Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 121

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | Northland DHB |
| Position *(if applicable)*: | [redacted] |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*: Northland DHB Public health services

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

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Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

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### Declaration of tobacco industry links or vested interest

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|  |
| --- |
| I have nothing to declare, except that unfortunately my KiwiSaver investments may include investments in the tobacco industry, despite my best efforts to avoid this. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| The Ministry of Health proposes that nicotine-containing e-cigarettes become freely legally available for sale, except to minors under the age of 18 years. **I do not support this proposal**.  Nicotine is a medicine and should be appropriately controlled, given the potential for harms as well as benefits. E-cigarettes and nicotine liquids should be seen as a potential tobacco cessation aid ONLY, to support the goal of a Smokefree Aotearoa by 2025. The current situation allows unmonitored online purchase of nicotine products with inadequate controls on quality, dosage and access. Allowing regulated access to e-cigarettes and nicotine liquids MAY support quitting for people who smoke tobacco, but the long term health effects at a population level are unknown. Therefore a cautious approach must be taken.  If nicotine based e-cigarettes were to be introduced I would only support the **restricted sale** of nicotine-containing e-cigarettes or e-liquids for people who currently smoke who want to quit, and for these products to be sold only through pharmacies and/or a small number of licenced specialist shops which would support a more comprehensive approach to tobacco cessation. All staff in these premises should be “ABC stop smoking” trained, to ensure the availability of expert advice and support. There is good evidence that a combination of behavioural support and stop-smoking medicine works best to achieve tobacco cessation. Sales should be prohibited to youth and children under 18 years of age.  The use of e-cigarettes and e-liquids should be reviewed regularly as new research emerges on the impact of e-cigarettes on quit, long term health effects and smoking initiation. Currently there is no long term evidence around the safety of e-cigarettes, e-liquids and second-hand vaping.  E-cigarettes should not be used in any Smokefree environments, either internally or externally, as this may encourage people to substitute e-cigarettes where they would normally not be able to smoke. The vapour emitted also creates a nuisance for non-smokers and ‘blowing vape clouds’ inappropriately role-models smoking behaviour to our children. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Other nicotine cessation supports such as nicotine inhaler products e.g QuickMist and Nicorette inhalators should also be included. These may be more effective than lozenges or gum, and should be subsidised for highly dependent smokers. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| The sale of e-cigarettes and e-liquids to children and youth under 18 year olds should be prohibited, until any evidence suggests that relaxing this approach could reduce smoking among minors under 18 years. It will also make the regulatory regimen more simple if the age limit aligns with that for tobacco products. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| In line with the rationale for restricted sales outlined above, the marketing of nicotine containing e-cigarettes and e-liquids products within New Zealand should be highly regulated and limited to point of sale displays, to avoid exposure to children and young people.  Where e-cigarette marketing has been permitted other countries, it often glamorises the use of e-cigarettes and uses promotions that appeal to minors. The promotion of e-cigarettes as tobacco cigarette substitutes, encouraging their use in smokefree environments and promoting long-term use, rather than as an aid to quit smoking, will not be beneficial to New Zealand’s health goals.[[1]](#footnote-1), [[2]](#footnote-2) However the availability of, and advice about, using e-cigarettes to quit smoking does need to be communicated to people who currently smoke. Targeted communications to people who smoke that are trying to quit, provided by cessation services, health professionals, Quitline staff, at point of sale in pharmacies, and trained specialist shop staff can achieve this. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I believe that the use of e-cigarettes should be prohibited in all indoor workplaces, schools and public places consistent with the 1990 Smoke-free Environments Act, and in cars containing children under the age of 18 years. There is currently no evidence about the health impacts of second-hand vapour, and it is not yet known if e-cigarette vapour is completely safe. There is a considerable nuisance effect to non-smokers exposed to vaping emissions.  E-cigarettes should be prohibited in other outdoor public spaces frequented by children e.g. playgrounds, sports grounds and parks as this will minimise the normalisation of smoking behaviour - children may not be able to tell the difference between e-cigs and tobacco cigarettes. I encourage the government to impose restrictions on the use of e-cigarettes AND smoked tobacco products in vehicles where children are present. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | Packaging of e-cigarettes and nicotine liquids should be required to carry safety warnings (e.g. dangerous to ingest, keep away from children and pets), health information (text warnings that nicotine is addictive and that the long term health effects of EC use are not known); a list of ingredients, and  Quitline information to maximise cessation and support. |
| Prohibition on displaying products in sales outlets |  |  | Limited to point of sale only; and totally prohibited unless e-cigarette sales are restricted ONLY to pharmacies and licensed and over 18-restricted specialist shops. Any e-cigarette Point of Sales signage needs to be regulated as per the current SFEA that is “e-cigarettes and e-liquids sold here.” |
| Restriction on use of vending machines |  |  | Vending machines that contain either e-cigarette or tobacco products should be prohibited, as these can be potentially accessed by minors. |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  | This is a minimal requirement, see other packaging requirements above. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | **Ingredients and flavourings:** I recommend excluding additives/flavours (including those shown to be toxic or that make products appealing or palatable for children and young adults). This requirement should be extended to smoked tobacco products.  **Nicotine content:** I recommend that the maximum concentration of nicotine e-liquid and degree of accuracy of nicotine content labelling be aligned with internationally credible, best practice standards.  No controls on nicotine content are applied to smoked tobacco products currently, and this requirement should be extended to smoked tobacco products. The Government needs to investigate this option in its response to the Māori Affairs Select Committee report.  **Regulation of ingredients:** I recommend that e-liquid ingredients be regulated to enable long term studies to be carried out to assess their efficacy in supporting cessation, and monitoring of adverse effects. |
| Requirement for annual testing of product composition |  |  | I would expect the testing regimen should be at least as stringent as for other pharmaceuticals imported into NZ. This should be at the cost of the manufacturer/importer. |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I am unsure. However smoked tobacco products need to remain more expensive than e-cigarettes and e-liquids, if these products are to be useful in supporting cessation. Excise policy needs to be reviewed if there is evidence of uptake of e-cigarettes by children and young people. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

**It would be most practical for NZ to adopt quality standards that align with international standards and best practice. All e-cigarettes and e-liquids should comply with these standards in order for their distribution and sale to be permitted in New Zealand.**

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | This is a legal medicine and should meet the same requirements |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  | The cost of the testing regime should be covered by the manufacturer and the testing could be carried out by an independent MoH appointed laboratory. |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| I support the **restricted sale** of nicotine-containing e-cigarettes and e-liquids for people who currently smoke who want to quit. The **primary aim of the e-cigarettes policy should be to support New Zealanders who smoke to quit** smoking in order to achieve to New Zealand Governments goal of Smokefree 2025. Any policy should also support a reduction in the current inequities in smoking uptake, use and cessation rates.  The introduction of this policy needs to be closely monitored and evaluated, and excise tax from tobacco should be used to resource this. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| NA |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| My “business” is promoting and protecting the health of Northland’s population. Given the high and inequitable smoking rates here in Tai Tokerau, and the huge burden of smoking-related illness and death, I am vitally interested in the impact this policy will have on tobacco cessation.  I urge the government to adequately resource robust monitoring and evaluation of this policy, as well as increasing resources overall for achieving the Smokefree Aotearoa 2025 goal. |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 122

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:  Former Smoker & current e-cig user

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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|  |
| --- |
| None. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| e-cigarettes provide a much less harmful alternative to smoking that is more effective than other smoking cessation tools. I have been a smoker for nearly 30 years and quit smoking and switched to e-cigarettes almost immediately upon trying it. I have tried gum & patches in the past without success. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Not that I am aware of. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| While e-cigarettes are less harmful than tobacco smoking, they are not as healthy as using nothing at all. However, I do NOT believe that e-cigarettes are a gateway to smoking from my personal experience. Going back to smoking, in the short time I have used e-cigarettes is unappealing to say the least. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| While still a lot less harmful than smoking tobacco, it is not something that non-smokers should be encouraged to take up. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| The SFEA defines smoking as combustion of tobacco, there is no combustion taking place with e-cigs. There is also little data to suggest that second hand vapor is anywhere near as harmful as tobacco smoke. Smoking and "vaping" should NOT be lumped together.  Enclosed, public spaces could be restricted (public transport, hostpitals etc) but otherwise it should be up to private individuals or businesses to decide whether to permit it.  See: https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/534586/PHE-advice-on-use-of-e-cigarettes-in-public-places-and-workplaces.PDF "Use of e-cigarettes in public places and workplaces", Public Health England, July 2016. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | No supporting evidence. |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  | Restricted to people 18 and over. |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  |  |
| Requirement for annual testing of product composition |  |  | Costly? |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I think it is important NOT to have punitive taxes on e-cigarettes to help encourage smokers to switch. Large duties such as those on tobacco products will just discourage smokers from switching and create a black market as they have for tobacco. Encouraging smokers to switch will also help achieve the governments Smoke Free 2025 plan. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | Many e-liquid containers already do. All of the 30ml bottles I have imported to date have childproof tops on them (push down & twist). |
| Safe disposal of e‑cigarette devices and liquids |  |  | Liquids containe nicotine which should probably be disposed of properly and many devices contain Li-ion batteries. |
| Ability of device to prevent accidents |  |  | Most devices have safety features such as those to prevent battery related issues. ("Mech Mods" are unregulated electrically and do not) |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  | Cost? |
| A testing regime to confirm product safety and contents purity |  |  | Cost? |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  | Within reason (i.e. not 1000mg/ml). Perhaps 100mg/ml for people who DIY their liquid (a fairly common practice among advanced users overseas and even in NZ). |
| Mixing of e-liquids at (or before) point of sale |  |  | "Before" would prevent new e-liquid making businesses from starting. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
|  |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| No. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No. |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| about 8 weeks | As a smoking replacement, so as often as I smoked. | ~$30 (amortized) | Import liquids, buy devices locally online. |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 123

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | n/a |
| Position *(if applicable)*: | n/a |

*(Tick one box only in this section)*

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Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

y Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

y I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

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|  |
| --- |
| No links whatsoever. However I would like to report that I quit smoking tobacco cigs a year and a half ago because of coming across the e-cig. I have smoked my entire adult life and I’m 50. VAPING SAVES LIVES, it’s as simple as that. Harm minisation vs a huge bill for tobacco cigs and the tole it takes on the smoker. |

Please return this form by email to:

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#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes y No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No n

Reasons/additional comments:

|  |
| --- |
| As stated above – harm minimisation. I am now free from the need to smoke a cigarette 18 or so months. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes y No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No n

Reasons/additional comments:

|  |
| --- |
|  |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No n

Reasons/additional comments:

|  |
| --- |
| If used respectfully why not? It does no harm whatsoever as in second hand cigarette smoke. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | n |  |
| Prohibition on displaying products in sales outlets |  | n |  |
| Restriction on use of vending machines |  | y |  |
| Requirement to provide annual returns on sales data |  | n |  |
| Requirement to disclose product content and composition | y |  | Maybe. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  | n |  |
| Requirement for annual testing of product composition |  | n |  |
| Prohibition on free distribution and awards associated with sales |  | n |  |
| Prohibition on discounting |  | n |  |
| Prohibition on advertising and sponsorship |  | n |  |
| Requirement for standardised packaging |  | n |  |
| Other |  | n |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Most definitely not. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | y |  |  |
| Safe disposal of e‑cigarette devices and liquids |  | n |  |
| Ability of device to prevent accidents | y |  |  |
| Good manufacturing practice | y |  |  |
| Purity and grade of nicotine | y |  |  |
| Registration of products |  | n |  |
| A testing regime to confirm product safety and contents purity |  | n |  |
| Maximum allowable volume of e-liquid in retail sales |  | n |  |
| Maximum concentration of nicotine e-liquid |  | n |  |
| Mixing of e-liquids at (or before) point of sale |  | n |  |
| Other | n |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| It is notable that the medical community in the UK are in favor of e-cigs being freely purchased and used. There are studies carried out by UK doctors. Why is NZ so slow to follow? |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| No. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No. Not applicable. |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 18 months | daily | 15 | online |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 124

