanui	§ 9(2)(a)

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**Date due:** 2 April 2024

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**To:** Hon Casey Costello, Associate Minister of Health

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**Security level:** IN CONFIDENCE

**Health Report number:** H2024038458


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**Details of meeting:** Date: 03 April 2024  
Time: 2.45pm-3.15pm  
Location: Minister's Office 2.053PH

**Purpose of meeting/proposal:** On 26 March, you accepted a request to meet with Vaping Industry Association New Zealand (VIANZ) Chair Jonathan Devery to discuss the recent announcements you have made to reduce youth vaping.

**Background:** • On 25 March 2024 Jonathan Devery, on behalf of VIANZ, wrote to you to:

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- Risks:**
- The VIANZ has a growing and significant public profile and can be approached by media. Any information shared with the group's representative(s) is likely to be made public.

**Attendees: VIANZ:**

- Jonathan Devery, Chair, Vaping Industry Association of NZ
- Ben Pryor, VIANZ member
- Mark Unsworth, Partner

See Appendix 1 for profiles of attendees.

**Official Attending:**

- Jane Chambers, Group Manager, Public Health Policy and Regulation, Public Health Agency | Te Pou Hauora Tūmatanui.

**About the Organisation:**

- VIANZ was established as a not-for-profit membership body representing the interests of New Zealand vaping manufacturers, retailers and importers to engage with policy makers.
- VIANZ members sell vaping products in over 4,500 outlets throughout New Zealand and have supplied the health sector with over 60,000 vaping products to support quit smoking programmes since 2019. VIANZ members currently employ over 300 staff nationwide.
- VIANZ has no connection with the tobacco industry and does not allow members who import smoking products and pharmaceutical nicotine replacement therapies to become members.

**Further Information:**

- **Media:**
  - In recent media, VIANZ expressed its support for the Government's announcements regarding youth vaping, particularly noting the disposable vape ban and increasing penalties for non-compliance.
  - VIANZ has expressed to the media its intention to engage and be included in conversations regarding the phasing out of disposable vapes.
  - Jonathan Devery publicly criticised the Ministry of Health's regulation and enforcement of vaping products.
- **VIANZ views on vaping policy:**
  - VIANZ supports stronger enforcement, licencing and regulation of vaping products to mitigate a potential illicit vaping market.

- VIANZ opposes the imposition of taxes on vaping products aside from GST.
  - VIANZ does not support the current flavour ban in general vape retailers and believes that passive vaping products like Scandinavian tobacco and nicotine pouches should be available for 18+ smokers and vapers.
  - VIANZ supports vaping as a front-line cessation tool to quit smoking.
  - VIANZ did not support the previous Governments measures to address vaping. In particular VIANZ did not support the reduction of vaping outlets.
- This aide-mémoire discloses all relevant information.



Jane Chambers  
Group Manager, Public Health Policy and Regulation  
**Public Health Agency | Te Pou Hauora Tūmatanui**

PROACTIVELY RELEASED

# Talking points on Meeting with VIANZ

## Talking points:

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## Supporting information

- To ensure businesses are following the law, the Ministry of Health is working together with the National Public Health Service within Health New Zealand to strengthen compliance, monitoring, and enforcement under the Smokefree Act.
- The Director-General of Health appoints Enforcement Officers to enforce compliance. They focus on activity at the local level, using their partnerships with local communities and particularly targeting retail sector issues.
- There is a particular focus on ensuring that protections in the legislation for children and young people are effectively implemented and enforced. The work carried out by Enforcement Officers involves compliance visits and Controlled Purchase Operations where retailers are checked to see if they will sell to minors.
- In 2023, around 10% of general retailers and 17% of specialist vape stores sold to minors in Controlled Purchase Operations, compared to around 5% for tobacco sales. To date, one prosecution that included vape sales to minors has commenced, and several others are under consideration. In the period from 1 July to 31 December 2023, Enforcement Officers carried out 767 compliance visits.
- The Ministry of Health and Health New Zealand also work with other enforcement agencies such as New Zealand Police and the New Zealand Customs Service to discharge their legislative and stewardship responsibilities. Police have a specific role in enforcing part 1A of the Smokefree Act relating to smoking and vaping with children in vehicles.