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | N/A |
| Position *(if applicable)*: | N/A |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, the Ministry of Health asks all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry, and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

|  |
| --- |
| None. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| E-cigarettes should be made as widely available as possible, to maximise their role in harm reduction for current smokers. Controls should be kept to a minimum and only applied where absolutely necessary for the safety of users. In general, e-cigarettes and nicotine liquids should be at least as widely available to over-18s as alcohol, and preferably as widely available as any consumer product. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I support the prohibition of e-cigarette sales to people under the age of 18. However, scope should be allowed for under-18s to use e-cigarettes under medical supervision (e.g. by a doctor's prescription) as a smoking cessation tool, where the user is already a conventional tobacco smoker and wishes to quit. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Research has shown that e-cigarettes are used by only a tiny minority of never-smokers (for example, 'Adult Smoking Habits in Great Britain 2013', Office of National Statistics). There is therefore little risk of encouraging the use of e-cigarettes in general, as it appears they appeal only to smokers or ex-smokers.  Given the benefits of e-cigarettes for harm reduction vs. conventional tobacco, it is desirable that smokers be generally encouraged to switch to e-cigarettes. Advertising can play an important role in increasing smokers' awareness of e-cigarettes and encouraging them to make the switch. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| There are many environments in which I would not like to see e-cigarettes used, to avoid annoyance to bystaners, for example in restaurants and cinemas. However, I believe that the decision to allow or prohibit e-cigarette use should be left to the policy of the individual properietors of such establishments. There are two reasons:  In general, the purpose of smokefree areas should be to reduce harm to bystanders from second-hand smoke. There is no evidence that suggests the use of e-cigarettes causes harm to bystanders, and therefore it is not necessary to prohibit their use in public.  The second reason concerns retail vape establishments. In order to maximise the success rate of smokers wishing to switch to e-cigarettes, it is desirable that they achieve the most satisfying vaping experience possible. Retail vape shops can assist users in equipment selection and assembly, and selection of liquid compositions. It is important, therefore, that vape shops not be prohibited from allowing indoor vaping. At a minimum, vape shops should be exempt from any smokefree environment rules for e-cigarettes. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | The level of harm from e-cigarettes is not severe enough to warrant health warnings. Compared to other products that do not require health warnings, such as alcohol or sugary foods, e-cigarettes do not cause a level of harm that would necessitate warnings. |
| Prohibition on displaying products in sales outlets |  |  | The availability of retail vape shops is an important part of encouraging smokers to switch to e-cigarettes for harm reduction. These should allow display, sampling, etc. |
| Restriction on use of vending machines |  |  | I am undecided on this point due to the potential for vending machines to be used by under-18 year olds. This would depend on the locations in which vending machines are allowed. |
| Requirement to provide annual returns on sales data |  |  | Successful uptake of e-cigarettes by smokers can be maximised by the widespread availability of retail vape shops. Any overly onerous requirements on retail owners will discourage the proliferation of retail shops. Shops should not be subject to a level of data gathering above that of normal consumer products. |
| Requirement to disclose product content and composition |  |  | This requirement is acceptable if it is at a reasonable level of detail – for example, listing 'flavourings' on a liquid should be sufficient. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Where this has been tried elsewhere in the world (e.g. in the EU), nicotine levels have consistently been underestimated and this presents a barrier to heavy smokers switching to e-cigarettes. There is absolutely no reason why nicotine content should be limited at anything less than 50 mg/mL. To support so-called 'DIY juicers' (those who mix their own liquids), much higher concentrations should be allowed, up to 100 mg/mL or even higher.  There should be absolutely no limits on flavourings. Research shows that adult vapers prefer fruit, cake, beverage etc. flavours. The idea that these market to children is a complete fabrication – compare these to flavoured vodka, condoms etc., none of which are subject to the same hysteria. |
| Requirement for annual testing of product composition |  |  | The New Zealand vape retail market is primarily composed of small businesses. This allows for a greater high-street presence, and supports the availability of e-cigarettes to smokers for harm reduction. Onerous demands on small businesses must be avoided as this would create unnecessary barriers to their operation, and hence lead to worse health outcomes for smokers. |
| Prohibition on free distribution and awards associated with sales |  |  | Special offers, prizes, free samples etc. are an important part of making vape businesses commercially viable, and should be allowed in all forms. This will maximise availability of e-cigarettes to consumers for harm reduction. |
| Prohibition on discounting |  |  | See above |
| Prohibition on advertising and sponsorship |  |  | See above |
| Requirement for standardised packaging |  |  | I support the requirement for child-proof bottles for liquids. No other packaging requirements are necessary. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I strongly oppose any form of taxation on e-cigarettes above the normal rate of GST, for two reasons:  First, the reason that tobacco is subject to high duties is twofold: to discourage smoking in order to promote good health, and to cover societal costs of smoking e.g. public healthcare. The exact opposite should apply to e-cigarettes: they should be available as cheaply as possible, to maximise rates of switching from conventional tobacco to e-cigarettes in order to promote harm reduction in smokers. Furthermore, since there is a low level of risk associated with e-cigarettes, there is no need to generate revenue to cover healthcare costs – if anything, e-cigarettes should be subsidised rather than taxed.  The second reason is due to current smoking demographics, where smoking is over-represented in lower socioeconomic groups. E-cigarettes offer a way for households to cut tobacco expenditure, which is important in lowering rates of child poverty. For this reason, the price of e-cigarettes should be kept as low as possible. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | I fully support a requirement for childproof containers to be used. |
| Safe disposal of e‑cigarette devices and liquids |  |  | Hardware should be subject to the same user-enforced responsible disposal as comparable electronics e.g. mobile phones and single-use batteries.  No disposal controls are required for liquids except in large quantities that may be used by manufacturers, e.g. under existing HSNO legislation. |
| Ability of device to prevent accidents |  |  | The widespread availability of retail shops should support safe pairing of equipment (e.g. tanks with mods, mods with batteries). It will always be possible to pair incompatible components in a hazardous way or to operate equipment in a dangerous state of disrepair. But this is no different than any other consumer product or appliance, and therefore does not require legislation. |
| Good manufacturing practice |  |  | The vaping community enforces sufficient quality in a 'let the market decide' manner. |
| Purity and grade of nicotine |  |  | In line with previous comments, all obstacles to small business should be avoided. It is imperative that manufacturers and retailers not be burdened with crippling testing requirements. |
| Registration of products |  |  | This will stifle innovation and ultimately result in less user satisfaction and lower rates of uptake and persistence with e-cigarettes. |
| A testing regime to confirm product safety and contents purity |  |  | As above, onerous demands on retailers must be avoided in order to support the widespread availability of e-cigarettes.  However, inspection by official authorities of manufacturing premises would be worthwhile, at a similar level to that applied to food production and preparation operations. |
| Maximum allowable volume of e-liquid in retail sales |  |  | There is simply no point to this other than to obstruct users. It serves no apparent goal whatsoever. This is a mean-spirited attempt to complicate the regulations for no reason. I vehemently oppose this proposal. |
| Maximum concentration of nicotine e-liquid |  |  | As mentioned in previous comments, I believe this is unnecessary. If any limit does get applied, it is essential that this not be set too low or it will prevent heavy smokers from gaining enough user satisfaction from e-cigarettes to be able to switch from conventional tobacco.  I oppose any limit lower than 100 mg/mL. |
| Mixing of e-liquids at (or before) point of sale |  |  | Innovation should be supported to maximise user satisfaction and hence encourage as many people as possible to successfully switch from conventional tobacco to e-cigarettes. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| E-cigarette regulation should apply the lightest touch possible. The goal should be to maximise uptake of e-cigarettes, not limit it, since it is apparent that e-cigarettes appeal only to smokers, and it is also apparent that e-cigarettes offer an enormous harm reduction vs. conventional tobacco.  Every proposed control should therefore be kept as liberal as possible, and regulations only applied where absolutely necessary to protect the safety of users. In general, I would prefer to see nicotine e-cigarettes treated like any other consumer product, without any additional regulations. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| As an individual consumer, I have no authoritative information on this topic. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No. |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| Approx 3 years | Daily | Less than $5 | Concentrate nicotine from US internet vendors, glycerine from the pharmacy, and flavours from NZ-based internet vape vendors. Hardware from NZ-based and international internet vendors. |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 125

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted]. |
| Email: | [redacted] |
| Organisation *(if applicable)*: | Liberty Flights |
| Position *(if applicable)*: | [redacted] |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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Do not publish this submission.

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Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, the Ministry of Health asks all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry, and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

|  |
| --- |
| I/ we have **NO direct or indirect links** with the tobacco industry and I/we **DO NOT receive funding** from the tobacco indsutry. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

**About Liberty Flights**

Established in 2009, [Liberty Flights](https://www.liberty-flights.com.au/) is a leading expert in quality e-liquid creation, production and worldwide supply. We’re perfectly positioned to offer insight, support and guidance for smokers wishing to start on their vaping journey and for those who are already on an established path.

Liberty Flights is a founding member of the [Independent British Vape Trade Association](http://www.ibvta.org.uk/) (IBVTA) <http://www.ibvta.org.uk/> a not-for-profit trade association dedicated to representing the UK’s independent vape industry and vaping consumers. The IBVTA offers a progressive path for independent members to continue to work collaboratively in a regulatory environment.

An important component of the IBVTA is its Science and Regulatory Committee, where scientists with a range of experience and specialities are coming together to support the vaping industry. As a manufacturer with production facilities in the UK, Liberty Flight's own Chief Scientific Officer sits on the committee contributing to this collaborative approach. We’re also committed to meeting the standards of the Tobacco Products Directive covering the manufacture and sale of all e-cigarettes.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

***Please see next page for reasons /additional comments………..***

|  |
| --- |
| **We make reference a customer’s story**  As previously stated I'm a TRUE BELIEVER. I believed that I would never be able to actually give up smoking cigarettes, even when my last chest xray (18 months ago) showed "enlarged lungs and indications of background copd".  Concerned? Of course but having tried every one of the nicotine replacement therapies and hypnotism and champix I was resigned to the fact that I would suffer. Emphysema here I come.  The coughing was getting harsher and the congestion was getting heavier and I would go for a walk away from the house for privacy (due to embarrassment) while I coughed my lungs clear to be able to breathe..... just to be able to have another cigarette.  A mate came over for a "see ya" drink as he was going on a 3 month o/s holiday. As we chatted I remember reading about electronic cigarettes available overseas that weren't available in  Australia. I made him promise to bring one back for me.  On the afternoon of his return he called to ask if I would be home three days hence as he had a present for me. I replied that I could not wait and hanging up the phone immediately drove the 60 km to get my present.  As I drove there I pondered why I was so eager as I was certain it would not do anything for my cigarette smoking addiction. Sceptical would be an understatement.  I had 5 cigarettes left of my pack when I started vaping on the afternoon of Sept 11 2014.  On the 14th of Sept I smelt the pig farm one kilometre up the road for the first time.  On the 16th of Sept some of my taste buds were resurrected.... I halved my sugar quota in coffee from 6 to 3 and then 2. Ever the cynic, too good to be true I thought.  The biggest shock/delight? was the realisation on the 18th Sept that my cough was minimal and the production was next to nothing.  Every day brings new milestones; today the 30th Sept I have almost forgotten what it was like to struggle for breath with the slightest physical exertion. This evening I used the blood pressure monitor and was astounded by the results... 128/79 pulse 73. When you consider that it was regularly in the range 140/88 with a pulse of 87 at rest...you can understand my joy.  Also today, the cough has almost disappeared; no more hiding the embarrassment.  I am over the moon. This product has to be the best invention/discovery alongside sliced bread and the wheel.  Not once have I felt the need or craving for that which I gave up on the 11th Sept.  And yes I still have those remaining 5 ciggies just to remind me I'm a non smoker. I intend encasing them in some clear epoxy. My trophy.  Did I mention that it is still hard to believe the benefits I've experienced? At 67 years of age you can understand a slab of cynicism but how do you ignore what your "lying body" is indicating to you?  My trophy.  PS. And I haven't even mentioned the fantastic cost savings. For me it was mainly about the health aspect. Not that I didn't rail against the government rip off. I did, constantly. Still do with respect to their hypocrisy towards us addicts.  George (Vietnam Veteran)  Mid North, South Australia  **NOTE:** George is still a customer today, he is now (as of 11 Setpember 2016) two years smoke free.  **Government and Academic References:**  Scientific evidence suggests electronic cigarettes are a harm reduction innovation which has the potential to save millions of lives.  **Public Health England: E-cigarettes: a developing public health consensus**  https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/534708/E-cigarettes\_joint\_consensus\_statement\_2016.pdf  **Royal College of Physicians: Nicotine without smoker: Tobacco Harm Reduction**  https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction-0  **Public Health England: Electronic Cigarettes: A report commissioned but PHE**  <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311887/Ecigarettes_report.pdf>  **Australia: Proposed Amendment to the Poisons Standard**  http://colinmendelsohn.com.au/files/9814/7281/5038/Nicotine\_rescheduling\_proposal\_comment\_-\_Final.pdf |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Agree in relation that the products are not manufactured for, or marketed towards children.  Whilst we agree appropriate marketing restrictions should be in place to prevent young people to not start vaping, there also needs to be consideration for young people who smoke as they should not be condemned to continue to smoke because they cannot get access to a safer alternative.  **Reference:**  BMJ Tobacco Control: What are kids vaping? Results from a national survey of US adolescents  http://tc.bmj.com/lookup/doi/10.1136/tobaccocontrol-2016- 053014  ASH Fact Sheet: Use of electronic cigarettes among children in Great Britain.  http://www.ash.org.uk/files/documents/ASH\_959.pdf |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| E-cigarettes have a reduced risk profile, not equivalent to cigarettes therefore the same restrictions are not proportionate.  Education about e-cigarettes and the harm reduction opportunutiy it represents will support public health and encourage smokers to switch to vaping.  Agree that advertising should be targeted and not readily available to ‘at risk’ groups and non-smoking populous.  Weight of evidence that e-cigarettes represent no more than 5% of the risk of smoking combustible cigarettes. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| We refer to: **Public Health England: Use of e-cigarettes in public places and workplaces Advice to inform evidence-based policy making**  <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/534586/PHE-advice-on-use-of-e-cigarettes-in-public-places-and-workplaces.PDF>  **Excerpt:**  ***Ensure policies are informed by the evidence on health risks to bystanders***  International peer-reviewed evidence indicates that the risk to the health of bystanders from exposure to e-cigarette vapour is extremely low. This is in contrast to the conclusive evidence of harm from exposure to secondhand smoke, which provides the Use of e-cigarettes in public places and workplaces 8 basis for UK smokefree laws. The evidence of harm from secondhand exposure to vapour is not sufficient to justify the prohibition of e-cigarettes. Managers of public places and workplaces should ensure that this evidence informs their risk assessments.  ***Identify and manage risks of uptake by children and young people***  In the UK protection is in place via prohibitions on the sale of e-cigarettes to under-18s and purchase by adults on behalf of under-18s, and restrictions on advertising. However, because adult smokers use e-cigarettes to quit smoking and stay smokefree, the products can help reduce children’s and young people’s exposure to secondhand smoke and smoking role models. In developing policies on e-cigarette use in child and youth settings it is appropriate to guard against potential youth uptake, while balancing this with the need to foster an environment where it is easier for adults not to smoke.  ***Support smokers to stop smoking and stay smokefree***  E-cigarettes are used almost exclusively by smokers and ex-smokers and are now the most popular stop smoking aid in England. To support smokers to stop smoking and stay smokefree, a more enabling approach may be appropriate in relation to vaping to make it an easier choice than smoking. In particular, vapers should not be required to use the same space as smokers, as this could undermine their ability to quit smoking and stay smokefree, particularly among those most heavily addicted.  We refer to: **Banning E-cigarettes in Public Places: The unintended Hardm to Smokers and Non-Smokers**  <http://www.ecita.org.uk/sites/default/files/pdf/banninge-cigarettesinwales.pdf> |
|  |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | No reported medical side effects and is a product that supports harm reduction |
| Prohibition on displaying products in sales outlets |  |  | As above, reduced risk profile |
| Restriction on use of vending machines |  |  | Support age restrictions, unless vending machine in age restricted venue such as a bar or casinos. |
| Requirement to provide annual returns on sales data |  |  | Consumer product, for example coffee manufacturers and Pepsi don’t report sales. |
| Requirement to disclose product content and composition |  |  | Support transparency and recognise safety advantage. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Unless evidence base for damage to health. |
| Requirement for annual testing of product composition |  |  | Covered by in house quality control. Burdensome to industry. |
| Prohibition on free distribution and awards associated with sales |  |  | Reduced risk, want to encourage smokers to switch. Cost benefit is reduced. |
| Prohibition on discounting |  |  | As above |
| Prohibition on advertising and sponsorship |  |  | Provided age appropriate. |
| Requirement for standardised packaging |  |  | Product differentiation, freedom of choice. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Many smokers switch to vaping for the cost savings compared to smoking. If an excise is applied beyond the standard goods and services taxes, then this could discourage many smokers from switching to a less harmful consumer product, therefore reducing the public health gain.  Smoking prevalence is often highest amongst disadvantaged lower socio-economic groups and patients of common mental health disorders. These higher risk groups, and smokers in general should not be penalised or detered from choosing harm reduction products. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | We agree, particularly in relation to protecting at risk groups such as young children. All Liberty Flights e-liquid bottles already meet the standard for child resistant containers.  Suggested reading:  **Use of e-cigarettes (vaping) in the home: advice for parents**  ROSPA (The Royal Society for the Prevention of Accidents)  CAPT (Child Accident Prevention Trust)  LFB (London Fire Brigade)  CFOA (Chief Fire Officers Association)  http://www.rospa.com/rospaweb/docs/advice-services/home-safety/vaping-in-the-home-advice-for-parents.pdf |
| Safe disposal of e‑cigarette devices and liquids |  |  | We agree in relation to batteries standards only. Existing requirements and standards for batteries should apply, no requirement for specific e-cigarette devices. |
| Ability of device to prevent accidents |  |  | Covered by existing consumer protection legislation. |
| Good manufacturing practice |  |  | GMP is for pharmaceuticals, see above response consumer protection legislation. We believe appropriate proportional practices are relevant. |
| Purity and grade of nicotine |  |  | Agree. Nicotine should be pharmaceutical grade which Liberty Flights already adhere to. |
| Registration of products |  |  | Stifles innovation and consumer lead design/next generation. |
| A testing regime to confirm product safety and contents purity |  |  | Existing consumer protection legislation. Certification/documentation is sufficient. |
| Maximum allowable volume of e-liquid in retail sales |  |  | No evidence to suggest toxicological risk any more than household cleaners. Provided childproofing as above. |
| Maximum concentration of nicotine e-liquid |  |  | 3.6% w/v based on common strengths used and low chemical classification.  Also this strength supports heavy smokers to fully switch to vaping rather than dual use with smoking.  **We also refer to:**  **Dr Lynne Dawkins (London South Bank University, UK)**  [https://gfn.net.co/downloads/2016/Lynne%20Dawkins.pdf](https://us8.proxysite.com/process.php?d=x5B99EmeEBZcgt%2BRVlicistROXcPi29h4ZfnkXzEkOuoGWDlOjkeRn1H4h7yg%2FqJGw%3D%3D&b=1)  ***Summary:***  Dr Lynne Dawkins has been conducting research into e-cigarettes since 2010, her most recent study which she presented at the Global Forum on Nicotine, June 2016 was ‘Compensatory puffing behaviour in e-cigarette users’.  The experiment was to determine whether e-cigarette users self-titrate when given a lower concentration of e-liquid, to compensate for the reduced nicotine.  ***Do vapers ‘puff’ less when it comes to higher nicotine?***  Yes. The results from this study show that the mean puff number for 24mg/ml was approximately 50% lower than for 6mg/ml. From this we can see clear evidence of compensatory puffing when a lower nicotine e-liquid is used. The mean volume of 24mg/ml nicotine e-liquid consumed was also approximately 50% lower.  ***Is there a difference between hit and satisfaction when varying nicotine concentrations?***  During the study participants rated the hit and satisfaction they got when using each e-liquid strength. The general trend is that users get approximately a 63% hit and satisfaction rating in the 24mg/ml, compared to 47% if it is a 6mg/ml e-liquid.  New users that require that extra hit and satisfaction will find it even more difficult with nicotine concentrations below the 24mg/ml limit. This will generally make it harder for users to replicate the strong hit and satisfaction from traditional smoking which in turn may impact successful quit attempts. |
| Mixing of e-liquids at (or before) point of sale |  |  | Consumer protection and suitable manufacturing facilities are required to ensure quality products. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| **Further References for consideration**  (Note links and attachement the articles with our submission)  **Changes in the Frequency of Airway Infections in Smokers Who Switched To Vaping: Results of an Online Survey**  http://www.omicsonline.org/open-access/changes-in-the-frequency-of-airway-infections-in-smokers-who-switched-to-vaping-results-of-an-online-survey-2155-6105-1000290.pdf  **Abstract**  **Conclusion:** The switch from smoking to vaping was associated with a reduced incidence of self-reported respiratory infections. Further studies using objective measures in samples that are not self-selected are needed.  **Background and aim:** Cell and animal studies suggested that use of e-cigarettes may increase vulnerability to respiratory infection, though the available studies have serious limitations. Limited data are available on respiratory health of vapers.  **Methods:** An on-line survey assessed subjective changes in respiratory symptoms in smokers who switched to vaping for at least two months. Results: Among 941 responders, 29% reported no change in respiratory symptoms, 5% reported worsening, and 66% reported an improvement. Among qualitative comments, 232 elaborated on positive and 15 on negative experiences.  **BMJ Tobacco Control: What are kids vaping? Results from a national survey of US adolescents**  Excerpt:  US teens more likely to vape for flavourings than nicotine in e-cigarettes Recent spike in teen e-cig use doesn't signal ‘nicotine epidemic’, as feared, suggest researchers US teens are more likely to vape for the flavourings found in e-cigarettes rather than nicotine, suggests research published online in the journal Tobacco Control. The findings call into question the designation of e-cigarettes as Electronic Nicotine Delivery Systems (ENDS) and suggest that the recent spike in the popularity of e-cigarettes among this age group doesn’t signal a ‘nicotine epidemic’ as feared, conclude the researchers.  It is widely assumed that teen vapers are vaping nicotine, so in a bid to find out exactly what substances they are vaping, the researchers quizzed almost 15,000 students about their vaping experiences as part the 2015 Monitoring the Future Survey—an annual, nationally representative study of 8th, 10th, and 12th grade students.  http://tc.bmj.com/lookup/doi/10.1136/tobaccocontrol-2016- 053014  About the journal: Tobacco Control is one of 60 specialist journals published by BMJ. <http://tc.bmj.com>  **UK Government response to the consultation on the revised Tobacco Products Directive (2014/40/EU**)  https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/489981/TPD\_Cons\_Gov\_Response.pdf |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| Yes. We would welcome the opportunity to share further customer stories and insights into their smoking history, quit attempts and vaping experience. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| Yes. The proposed public health amendments would enable us to provide more comprehensive support services to our customers to assist them with their adoption and use of e-cigarettes. Such services include; education to smokers on the selection of nicotine strength, device use to help them completely switch to vaping and also support to reduce their nicotine dependence over time.  It would enable investment into New Zealand via the creation of an on-the-ground support operation providing local job opportunuties.  Investment would also stem to utilising New Zealand fulfilment business services to support expansion into the wider region.  And investment into creating awareness of the public health benefits to New Zealand smokers. |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| N/A | N/A | N/A | N/A |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 126

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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Do not publish this submission.

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|  |
| --- |
|  |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Swedish Snus should be included for consideration.  About me  I started smoking when I was 20 and smoked between 20 to 30 cigarettes a day until I was 50. I smoked because I found it pleasurable and relaxing. The satisfaction I got from smoking far outweighed any concerns I had about the financial costs and the health risks associated with smoking.  I tried giving up smoking several times because it was the “right” thing to do - however I was never successful as my heart was never in it. Deep down I didn’t really want to quit.  However, about 5 years ago I accidently stumbled upon a web site run by a group called “Smoke Free NZ” with address [www.smokeless.org.nz](http://www.smokeless.org.nz) (\*) that mentioned a smokeless tobacco product called Swedish snus. It went on to say that Swedish snus:   * “[is] 20 times less risky than cigarette smoking” * “allows smokers to quit smoking’s risks without giving up nicotine or tobacco”   After reading this, and on a whim, I decided to give Swedish snus a try.  I liked pretty much straight away (it took me a day or two to get used to it) and found that its effects were similar to smoking cigarettes except without the smoke.  Due to this and armed with the knowledge that Swedish snus is a far less risky alternative to smoking cigarettes I decided to switch to Swedish snus for good.  I have now been smokefree for over five years now thanks to Smoke Free NZ and Swedish snus.  (\*) This site is no longer active but the information I found can still be accessed via <https://web.archive.org/web/20150113080624/http://www.smokeless.org.nz/snus.htm>. |
| About Swedish snus  Swedish snus is a type of oral tobacco which is placed under the upper lip for extended periods.  Swedish snus is widely held to be between [95% and 99% less harmful than smoking cigarettes.](http://jnci.oxfordjournals.org/content/early/2010/09/24/jnci.djq404.full.pdf)  Swedish snus is made up of finely ground tobacco that cannot possibly be smoked.  Swedish snus delivers all of the active alkaloids in tobacco. This, in turn, may make switching from cigarettes to Swedish snus a more acceptable and enjoyable alternative to some.  Swedish snus is discrete and non-obtrusive – there is no secondhand smoke or vapour to worry about.  Swedish snus is potentially addictive. Even so, as mentioned above, it is far less harmful than smoking cigarettes.  Swedish snus is manufactured to strict safety standards as mandated by the Swedish Government.  Swedish snus may be imported into New Zealand for personal use.  Swedish snus is currently highly taxed at the New Zealand border (\*) making its importation into New Zealand very expensive.  (\*) Snus attracts tariff duty of 5% + $835.61 per kilo of tobacco content.  The 5% portion of the calculation is assessed on the customs value (which is generally the purchase price).  In addition to tariff duty, Goods and Services Tax (GST) of 15% applies.  GST is assessed on the customs value + tariff duty + international freight and insurance.  An import entry transaction fee of $49.24 may also apply. |
| What I would like to see happen  Swedish snus should continue to be allowed to be imported into New Zealand for personal use.  Swedish snus should be promoted (along with e-cigarettes) as a viable and acceptable harm reduction product.  The tax applied to Swedish snus should be reduced (\*). This, along with more publicity, would make Swedish snus more desirable to smokers seeking out an acceptable and affordable low risk alternative other than e-cigarettes.  The tax applied to Swedish snus should be no more more than the tax applied to nicotine containing e-liquids.  A “one size fits all” approach should be avoided as not all smokers looking to quit will find e-cigarettes an acceptable alternative (#).  (\*) I suspect there will be some in the public health and the tobacco control sectors who will not support a reduction to the tax applied to Swedish snus because Swedish snus contains tobacco and they don’t want to see the popularity of any tobacco product increase. I am sure that they have their reasons. All I can wish for is that all low risk products, whether or not they contain tobacco, be honestly and pragmatically judged solely on their harm reduction potential.  (#) I own an e-cigarette but very rarely use it as I much prefer to use Swedish snus. I just find Swedish snus that much more satisfying and enjoyable. I am pretty sure that I would have been unable to quit smoking cigarettes by using e-cigarettes. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| However I think that individuals and companies should be given the choice to allow or deny vaping on their own property. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  |  |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  |  |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Public health is the issue here … not revenue collection. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  | Not sure how this could be enforced though. Recomendatons may be enough. |
| Ability of device to prevent accidents |  |  | Not sure what you mean by this. |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  | Onerous. |
| A testing regime to confirm product safety and contents purity |  |  | Onerous. |
| Maximum allowable volume of e-liquid in retail sales |  |  | Would be hard to enfore I would have thought. |
| Maximum concentration of nicotine e-liquid |  |  | Within reason. I think that it is important the limits not be too low. |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
|  |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 127

|  |  |
| --- | --- |
| **Your details**  This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

**Privacy**

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**Declaration of tobacco industry links or vested interest**

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|  |
| --- |
| I do not have any vested interest with the tobacco industry. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

**Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?**

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

**Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?**

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

**Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?**

Yes  No

Reasons/additional comments:

|  |
| --- |
| It should be limited to 18+ sales. |

**Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?**

Yes  No

Reasons/additional comments:

|  |
| --- |
| To a degree. Non-vapers shouldn’t be encouraged to take up vaping with advertising assistance i.e. billboards, TV ads etc … |

**Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?**

Yes  No

Reasons/additional comments:

|  |
| --- |
| While vaping is generally pleasant smelling it should be restricted as to where it can be done as a common courtesy to non-vapers. |

**Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  |  |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  |  |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

**Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?**

Yes  No

Reasons/additional comments:

|  |
| --- |
| No – it’s purely a money making venture for the government if any duty was added. By keeping the costs down it’s more likely to assist with smokers switching to vaping quicker. |

**Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?**

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

**Q9 Are there any other comments you would like to make?**

|  |
| --- |
| Before I started with e-cigarettes I was spending $70+ a week on roll your own tobacco and was suffering from decreased lung capacity due to smoking for 29 years. Since switching my health has improved, my wheezing has stopped at night, I have a lot more money and my taste buds have come back. Subsequently after learning more about vaping I have successively cut down the level of nicotine from 18mg to 3mg where I’m currently at. My end goal is to get to zero mg at which point I’ll potentially stop. I am also actively encouraging long term smokers that I associate with to move to vaping as the benefits (health, money, taste) far out way any possible negatives in respect to any “bad” results from any overseas studies. I also think it should be added to the list of NRT. I have previously tried lozenges, Champix, patches and Zyban which all helped to a degree but never fully got me off smoking. Since I started vaping I’ve had 2 cigarettes in the last year and they were way too strong and tasted disgusting. |

**Additional information on sales and use**

**Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?**

|  |
| --- |
| There are just over 40 websites in NZ selling vaping related products and numerous physical shops mainly in the North Island. The range from what I’ve seen (Shosha, Cosmic) is quite extensive with a lot of different e-juices available in a variety of nicotine strengths. The vast majority of e-juice is sourced from overseas. [redacted]. |

**Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.**

|  |
| --- |
| No |

**Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?**

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 13 months | Daily | $5 - $10 | I import flavour(s) and nicotine from the US and PG/VG from NZ and mix the e-juice myself for personal use.It’s far cheaper, the flavours are better and it’s easier for me to do this versus buying at current retail prices (currently approx. $1 per ml). I also know what ingredients have gone into my custom e-juice and where the ingredients have been sourced from. |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 128

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

√ as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

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Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

√ I am not an e‑cigarette user.

√ I have tried e‑cigarettes.

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|  |
| --- |
| I have no tobacco industry interests. |

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**Consultation questions**

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes √ No

Reasons/additional comments:

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| --- |
| This document is presented from the perspective of my own personal experience in witnessing Tobacco Harm at its worst. I watched my father smoke for 40 years. Over the last 30 years I watched as he tried multiple approved Cessation products such as Nicorette Gum, Patches & Champix along with Quit Smoking services. All of these failed him. He continued to smoke combustible tobacco, and in October 2013 was diagnosed with lung cancer. He continued to smoke up until he started 6 weeks of Radiation and Chemotherapy at Christchurch Hospital at the beginning of December 2013, and was advised to stop smoking. It was during the first week of treatment when he was struggling the most with not smoking, that he was introduced to and experienced an e-cigarette by his own choice (he was not a person to be told he should do something). Finding the experience & ‘hit’ to his liking, he purchased a 1st generation cig-a-like with nicotine. He completed his treatment, and started smoking again because his device was in his words ‘difficult to get the bits he needed.’ With another introduction, this time a 2nd generation e-cigarette, he began to vape again instead of smoking. We educated ourselves about the risks and quality of devices and e-liquids and he transitioned to safer devices and safer e-liquids. He would often be engaged by other smokers inquisitive as to the device he was using compared to the tobacco they were smoking. He continued to advocate the personal benefits he had experienced up until his passing on December 17th 2015, 2 years after his initial lung cancer treatment. He was 59 years of age. This experience has been a major factor in shaping my views and opinions for this submission.  The Sale and supply of Nicotine e-cigarettes and Nicotine e-liquids in the local market is the correct option, directly available wherever tobacco products are sold, and without the display restrictions applied to traditional tobacco. Smokers perception if vaping products are treated the same as tobacco products will be that they are just as harmful, and will limit uptake, thus continuing a trend of slow volume decline in smoking. If we are to achieve smoke-free 2025, vaping products need to be given the opportunity to succeed. Restricted supply via limited outlets and pharmacies would simply not work.  With the appropriate controls around product quality and safety standards for e-cigarettes and e-liquids, can only improve safety and quality standards.  The rapid transition of smokers to vaping has been successful due to it being a decision of their own personal choice, and smokers not made to feel like they are suffering from a sickness and being medicalised. Vaping products availability where tobacco products are sold also means they are in direct competition with smoked tobacco.  Approved smoking Cessation products have been available for more than 30 years, and this, included with the Tobacco Control Communities strategies and initiatives have unintentionally failed the NZ Smoking public, never more so demonstrated than in the 2015 tobacco returns where tobacco pricing has never been higher, and yet tobacco volumes only decreased by 1.1% on combustible cigarettes and 3% on RYO on the previous year. Based on this alone, a Smoke-free New Zealand 2025 is looking more likely to be achieved in 2075. NZ’s 500,000+ smokers have had availability of approved Smoking Cessation, but these are generally only available in limited outlets, such as pharmacies. This is part of a policy where the Tobacco Control Community has failed to realise, that smokers do not want to be medicalised. Smokers are individuals who want to be able to make the choice to change, on their own.  Many of the Tobacco Control community will continue to advocate tight restrictive controls and unsuccessful mass media marketing campaigns that require tax payer resource and funding. This strategy will not see NZ Smoke-Free in 2025. Something has to change with current policies. Every smoker in New Zealand knows that smoking kills, yet they continue to smoke with minimal decline. The choice is simple. Allow smokers the freedom of choice to change is the sensible approach. Will we fail NZ smokers again if we do not allow vaping the opportunity it deserves.  The initiation in interest from smokers often occurs in social circumstances and a feeling of greater acceptance than smoking. Categorising smokers and expecting them to turn up on mass to pharmacies and limited outlets will once again lead to the unintended failure of policies of the Tobacco Control Community. Prohibition/ limited supply will not be effective. Government funded resources allocated to smoking cessation services becomes a non-requirement with ease of availability, as advocating and education of e-cigarettes is already occurring through social networking, something that has never been done with approved Cessation products.  Devices are becoming easier to explain at point of sale. With regulated products, consumer information can be as simple as a leaflet. The vaping industry originated out of a desire to provide nicotine delivery in a much safer method than a combustible cigarette. Technology continues to evolve, driven in part by that same desire to continually improve safety and effectiveness. Restrictive approaches will only stifle those continued improvements. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes √ No

Reasons/additional comments:

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| --- |
| E-cigarettes and vaping has only been in the global market since 2003, but in 13 years are having a major impact for tobacco harm reduction. Any regulation needs to take into consideration that e-cigarette and e-liquid technology has and is evolving rapidly, that is and has the potential to make products even safer. Rigid regulations could stifle continued improvements and create unintended consequences. Policy makers should either provide flexibility and the ability to regularly review, with key stakeholder involvement so that policy makers stay well informed and keep regulations relevant. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes √ No

Reasons/additional comments:

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| --- |
| Targeted at smokers only. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No √

Reasons/additional comments:

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| This is a harm reduction product, and it has been driven by smokers freedom of choice to make a change. Smokers need to be made aware of these products, and if there is no display like tobacco products, perception could be that they are as dangerous as tobacco products, thus undermining the desire to transition smokers away from traditional combustible tobacco consumption. It also would work in favour of tobacco companies, who currently operate their businesses under the Smoke-free Environments Act. Tobacco companies could use an e-cig display ban as a tool to keep smokers from easily accessing vaping products by utilising terms of contracts with retailers to limit vaping product ranging. There is more profit for tobacco companies to be made currently from combustible tobacco than to transition smokers into vaping products, even their own brands. This would undermine the intent of regulatory change and tobacco harm reduction and the goal of smoke-free 2025. Any regulatory changes need to ensure that product availability is not hindered by tobacco companies or their subsidiaries utilising existing store supply contracts to limit vaping product ranging. There should be no reference allowed to vaping in any tobacco products contract, as its intent would be conflicting. This could also be relevant to Pharmaceutical company arrangements with Pharmacies as well. E-cigarettes are having a direct impact on pharmaceutical company profits that supply approved cessation devices. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No √

Reasons/additional comments:

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| --- |
| The interpretation of smoking and vaping are legally and clinically different (Ref; PHE attached report). Are we wanting to force vapers into relapse by having them vape in designated smoking areas?  Like the UK, there needs to be clearly defined areas where both are not allowed (such as schools) but other areas should be down to business owners or the appropriate authorities choice. Again perception that it is the same as smoking can undermine the intent to encourage smokers to transition to vaping. If smokers see vapers able to vape in areas that are smoke-free, it will only encourage them to try and potentially shift to vaping. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

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| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | √ | No evidence exists for the need for graphic images |
| Prohibition on displaying products in sales outlets |  | √ | Perception that if it is hidden from view, smokers will perceive it as a the same as smoking with the same risks, which will limit its uptake. Needs to be visible and available where tobacco is to encourage shift from traditional tobacco. |
| Restriction on use of vending machines | √ |  | Age verification |
| Requirement to provide annual returns on sales data | √ |  | Manufacturers and importers |
| Requirement to disclose product content and composition | √ |  | Manufacturers and importers. Consumers need to be aware of what is in the product. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | √ |  |  |
| Requirement for annual testing of product composition |  | √ |  |
| Prohibition on free distribution and awards associated with sales |  | √ | Want to encourage smokers to try vaping. |
| Prohibition on discounting |  | √ | Want to encourage smokers to try vaping. |
| Prohibition on advertising and sponsorship |  | √ | In store advertising and education at point of sale should |
| Requirement for standardised packaging |  | √ | No need. Perception if standardised packaging then they will be perceived as just as dangerous as smoked tobacco. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No √

Reasons/additional comments:

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| --- |
| This is a harm reduction product. Limiting uptake of product if price hinders, and perception could be as bad as smoking. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes √ No

Additional comments:

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| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | √ |  | Child safety |
| Safe disposal of e‑cigarette devices and liquids | √ |  | Environment safety |
| Ability of device to prevent accidents | √ |  | Battery and general product safety standards |
| Good manufacturing practice | √ |  | Then we know the product is manufactured to Good consistent standards |
| Purity and grade of nicotine | √ |  | Pharmaceutical Grade |
| Registration of products | √ |  | Provides a register visible to all of legitimate products that meet NZ standards |
| A testing regime to confirm product safety and contents purity | √ |  | Should do, we should look to adopt similar standards in testing like the EU. |
| Maximum allowable volume of e-liquid in retail sales | √ |  | 2ml atomisers and 10ml refill bottles. Prevention of accidental poisoning due limitation of amount. |
| Maximum concentration of nicotine e-liquid | √ |  | 20mg/ml in e-liquid. Although future generation products this may need to be reviewed as technologies advance. |
| Mixing of e-liquids at (or before) point of sale |  | √ | No quality control/ nicotine dose consistency |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

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### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

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#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

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#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

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| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 129

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | New Nicotine Alliance - UK |
| Position *(if applicable)*: | [redacted] |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*: Non-governmental organisation. Registered charity in England and Wales

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, the Ministry of Health asks all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry, and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

|  |
| --- |
| The New Nicotine Alliance (http://nnalliance.org) is funded entirely by donations and does not accept funding from manufacturers or distributors of nicotine products including tobacco companies, pharmaceutical companies and electronic cigarette companies. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

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| --- |
| The new Nicotine Alliance (NNA) contributes to improving individual, organisational and public understanding of ‘tobacco harm reduction’ - a term used by the UK Department of Health, Public Health England and the National Institute of Health and Care Excellence amongst others to describe ways of reducing harm from cigarette smoking without necessarily giving up the use of nicotine. The Board of NNA and our Associates include ex-smokers, most of whom have given up smoking through the use of non-combustible nicotine delivery systems, public health analysts and scientists.  We strongly agree that nicotine liquids and nicotine e-cigarettes should be allowed on the New Zealand market. We agree with the Ministry of Health that it is contradictory that smoked tobacco is more harmful than e-cigarettes, yet is legally available. The current situation in New Zealand means that users and potential users face obstacles to the legal purchase of nicotine and that the irregular market means that there are no opportunities to ensure that consumers get quality products. It is correct and urgent that the legal situation be changed in order to help smokers switch from smoking cigarettes.  Smoking tobacco is the most harmful way of delivering nicotine. In excess of 4,000 chemicals are released, a number of which are carcinogenic, along with carbon monoxide. This situation needs to change in order to facilitate transitions from smoking to lower risk nicotine products.  There is considerable discussion about the relative safety of e-cigarettes compared with smoking tobacco. Public Health England’s recent evidence review indicates that e-cigarettes are some 95% less harmful than regular cigarettes [*Public Health England. E-cigarettes: an evidence update 2015*]. There is a similar assessment by the UK Royal College of Physicians: “Although it is not possible to precisely quantify the long-term health risks associated with e-cigarettes, the available data suggest that they are unlikely to exceed 5% of those associated with smoked tobacco products, and may well be substantially lower that this figure” [*https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction-0*].  The UK now has a relatively positive approach to e-cigarettes including regulation of e-cigarettes as consumer products.  Despite little early endorsement by government and with little promotion by manufacturers (in comparison with other fast moving consumer products) there has been major uptake of e-cigarettes in the UK with latest Office for National Statistics data indicating 2.2m currently using them – that is 4% of the adult population. That compares with the 19% of the population who smoke cigarettes. There is a further 3.9 million former users of e-cigarettes and 2.6 million people said they had tried an e-cigarette but never went on to use them. In total 8.7m have tried an e-cigarette [*Office for National Statistics, UK 2016. Statistical Bulletin Adult smoking habits in Great Britain, 2014.]* ONS data suggest that 836,000 e-cigarette users are no longer smoking. Other surveys put this in excess of 1 million. E-cigarettes are now the most common device used by smokers in the UK to help them quit smoking [*West R. 2016 Impact of e-cigarettes on smoking cessation in England. Smoking in England, STS150530. http:// www.smokinginengland.info/sts-documents*/]. Smoking prevalence is declining in in the same period. This health movement to safer nicotine products is unusual. Unlike other public health interventions it has not come about as the result of planned intervention or as a result of state investment in harm reduction or smoking cessation resources. It has come about as a result of individual smokers deciding to purchase an alternative way of using nicotine. This is a consumer led health initiative.  From a harm reduction perspective e-cigarettes are a gift to the health of the public. It is unlikely that any formal Public Health initiative could claim so much impact in such a short time, in terms of reach - the 8.7 million who have tried e-cigarettes, successful converts – the 2.2 million current users of e-cigarettes - or with such success - the nearly 1 million e-cigarette users who no longer smoke cigarettes. The switch to e-cigarettes has been a no-cost intervention with major benefit: The UK health service estimate of the value of a “successful quit” is put at £74,000, based on average 1.2 life years saved and £60,000 per life year. The 836,000 people (ONS data) in the UK who use e-cigarettes and no longer smoke represent a value of £62 billion.  The UK experience thus provides some indication of potential for the legalisation of sale and supply of nicotine in New Zealand. Smoking continues to be a major health issue in New Zealand especially among Maori and Pacific communities. New Zealand aims to be smokefree by 2025. We do not think that this will be achieved unless the government includes radical new initiatives to help people switch from smoking: we would advise the government to support smoke-free alternatives for a smoke-free future.  Nicotine liquids and nicotine e-cigarettes need to compete against the most harmful nicotine delivery system – regular cigarettes. In the interests of individual and public health it is important to construct a legal framework for nicotine and e-cigarettes which is reasonable and proportionate, that encourages uptake, and which promotes consumer confidence in the products that they purchase. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

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| Qualified yes.  Alongside e-cigarettes is a range of other nicotine delivery systems. These include smokeless tobacco products, of which Swedish snus is the best known example; dissolvable tobacco products in various formulations including lozenges and strips, and 'heat not burn' products which contain tobacco whereby the device vapourises the nicotine thus avoiding the toxins from the combusted products in tobacco cigarettes. It is important that products on sale to the general public are properly controlled and regulated. These products vary in characteristics and this needs to be accounted for in the detail of future legislative control. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

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| This is a qualified 'No'.  First, there is little evidence of youth uptake of e-cigarettes and no evidence that this leads to continued nicotine use or transitions to cigarette smoking. There is no evidence of significant uptake of e-cigarettes in the UK among young people who are not smokers. Despite evidence of youthful uptake in the US, much of the survey data is misleading, as it does not differentiate between young people using e-cigarettes with nicotine or without. Latest US data show that only around 20% of young e-cigarette users in the US are vaping nicotine – the rest are vaping flavours only.  There would clearly be political sensitivities in allowing the sale and supply of e-cigarettes to those aged under 18, yet arguably there is a public health case for allowing this. All the research evidence points to the fact that most smokers begin their smoking careers before they reached the age of 18. For example, a survey of youth and tobacco use by the US Centers for Disease Control and Prevention revealed that 90% of smokers had begun by this age [*http://www.cdc.gov/tobacco/data\_statistics/fact\_sheets/youth\_data/tobacco\_use*/] .  In New Zealand 6% of youth (aged 15-17) are current smokers (defined as smoking at least monthly). Of course it would be preferable for young people not to start smoking at all, but in terms of the overall public health benefit, it would be better if they had legitimate access to non-combustible nicotine products than not. That said, it would be reasonable to prevent manufacturers from both producing and marketing products deliberately aimed at a youth market.  There is a dilemma here in that under-18 youth are exposed to the risk of smoking, and yet an under-18 ban would deny them a harm reduction (and possibly smoking-preventing) alternative. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

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| To impose the same advertising restrictions on e-cigarettes as smoked tobacco is to send out precisely the wrong message, one that completely undermines the public health benefit of e-cigarettes – that they are as equally dangerous as smoked tobacco products.  E-cigarette advertising should be subject to custom-made guidance. For example the UK's Committee of Advertising Practice and Committee of Broadcasting Practice issued guidance for the marketing of e-cigarettes published in 2014. The main stipulations are ‘Ensure your ads are socially responsible’, ‘Don’t target or feature children, or include content which is likely to appeal particularly to children’, ‘Don’t confuse e-cigarettes with tobacco products’, ‘Don’t make health or safety claims’, ‘Don’t make smoking cessation claims’, ‘Don’t mislead about product ingredients’, and ‘Don’t mislead about where products may be used’.  We do not agree with all these stipulations – in particular we believe that advertisers should be able to make claims about relative health and safety. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

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| There is evidence that toxins in ‘second hand’ vapour – ie the exhalate from the breaths of e-cigarette users - are at such negligible levels that the constituents pose little or no risk to bystanders and hence ‘smoke’ free laws are inappropriate. We believe that it is not for the state to intervene in what is essentially a decision for individual businesses and organisations (restaurants, bars, offices, public transport etc).  The negative effects of including e-cigarette use on smoking bans are that it sends a confusing and inaccurate message that vaping is the same as smoking; and it acts as a disincentive to smokers who wish to switch to vaping.  There is useful guidance on this issue, produced by the UK's Action on Smoking and Health (ASH) [www.ash.org.uk/files/documents/ASH\_900.pdf] and Public Health England [*https://www.gov.uk/government/news/vaping-in-public-places-advice-for-employers-and-organisations*]. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

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| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | It would be hard to justify any sort of graphic warning specifically because to date there is no evidence that using e-cigarettes constitutes any kind of serious health problem. They contain nicotine, which is addictive, but nicotine is also the key element in medically approved Nicotine Replacement Therapies. Moreover, as most vapers are ex-smokers they would be only too aware of the addictive nature of nicotine. |
| Prohibition on displaying products in sales outlets |  |  | The public health imperative is to encourage as many of those who do not want to quit their use of nicotine to switch to e-cigarettes. The public health imperative would not justify the banning of point of sale advertising. |
| Restriction on use of vending machines |  |  | Qualified no. If the decision is to prohibit sales to under 18’s then this would be consistent with that policy as there is no practical means to verify age, however see our response to Q3. In addition, there is no reason to restrict vending machines in establishments which are already age restricted to over 18s only. |
| Requirement to provide annual returns on sales data |  |  | It is hard to see what is gained by instituting a formal reporting system when other relevant population survey data (eg uptake of e-cigarettes in the smoking population) is what is required to monitor public health impacts. |
| Requirement to disclose product content and composition |  |  | Consumers need to be assured about what they are purchasing. As a general principle, the requirement of product disclosure should apply to any product being sold to the general public under all the relevant product safety, trading standards and consumer protection legislation. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Consumers need to be assured of quality and safety, as with any other consumer product. Quality and safety can be addressed though consumer product standards. There are currently two publicly available quality standard guidance documents; one from the UK British Standards Institute *[PAS 54115:2015 Vaping products, including electronic cigarettes, e-liquids, e-shisha and directly-related products – Manufacture, importation, testing and labelling – Guide]*  and the one from France - French National Agency for Standardization (AFNOR). The European Committee for Standardisation (CEN) has set up a technical committee to draft EU standards for e-cigarettes. There is also underway an ISO standard for nicotine for use in e-cigarettes [*ISO/NP 20714 "E-Cigarettes - Determination of nicotine in liquids used in electronic nicotine delivery devices (e-liquids)"*].  Flavours are an important part of the vaping experience and should not be restricted unless specific flavours are found to be hazardous. |
| Requirement for annual testing of product composition |  |  | We are unsure if an annual check is required but some sort or random batch testing should be part of normal manufacturing standards and consumer product standards compliance. |
| Prohibition on free distribution and awards associated with sales |  |  | An unnecessary encumbrance on promotion of what is a safer alternative to smoking |
| Prohibition on discounting |  |  | An unnecessary encumbrance on promotion of what is a safer alternative to smoking |
| Prohibition on advertising and sponsorship |  |  | An unnecessary encumbrance on promotion of what is a safer alternative to smoking |
| Requirement for standardised packaging |  |  | An unnecessary encumbrance on promotion of what is a safer alternative to smoking |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

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| --- |
| The public health aim should be to encourage transitions to e-cigarettes and any taxation that discourages their use is inappropriate. Indeed, some consideration might be given to having lower than the usual rate of taxes for consumer products in order to encourage switching. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | See response to Q6, section 6 on consumer product standards. |
| Safe disposal of e‑cigarette devices and liquids |  |  | Environmental waste regulations should include the safe disposal of plastics and batteries. |
| Ability of device to prevent accidents |  |  | Question unclear. Product standards such as those suggested in answer to Q6, section 6 should include child resistant packaging. |
| Good manufacturing practice |  |  | See response to Q6, section 6 on consumer product standards |
| Purity and grade of nicotine |  |  | See response to Q6, section 6 on consumer product standards |
| Registration of products |  |  | See response to Q6, section 6 on consumer product standards |
| A testing regime to confirm product safety and contents purity |  |  | See response to Q6, section 6 on consumer product standards |
| Maximum allowable volume of e-liquid in retail sales |  |  | Customers should be able to purchase in amounts which are convenient to them and in addition, larger quantities would have the advantage of price savings and less waste. Concerns as to toxity of a larger volume of liquid could be addressed by child resistant packaging just as they are with other household products such as bleach. |
| Maximum concentration of nicotine e-liquid |  |  | More dependent smokers require stronger concentrations of liquids, especially when they first attempt to switch. Prior to the EU TPD strengths up to 75mg/ml were available to consumers in the UK with very few and no serious reported problems. |
| Mixing of e-liquids at (or before) point of sale |  |  | There is no reason to restrict mixing of liquids. It enables personalisation which is an important factor in the desirability of vaping products. Manufacturers or vendors should however provide a list of ingredients which make up the components of a mixed juice. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

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### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

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| --- |
| No |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

# Consultation submission 130

Submission on Policy Options for the Regulation of Electronic Cigarettes

September 2016

**ecigarettes@moh.govt.nz**

### My details

[redacted]

[redacted]

[redacted]

This is an individual submission, not representing any sector

I am not an ecigaratte user

I understand that you will automatically remove my personal details and any identifiable information from the website version of this submission

I am not associated with the tobacco industry

### Comments on submission questions

**Q1 Do you agree that the sale and supply of nicotine e-cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?**

No.

I suggest that the main consideration for this change is vaping’s support for smoking cessation. The benefits and links of this seem limited and uncertain. It is possible that significant health effects will emerge over time if vaping becomes more common. It is noted that tobacco use was first promoted as healthy, then eventually as clearly unhealthy. Its harmful legacy has been huge. On that basis, further support for vaping should or making this easier should wait until the health effects are better understood.

It is acknowledged that the Ministry is proposing to take steps to make vaping easier, and controlled. Accordingly, the remainder of this submission is on the basis that this liberalisation takes place.

**Q3 Do you think it is important for legislation to prohibit the sale and supply of e-cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?**

Yes

This restriction is supported on the basis of the possible health efforts, and because many of the same issues relating to marketing to children of (for example) unhealthy foods, alcohol or unhealthy lifestyles apply to vaping.

For this reason I support the submissions made by others the vaping equipment should be available only from pharmacies. This will help position this as a smoking cessation aid, and will help ensure that age restrictions (and other restrictions) are upheld. It will also help ensure that vaping doesn’t become “cool”.

It is acknowledged that this might make vaping equipment more expensive and harder to obtain; this is considered an appropriate tradeoff.

**Q4 Do you think it is important for legislation to control advertising of e-cigarettes in the same way as it controls advertising of smoked tobacco products?**

Yes

See also above comments on q3.

**Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?**

Yes.

I believe this is essential to preserve the spirit and intent of the smokefree legislation.

It would be very challenging for the successful ongoing implementation of our Smokefree legislation if vaping were allowed in (eg) pubs and restaurants. That approach would require patrons and staff to make difficult decisions on the type of equipment being used, and would blur the line between smokefree’s many benefits and the uncertain tradeoffs involved in vaping (ie support arguments that if one is ok, both should be). Allowing vaping in those buildings would also act to normalise it, and might support “graduation” to tobacco smoking.

**Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e-cigarettes? For example:**

Yes.

All of these should apply in the same way to vaping

**Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?**

Yes

This will support the collection of accurate information (as incorrect information would be an offence against financial regulations) and allow future governments to fine tune regulatory and financial controls and pricing as more information is available about the extent and effects of vaping.

**Q8 Do you think quality control of and safety standards for e-cigarettes are needed?**

Yes

All of these should apply

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 131

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

x as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

x Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

x I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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Do not publish this submission.

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Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

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|  |
| --- |
| None |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes x No

Reasons/additional comments:

|  |
| --- |
| There is now a vast body of evidence, with earlier research summarised in such reports as the NZ report authored by Broadstock, and the UK Royal College of Physicians report on nicotine addiction (2007), complemented by more recent research that confirms and extends those findings (eg 2016 Royal College of Physicians report. There is now n doubt that the vast majority of the harms associated with smoking tobacco come from the dirty delivery system |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes x No

Reasons/additional comments:

|  |
| --- |
| Any form of nicotine, that is sufficiently low in other toxicants. Regulation needed to set limits, but these are not urgent as there is no likely short term market for anything other than those made from distilled nicotine and standards for these can be pharmaceutical standards. The one important qualifier is that products that can readily be mistaken for sweets and/or where the experience of use with psychoactive levels of nicotine is difficult to differentiate from that of use without nicotine. For example nicotine strips manufactured to taste like mouth freshener strips should be prohibited. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes x No

Reasons/additional comments:

|  |
| --- |
| While likely of low harm, this is not certain. Further the addictive potential of these products is uncertain, and not enough is known about possible effects of chronic nicotine administration on developing brains. That said, the lack of evidence of major harms from taking yup smoking at an early age, suggests few if any harms, and if further research confirms this, such restrictions may be able to be loosened. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No x

Reasons/additional comments:

|  |
| --- |
| There are strong grounds at present for placing some restrictions on the promotion of any recreational nicotine products allowed, but they should be designed for these products, and in some respects should be distinctly different to that for smoking and any other dirty nicotine delivery systems that might still be allowed. The warning should be more of the kind “Effects of long term use on health are uncertain and can be addictive”. It would not be prudent to require Plain (standardised) packaging, as it would send the wrong message to consumers. Advertising should be restricted to factual information, and lifestyle related advertising prohibited. Promotion of these products at all places smoked tobacco is sold should be mandated. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| There is minimal theoretical risk to health from vaping. Thus it should not be prohibited on health grounds. Doing so may create the risk of a challenge to smoke-free rules as there is no established or likely significant risk. That said, having people vaping around you in some contexts is likely annoying to many, so controllers of indoor spaces and crowded outdoor spaces should be able to impose restrictions based on amenity value. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | x | It would make a mockery of the fully justified warnings for the extremely dangerous smoked tobacco. |
| Prohibition on displaying products in sales outlets |  | x | We should be encouraging smokers to switch. |
| Restriction on use of vending machines | x |  | Certainly not allowed in vending machines accessible to children |
| Requirement to provide annual returns on sales data | x |  | We need to understand the market until we can be completely convinced there is no appreciable harms form use. |
| Requirement to disclose product content and composition | x |  | This should be a requirement of most products and an absolute requirement of any psychoactive substance. Levels of nicotine must be reasonably accurate |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | x |  | See above |
| Requirement for annual testing of product composition |  | x | This is likely to be onerous and of no clear health benefit. However, if there are some additives for which there is concern, uppoer limits could be set and licence fees for adding such ingredients be set high enough to cover compliance monitoring. |
| Prohibition on free distribution and awards associated with sales |  |  | Probably not necessary, unless evidence that these appeal to non-users |
| Prohibition on discounting |  |  | I don’t have a clear view on this |
| Prohibition on advertising and sponsorship |  | x | See above, limited, but not prohibited |
| Requirement for standardised packaging |  | x | As noted above may have a negative impact on the impact of warnings on products which are really harmful |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No x

Reasons/additional comments:

|  |
| --- |
| I think it is perfectly reasonable for there to be an excise, but strongly believe that it should be set at a far lower level (for equivalent use) than for smoking. If and when these products replace smoking pretty much completely and there is no mass consumer market for smoking tobacco, then governments might use it as a useful revenue raising exercise |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes x No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | x |  | Possibly not needed on toxicological grounds, but as they are likely to be left around and not kept out of reach, this is produnt |
| Safe disposal of e‑cigarette devices and liquids |  | x | No issue for the liquids at levels likely to be allowed. Device batteries should be dealt with under same requiremetns of other similar batteries. |
| Ability of device to prevent accidents |  |  | Not sure what is meant by this. If batteries made to good manufacturing standards and certified (eg CE) this should suffice. They should be treated like any other consumer electric device that is likely to be placed in close proximity to the body. |
| Good manufacturing practice | x |  |  |
| Purity and grade of nicotine | x |  |  |
| Registration of products | x |  |  |
| A testing regime to confirm product safety and contents purity |  | x | If above done, this is likely overkill |
| Maximum allowable volume of e-liquid in retail sales | x |  | But considerably higher than EU level. I suggest something like 50 ml. |
| Maximum concentration of nicotine e-liquid | x |  | Yes, around 36 mg/ml as is being asked for in Australia at present is a sensible upper limit |
| Mixing of e-liquids at (or before) point of sale |  | x | Requiring this will benefit big companies (eg tobacco companies) at the expense of the small retailer, and I see not public health benefit |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| I have worked in tobacco control for 30 years and am recognised internationally for my research on smoking cessation and on the impacts of public policies and mass campaigns on tobacco use. Based on that experience, I do not see any realistic prospect of eliminating nicotine use in the foreseeable future. Current strategies are unlikely to get prevalence down much below 10% and almost certainly not achieve the 5% something is a reasonable endpoint. I am not of this opinion. I think we should aim for regular use of smoking to be below 1%. Encouraging smokers to substitute clean forms of nicotine is in my opinion a necessary part of any realistic solution to the tobacco problem. In the past there have not been alternative forms of nicotine suitable attractive (I ignore the issue of smokeless tobacco here), but the emergence of vapourised nicotine products has changed all that. I believe we could largely solve the tobacco problem within 10 years if we embraced clean nicotine. This does not mean an unconstrained commercial market, but a market shaped as best we can to maximise the benefits and minimise the risks.   * Continuing to prohibit ready access to clean nicotine, given the clear consumer demand is likely to result in the following risks to public health and good governance: * Incidence of illegal importing of high strength nicotine liquids and risks of poisoning as a result. * High levels of disregard of current laws and the disrespect for laws that this can induce, plus possible incursion of organised crime in to the market. This might even lead to more uptake by youth that legalising, but not allowing lifestyle related promotion might. * Conditions that will continue to favour smoked tobacco and the companies that profit from it with the huge public health costs that this brings.   I congratulate the New Zealand government for considering this issue and urge you to take a proactive approach to this important issue. In my opinion, some health groups have overly focussed on the threat without commensurate consideration of the opportunities and of the threats form inaction, and have thus not thought through ways in which vapourised nicotine could be a major factor in the elimination of smoking.You have the opportunity to go even further than the UK and embrace the issue, and to do so in a more coherent and proactive way. In my opinion, if you are to achieve your 2025 goals, it is the only way you have any chance of doing so. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 132

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:      

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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This submission contains commercially sensitive information.

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|  |
| --- |
| I have no links to the tobacco industry or the electronic cigarette industry. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I was a smoker for 42 years. I tried everything to quit but I just couldn't do it. By the time I was 58 years old my health was beginning to suffer badly. Then vaping came along. I bought a refillable tank e-cigarette on July 14 2012 and I haven't smoked a single tobacco cigarette since. My health improved dramatically . After 6 months I started training on the local hills and I have taken part in 3 mountain marathons. It has been like a miracle.  If I can switch – any smoker can. This is a life saving technology which must not be hindered by unnecessary regulation. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I have no experience of other products. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I would prohibit sale to under 16 years of age. I started smoking at 16. Perhaps if e-cigs had been available then I would never have smoked. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| E-cigarette advertising should be regulated as a separate category. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| There are no health concerns for bystanders so this should be a question of etiquette for the businesses concerned. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | What health issues? |
| Prohibition on displaying products in sales outlets |  |  | Utterly pointless. |
| Restriction on use of vending machines |  |  | Probably irrelevant. |
| Requirement to provide annual returns on sales data |  |  | Pointless. |
| Requirement to disclose product content and composition |  |  | Ordinary consumer information. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | But standards, not regulations. |
| Requirement for annual testing of product composition |  |  | Ordinary consumer protection. |
| Prohibition on free distribution and awards associated with sales |  |  | Pointless. |
| Prohibition on discounting |  |  | Pointless. |
| Prohibition on advertising and sponsorship |  |  | See above. |
| Requirement for standardised packaging |  |  | But for safety issues only. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| This could only have negative effect – it could cost lives. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  | !! |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  | The UK concentration is 72mg per ml. Seems reasonable. |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  | All of these should be standard consumer protection issues. |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| This is life-saving technology. Please, please, please do not hinder it. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 4 years | daily | 10$ | Specialist shops and online. |

The Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 133

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | none |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

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Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your ecigarette use status:

I am using nicotine ecigarettes.

I am using nicotine-free ecigarettes.

I currently smoke as well as use ecigarettes.

I am not an ecigarette user.

I have tried ecigarettes.

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|  |
| --- |
| none |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

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## Consultation questions

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#### Q1 Do you agree that the sale and supply of nicotine ecigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes No

Reasons/additional comments:

|  |
| --- |
| Yes |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes No

Reasons/additional comments:

|  |
| --- |
| Not quite sure what you mean. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of ecigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes No

Reasons/additional comments:

|  |
| --- |
| Yes, of course I do. |

#### Q4 Do you think it is important for legislation to control advertising of ecigarettes in the same way as it controls advertising of smoked tobacco products?

Yes No

Reasons/additional comments:

|  |
| --- |
| No, I think nicotine e-cigarettes should be advertised as an alternative and safer option to smoking tobacco products. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes No

Reasons/additional comments:

|  |
| --- |
| No, there should not be the same prohibition on vaping because the effects on other people isn't as bad as second-hand smoking. Vaping is not the same as smoking tobacco and should not have the same restrictions in public. Private premises can set their own rules, but in public places, vaping should be allowed. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to ecigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments**  At this stage, no. E-cigarettes do not pose the same health risks as tobacco. |
| Requirement for graphic health warnings |  |  | No, until there is proof that e-cigarettes are bad for you in some way, then the warnings could depict that. |
| Prohibition on displaying products in sales outlets |  |  | I think there should be some reasonable limits to ensure that e-cigs are not marketed to under-age citizens. |
| Restriction on use of vending machines |  |  | Agree. |
| Requirement to provide annual returns on sales data |  |  | Not sure. |
| Requirement to disclose product content and composition |  |  | Yes, I think that's a good idea. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Yes, otherwise it's like that dodgy chinese steel. |
| Requirement for annual testing of product composition |  |  | Yes, but not on animals. |
| Prohibition on free distribution and awards associated with sales |  |  | Yes |
| Prohibition on discounting |  |  | Yes |
| Prohibition on advertising and sponsorship |  |  | Yes |
| Requirement for standardised packaging |  |  | Not sure how that would benefit users. Might stifle innovation and better customer service. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes No

Reasons/additional comments:

|  |
| --- |
| No, tobacco users should be encouraged to switch to nicotine e-cigs and an excise duty would discourage this. |

#### Q8 Do you think quality control of and safety standards for ecigarettes are needed?

Yes No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments**  I think they're always a good thing to a degree, so yes. |
| Childproof containers |  |  | They are already, I can lock mine and you won't be able to use it. |
| Safe disposal of ecigarette devices and liquids |  |  | I don't know, no worse than batteries that we don't have a way to safely dispose of unlike other countries. |
| Ability of device to prevent accidents |  |  | I don't see that this is a problem. |
| Good manufacturing practice |  |  | Seems adequate as it is. |
| Purity and grade of nicotine |  |  | Yes |
| Registration of products |  |  | Yes |
| A testing regime to confirm product safety and contents purity |  |  | Already covered that. |
| Maximum allowable volume of e-liquid in retail sales |  |  | I don't see why that should matter. |
| Maximum concentration of nicotine e-liquid |  |  | Don't understand, if there's some maximum safe level, then that would make sense. |
| Mixing of e-liquids at (or before) point of sale |  |  | I don't think that happens now; not an issue now. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| Given the current evidence available on the effects of vaping, it's much safer than tobacco. Adults who are currently smoking should be encouraged to switch to vaping.  I started smoking 45 years ago, my younger sister (by 3 years) died of lung cancer about 7 years ago. I have tried to quit several times; once made it for 9 months.  I switched to e-cigs about 3 years ago and bought one packet of tobacco since then and only because my e-cig supply from overseas didn't arrive on time. I used to hoick and cough and sneeze disgusting junk from my lungs and sinuses. No more. I feel heaps better! E- cigs are a god-send really compared to regular cigarettes.  I support reasonable, prudent regulation, but am against restrictions which would discourage use by adults who are currently tobacco smokers.  I also use the e-cigs less because I can take it out of my pocket whenever I want, take couple puffs, then put it away. With a cigarette you often smoke the whole thing because once you've got it started it's harder to put out and you don't want to waste it. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of ecigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| When I first tried e-cigs, I was able to buy the Kiwi-Cig brand from Henry's Liquor Stores. Then I bought another system from Cosmic Corner, but I had to import the nicotine based liquid from offshore. Next I found an online-based source of nicotine-based products so I started buying that, but there was often a delay in arrival, I'd run out of e-cig product and revert back to tobacco (which I did not want to use). I've now found a NZ online source which is much more convenient and reliable delivery times. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| I don't have such a business. |

#### Q12 If you are using nicotine ecigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 3 years | Regularly, same as when required. Less than when I was on cigarettes. | $25/week at most | Local online sources |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 134

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | Vapers in Power |
| Position *(if applicable)*: | [redacted] |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*: Consumer Advocates

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

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|  |
| --- |
| None |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:+

|  |
| --- |
| E-cigarettes are a consumer product, associated with no proven harms. As they are designed to mimic smoking, they appeal mainly to current smokers – some of which find that they prefer to use e-cigarettes than continue to smoke. This interesting by-product of using e-cigarettes (i.e. some consumers no longer smoke) does not make them a cessation product however – they are merely a way of consuming the relatively harmless drug nicotine. There are no good reasons why they should not be freely available in a modern society. Appropriate controls should comprise existing consumer protection laws. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Snus should also be freely available as it has a similar lack of evidence of harm. Heat not burn products sound promising but at this stage we have not seen examples of the product and so cannot comment. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Why would you swap a smart phone for a call box? E-cigarettes act as a guard against future smoking – as the sensation and taste are superior to smoking there is no danger that a young person would switch from e-cigarettes to smoking. Unless of course cigarettes were easily available whereas e-cigarettes were not. Similarly, as nicotine delivered outside of lit tobacco is not particularly addictive, there is little reason to expect that an experimenting teenager would develop an e-cigarette dependancy, this contrasts strongly with the consequences of experimenting teenagers trying smoking. Teenagers are not less important than adults – a less harmful way to consume nicotine should be available to them too. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| If there is ever any evidence of harm from the use of e-cigarettes, it would be appropriate to control their advertising – until that unlikely situation materialises then e-cigarette businesses should be able to inform consumers of their products. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Allowing vaping in smokefree areas has some important benefits:   * It sends a message about the different risk profiles of the two products, * It exposes smokers to the safer prodcts, * It improves the value proposition for e-gigarettes, leading to more smokers trying them.   Prohibitionary measures should only be used in the case of harmful products – that is not the case for e-cigarettes. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | No health risks have been identified for the use of e-cigarettes. |
| Prohibition on displaying products in sales outlets |  |  | This would merely advantage cigarette and NRT manufacturers. Cigarette companies have an established consumer base and NRT manufacturers are allowed to display products. These behemoths “Kodak moment” has arrived and they are desperate for measures like these to protect their ailing sales. |
| Restriction on use of vending machines |  |  | Until it has been shown that these products are harmful, there should be no restrictions on their sale. |
| Requirement to provide annual returns on sales data |  |  | There are many ways to find the size of a market, e-cigarette manufacturers and retailers should not be required to provide this information when other general consumer product manufacturers and retailers do not. |
| Requirement to disclose product content and composition |  |  | In a similar way to a food manufacturer – i.e. eliquid makers should not have to provide information that would allow others to copy their products. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | There is some debate over whether vaping diacetyl-containing eliquids may be harmful. A list of banned chemicals that have been found to be harmful if inhaled would protect the consumer. Similarly, of materials which the atomisers are made from. Flavours, however are an essential aspect of the enjoyment of vaping for many consumers (and hence essential to e-cigarettes' corollary of reducing smoking). |
| Requirement for annual testing of product composition |  |  | This applies to eliquids and the products that come into contact with it only (e.g. atomisers). |
| Prohibition on free distribution and awards associated with sales |  |  | These are a normal part of the commercial world, in the absence of any reason to consider e-cigarettes an abnormal product, e-cigarette retailers and manufacturers should be allowed to conduct normal business, in a normal way. |
| Prohibition on discounting |  |  | Discounting is a useful tool for retailers and manufacturers to grow their business – a thriving e-cigarette market is coincidentally a massive public health gain. Barriers should not be put in the way of that, quite the reverse. |
| Prohibition on advertising and sponsorship |  |  | Please see answer to Q4. |
| Requirement for standardised packaging |  |  | Vaping is not smoking and has no harms associated with it – what would be the purpose of using standardised packaging? (other than advantaging NRT manufacturers and retailers of course) |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| E-cigarettes are pleasurable to use and have not been shown to cause any harm. It would be extremely worrying if a government were to attempt, through financial measures, to curtail the pleasure of it's citizens. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | A sensible and cheap consumer-protecting measure. |
| Safe disposal of e‑cigarette devices and liquids |  |  | Batteries and electronics should be recyled where possible. The level of nicotine in the eliquid is not high enough to merit any special precautions. |
| Ability of device to prevent accidents |  |  | This has already been provided by the market e.g. polarity and low voltage regulation in the devices. |
| Go  od manufacturing practice |  |  | Regulation should be proportionate to risk, GMP is overkill for a general consumer product, and would needlessly disadvantage small businesses. |
| Purity and grade of nicotine |  |  | Pharma grade nicotine. |
| Registration of products |  |  | This would be disproportionately burdensome and would restirct the market. |
| A testing regime to confirm product safety and contents purity |  |  | Absence of hazardous chemicals – to appropriate levels of detection. |
| Maximum allowable volume of e-liquid in retail sales |  |  | Many consumers in New Zealand live a long way from any e-cigarette seller, consumers should be entitled to buy in bulk, just like for any other non-harmful consumer product. |
| Maximum concentration of nicotine e-liquid |  |  | 100mg/ml seems a sensible compromise between cost to the consumer and safe handling. |
| Mixing of e-liquids at (or before) point of sale |  |  | In the absence of any harm arising from this practice there is not need to regulate it. |
| Other |  |  | Apart from a list of unsafe to inhale substances, e-cigarettes should be covered by general consumer regulations. This provides protection for the consumer without imposing barriers to entry which would stop New Zealand companies from being able to enbter the market. |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| Given the disproportionate smoking rates in for example, the Maori population – and the population distribution among rural areas – it is essential that online sales of e-cigarettes are allowed in New Zealand. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| No, sorry. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| n/a |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 3 years | daily | £10 (~$20) | online |

# Consultation submission 135

Submitter asked that submission not be printed

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 136

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

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|  |
| --- |
|  |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  |  |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  |  |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
|  |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 18 months | Daily | 10 | Overseas |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 137

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | N/A |
| Position *(if applicable)*: | N/A |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

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|  |
| --- |
|  |

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## Consultation questions

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#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| If too difficult to age restrict the sale of ONLY e-liquid containing nicotine then all e-liquids need to be restricted. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| My understanding is that “second hand vapour” contains almost no carcinogens and doesn’t create an offensive smell like cigarettes. As long and users of e-cigs are relatively polite (not exhaling large clouds purposely in the direction of “non-smokers”) and do not use their device inside I don’t see any evidence that bystanders health will be affected. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  |  |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  | To the best of the sellers ability |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | But taking studies funded by “big tobacco” with a grain of salt |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| But only after it’s available for sale and subject to taxation in the country. If proven to not be such a drain on the health system the tax should be lower than cigarettes. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  | The units on the market are safe as long as you use common sense with the batteries. Problems arise when people “modify” units and store batteries incorrectly. |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
|  |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| No all of my purchasing has been done from overseas |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 1year 2months | Daily | $30-$40 | Ordered from overseas online retailers |

# Consultation submission 138

Waitemata District Health Board

Submitter asked that the submission not be published

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 139

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | New Nicotine Alliance, Australia |
| Position *(if applicable)*: | [redacted] |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:      The New Nicotine Alliance Australia is a consumer advocacy group made of consumers of reduced risk nicotine products such as e-cigarettes/vapour products; we act to educate and advocate for a greater understanding of these products and for the rights of consumers to be able to access these products for their own benefit and for the benefit of public health.

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

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|  |
| --- |
| No tobacco, pharmaceutical or e-cigarette commercial interests to declare. We are completely independent of any commercial interests and we do not accept donations from the tobacco, pharmaceutical or e-cigarette industry. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| It is rational public policy to regulate consumer goods according to their risks. Given that the Royal College of Physicians estimates nicotine e-cigarettes are at least 95% safer than smoking, and the long term risks may be even lower according to toxicological data, it makes no sense to allow deadly cigarettes to be sold freely, while the alternative is banned. Allowing nicotine e-cigarettes and liquids to compete in the marketplace with cigarettes will displace smoking and give smokers a far safer alternative, at no cost to the taxpayer. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Smokeless tobacco, especially Swedish snus, which has clear evidence of being far safer than smoking, should likewise be allowed for sale to maximise alternatives to smoking. We should be opening as many gateways out of smoking as possible, for people to choose what suits them best. Any other reduced risk nicotine products that are developed should be regulated proportionate to their risks. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Harm reduction does not start at 18, and there are many under 18 year old smokers who might benefit from e-cigarettes, although the politics of the issue means that we accept regulation to prohibit the sale to under 18’s. The main benefit of e-cigarettes is for adult smokers unable or unwilling to quit and it is reasonable to regulate them as an adult product. It is reasonable to discourage the initiation of vaping by children and to prohibit sales to under 18’s. However, proxy sales (eg. Parents buying for their smoking children to help them quit) should not be subject to punishment under the law. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Again any regulation, including regulation of advertising, should be proportionate to the risks of the advertised product. The model of advertising regulations around alcohol, a legal adult product is an appropriate example of how e-cigarette advertising might be regulated, even though alcohol, as a Class 1 carcinogen, is more dangerous than e-cigarettes. It is important that smokers be aware of alternatives and advertising of e-cigarettes is a public health message encouraging people to switch to vaping and thus to quit smoking produced at no cost to the tax payer. It also reinforces the fact that e-cigarettes are far safer, and therefore subject to less restrictions, which in itself is a powerful public health message to counteract the unfortunate occurrence, from media scare stories, of the majority of the public being misinformed about the risks of e-cigarettes being much higher than they actually are. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| It is important that there are less restrictions on where people can vape than where they can smoke to send a public health message that vaping is far safer than smoking. It is also important to encourage people to quit smoking by making the alternative easier. Sending vapers out to be with the smokers is akin to having Alcoholics Anonymous meetings in a pub, and increases the risk of people relapsing to smoking. Given the emissions from second hand vapor represent no health risk, there is no evidence based reason for smoke free laws to cover vaping. However, the owner or manager of a property should have the right to decide on whether a venue should allow people to vape indoors or not. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | The health effects of vaping are positive due to the replacement of smoking, so warnings will mislead people into thinking vaping is similarly dangerous to smoking. Such warnings are therefore protective of smoking and harmful for public health. |
| Prohibition on displaying products in sales outlets |  |  | Vaping products are much more like varied appliances or electronic devices than cigarettes and people need to be able to see and handle them to have the best chance of making a switch to vaping, by choosing a product that suits them best from a wide range of options. Such prohibitions are protective of smoking; cigarettes are all much the same and are used the same way. |
| Restriction on use of vending machines |  |  | It should always be easier to choose the healthier choice than the dangerous one. |
| Requirement to provide annual returns on sales data |  |  | Excessive burdens like this will fall disproportionately on the smaller vape shop businesses that are often the most effective at helping people switch with their personalised advice. |
| Requirement to disclose product content and composition |  |  | Consumers have the right to know what is in the e-liquid so they can make an informed choice. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | If some ingredients are found to have an unacceptable risk for inhalation such as diacetyl then they should not be allowed. The UK and France have developed standards for ingredients that would be useful to consider. However, regulations on flavours just because they are percieved as “child friendly” can easily end up removing useful options for smokers wishing to use non-tobacco flavours to distance themselves from smoking. |
| Requirement for annual testing of product composition |  |  | Such a requirement puts undue burdens on smaller manufacturers for no justification. |
| Prohibition on free distribution and awards associated with sales |  |  | There is no justification for removing the rights of businesses to compete in the marketplace however they see fit. Encouragement and inducement of smokers to switch gives a public health benefit. |
| Prohibition on discounting |  |  | As above |
| Prohibition on advertising and sponsorship |  |  | As above |
| Requirement for standardised packaging |  |  | As above |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Taxpayer funds are used for stop smoking campaigns because of the value to individuals and society of the health benefits of giving up smoking. E-cigarettes should, at the very least, maintain a large cost advantage over cigarettes to encourage switching for the health benefits that accrue to the individuals as well as society as a whole. There is no justification for anything more than a basic consumer goods tax, and on the contrary, there is a good argument to be made for a lower tax, no tax or even subsidisation to encourage the maximum number of smokers to switch to the far healthier alternative. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  | The same requirements that apply to batteries or electrical waste should apply and no further initiative is required. |
| Ability of device to prevent accidents |  |  | It is reasonable to develop standards over time that address aspects of safety: mechanical, thermal, electrical. |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  | The nicotine used should be of pharmaceutical grade. This is near universal practice in the legitimate ENDS industry. |
| Registration of products |  |  | Attempts to control the market stifle innovation which can reduce the production of products that work for smokers to more easily switch. |
| A testing regime to confirm product safety and contents purity |  |  | A standard-setting regime including a standardised testing regime would give greater confidence for consumers. |
| Maximum allowable volume of e-liquid in retail sales |  |  | There are no limits placed on far more dangerous goods |
| Maximum concentration of nicotine e-liquid |  |  | A maximum level which is safe in small quantities if spilt on the skin etc is reasonable; eg. 7.5% which has operated in the UK for a long period of time without any problems. Any mandated concentration below 3.6% is harmful to public health because some vapers require higher strength e-liquid to begin with in order to break the addiction to smoking, and a higher strength allowance allows for innovation in smaller, low powered and low vapor devices that may gain more acceptability in the marketplace. |
| Mixing of e-liquids at (or before) point of sale |  |  | The personalisation and diversity of the range of liquids available is an important feature of e-cigarettes and their attractiveness relative to cigarettes. The option to mix products at the point of sale is important for a certain type of retail outlet and preferable to consumers buying the same ingredients separately and mixing them at home. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
|  |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| N/A |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No business is run by us. |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 4 years | Daily | $5 | Online and retail. |

# Consultation submission 140

See PDF submissions.

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 141

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

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|  |
| --- |
| N/A |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  |  |
| Prohibition on displaying products in sales outlets |  |  |  |
| Restriction on use of vending machines |  |  |  |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  |  |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  |  |
| Requirement for annual testing of product composition |  |  |  |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  |  |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  |  |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  |  |
| Purity and grade of nicotine |  |  |  |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
|  |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 142

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

🗹 as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

🗹 I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

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Remove my personal details from responses to Official Information Act requests.

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|  |
| --- |
|  |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes 🗹 No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No 🗹

Reasons/additional comments:

|  |
| --- |
| There may be…I’m not aware of them. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes🗹 No

Reasons/additional comments:

|  |
| --- |
| Nicotine is an addictive substance. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No 🗹

Reasons/additional comments:

|  |
| --- |
| Some control of advertising may be justifiable / beneficial. However, as a healthier alternative to smoking tobacco, it seems counter-productive to prohibit the promotion of these products to tobacco smokers. Restrictions on who is targeted and how by any advertising would be reasonable. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes 🗹 No

Reasons/additional comments:

|  |
| --- |
| This is dependent on the definition of what constitutes a “smokefree” area remaining as it is now. I would not agree with any moves to broaden this definition if it included vaping. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | 🗹 | I don’t see the relevance of “graphic” health warnings in the context of a product that causes relatively little harm. Appropriate messaging regarding the addictive nature of nicotine would be acceptable. |
| Prohibition on displaying products in sales outlets |  | 🗹 | If NZ wants to move forward towards a healthier society, these products should be freely displayed. |
| Restriction on use of vending machines |  | 🗹 | For those who are ex-smokers, if they are not able to refill or otherwise obtain e-cigs conveniently this increases the likelihood they will purchase cigarettes instead. |
| Requirement to provide annual returns on sales data |  | 🗹 |  |
| Requirement to disclose product content and composition | 🗹 |  | I want to know what I’m putting in my body |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | 🗹 |  | Absolutely. Appropriate to the risks. |
| Requirement for annual testing of product composition | 🗹 |  | Seems like a good idea. |
| Prohibition on free distribution and awards associated with sales | 🗹 |  | I can see issues with encouraging non-smokers to take up vaping en masse. |
| Prohibition on discounting |  | 🗹 | As long as the regulations are in place to protect consumers, free market competition should be allowed. |
| Prohibition on advertising and sponsorship | 🗹 |  |  |
| Requirement for standardised packaging |  | 🗹 |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes 🗹 No

Reasons/additional comments:

|  |
| --- |
| Only if it is proportionate to any costs to society rather than as a deterrent (or punitive). This should be about balancing public health with personal liberty not exploiting vapers to fund the health system. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes🗹 No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | 🗹 |  | Some eliquids sound tasty and have a pleasant odour but would be reasonably toxic to consume orally. |
| Safe disposal of e‑cigarette devices and liquids | 🗹 |  | Batteries. |
| Ability of device to prevent accidents | 🗹 |  | In line with any existing controls relating to electronic goods. |
| Good manufacturing practice | 🗹 |  | In line with any existing controls on manufacturing of other electronic goods. |
| Purity and grade of nicotine | 🗹 |  |  |
| Registration of products | 🗹 |  | Seems like a good way of facilitating any regulations on ingredients. |
| A testing regime to confirm product safety and contents purity | 🗹 |  |  |
| Maximum allowable volume of e-liquid in retail sales |  | 🗹 | I can’t see what this would achieve. |
| Maximum concentration of nicotine e-liquid | 🗹 |  |  |
| Mixing of e-liquids at (or before) point of sale |  | 🗹 |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| When lead was proven to be incredibly toxic to humans, paint and petrol were not prohibited, rather the use of lead in these products. I hope that the MOH takes a pragmatic rather than puritanical approach. People will always take risks with their health. In many other areas, legislation and market competition acts to reduce the severity of these risks rather than try to prohibit them completely. Failing to differentiate in legislation between smoking tobacco and vaping will limit the availability of a significantly healthier alternative – one that is much more likely to be effective in reducing the prevalence of smoking tobacco in NZ society than contemporary cessation aids like nicotine patches and gum. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| I don’t buy vaping products on the local market. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No. |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 12months | Daily | $10-20 | Online |

# Consultation submission 143

|  |  |
| --- | --- |
| **Your details**  This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | Tala Pasifika |
| Position *(if applicable)*: | [redacted] |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

√ on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

√ Pacific provider

Academic/research

Cessation support service provider

√ Health professional

Māori provider

√ Tobacco control non-government organisation

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

√ I am not an e‑cigarette user.

I have tried e‑cigarettes.

**Privacy**

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

**Declaration of tobacco industry links or vested interest**

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|  |
| --- |
| I have no tobacco company links or vested interests |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

**Introduction**

Thank you for the opportunity to make a submission on the Regulation of Electronic Cigarettes.

Tala Pasifika represents a movement for Pacific peoples to live healthy and Smokefree lives. We are dedicated to ensuring a Pacific voice and perspective is represented through talanoa (discussion) with the goal of achieving a Smokefree 2025 for all New Zealanders. Our mission is to empower Pacific peoples to be actively involved in eliminating tobacco use from our communities. We advocate and support our Pacific peoples to live free from the burden of ill health created by tobacco smoking.

Tobacco-related diseases such as heart disease, lung cancer and stroke are some of the largest killers of Pacific people in NZ. Pacific peoples are disproportionally affected by these diseases with one in three Pacific adults in New Zealand smoking (Tala Pasifika 2010). Both adult and child smoking rates among Pacific people are higher than Europeans. Smoking is the leading contributor to death in the Pacific population (MPIA & Statistics NZ 2011).

Tobacco consumption is the most significant and preventable cause of heart disease. Reducing tobacco consumption is the most effective way of reducing the incidence of heart disease and associated deaths.

We wish to ensure the Pacific voice for improving outcomes for Pacific people and New Zealanders are heard and represented in this submission.

Regardless of the outcome of this submission on Electronic Cigarettes, increasing the suite of Smokefree measures are vital to achieving the governments Smokefree Aotearoa 2025 goal for not only Pacific peoples, but for all population groups. It will also enhance the impact of Electronic Cigarettes in reducing smoking rates and disparities in smoking. These measures are detailed below:

**Tobacco supply and availability**: Introduction of retailer licensing and proximity to schools restrictions for smoked tobacco products, and ideally raising the age of purchase to 21 years for smoked tobacco products.

**Tobacco marketing, packaging and consumer information**: Intensified and targeted mass media smokefree campaigns. The list of constituents for all smoked tobacco products to be provided on the packaging.

**Tobacco product regulation**: Regulating the nicotine content of cigarettes to very low levels so that they are no longer addictive (or less addictive), making cigarettes unappealing to children and young people (e.g. changing the pH of the tobacco, or banning particular additives, such as menthol and sugar and banning capsules).

**Tobacco use in cars and outdoor spaces**: Legislation to ban smoking in cars with children present and national legislation to ban smoking in children-focused outdoor areas such as playgrounds, sports fields, parks and also outdoor dining areas.

**Tax on tobacco products**: Continued and substantial above inflation increases in excise tax on smoked tobacco products starting with 40% in 2017.

**Consultation questions**

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

**Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?**

Yes √

Reasons/additional comments:

|  |
| --- |
| It would safer to be able to buy e-cigarettes and nicotine liquids in New Zealand. We would then be able to monitor the supply, place of origin and the opportunity to regulate and ensure product safety. This can’t happen at present with e-cigarettes and/or e-liquids which are being bought online via internet sales. A recommendation to supply e-cigaretttes and nicotine based e-liquids be accessed via specialist supply stores such as pharmacies and licensed specialist shops where staff had been trained in Stop Smoking ABC and e-cigarette use would be ideal. As would restrictions of supply for those areas where there are high numbers of school children. |

**Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?**

No √

Reasons/additional comments:

|  |
| --- |
|  |

**Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?**

Yes √

Reasons/additional comments:

|  |
| --- |
| If the age for sale and supply of tobacco products is ever increased the then age for sale and supply of e-cigarettes should be increased accordingly.  If young people take up e-cigs which contain nicotine and they become addicted to the nicotine in e-cigs then that wouldn’t be a good thing. While e cigarettes will be less harmful than tobacco the long term impacts of e cigarettes and ongoing nicotine use is not known. If people became addicted to e cigs, there would most certainly have a financial impact for the user. |

**Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?**

Yes √

Reasons/additional comments:

|  |
| --- |
| Current advertising for e cigarettes are very similar to early cigarette advertising, making them look sexy, smart and sophisticated. Advertising would therefore make sense to be limited to point of sale displays. A call for regulation to ensure advertising is not seen by children or young people. |

**Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?**

Yes √

Reasons/additional comments:

|  |
| --- |
| E cigarettes should be included so that there is consistency across the country in Smokefree designated areas. There is currently not enough evidence regarding the long term effects of exposure to e cigarette vapour. E cigarette use may not be distinguishable from tobacco cigarette use and cause confusion as to where people can and can not light up.  The use of e-cigarettes should not be allowed in all indoor workplaces and public places identified in the SFEA. We also recommend that they are banned at schools, in cars, parks, playgrounds, sports fields, in outdoor dining and any other area which is designated Smokefree. |

**Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | NO | No – as e cigarettes with nicotine would be used a stop smoking device. There are no harmful toxins in e cigarettes, unlike tobacco. Therefore to have the same graphic health warnings does not seem fair.  Safety warnings on e-cig packaging however could alert the user to potential harm eg – store away from children, harmful if ingested.  Perhaps the use of Quitline Information would be useful for those who are wanting support to stop smoking tobacco. |
| Prohibition on displaying products in sales outlets |  | NO | No as long the sales of e products are limited to pharmacies and specialist shops where children cannot access, then POS displays would not need to be banned. Perhaps some restrictions on prominence in pharmacies to make sure the POS displays do not appeal to non-smokers, especially children. |
| Restriction on use of vending machines | YES |  | Yes, anyone can access vending machines, which means children may have access. Having someone to discuss the correct use of e cigarettes would not be on hand from a vending machine. |
| Requirement to provide annual returns on sales data | YES |  | Yes, this will capture sales and trends on the purchase of e-cigarettes. We will then be able to see how many sales are taking place. This would be useful for smoked tobacco items also. |
| Requirement to disclose product content and composition | YES |  | Yes, so we can actually see what is in the product. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | YES |  |  |
| Requirement for annual testing of product composition | YES |  | To maintain ongoing checks and monitoring of products. |
| Prohibition on free distribution and awards associated with sales | YES |  |  |
| Prohibition on discounting | YES |  |  |
| Prohibition on advertising and sponsorship | YES |  |  |
| Requirement for standardised packaging | YES |  | Quitline number to be included on packaging |
| Other |  |  |  |

**Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?**

No

Reasons/additional comments:

|  |
| --- |
| Not at present, however this should be reviewed in future there is trend showing uptake of nicotine containing e cigarettes by young people or children. Used as a stop smoking tool e-cigs are there to help people, unlike tobacco which is not. |

**Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?**

Yes – Based on best international practice. Not sure how well New Zealand is placed to set up NZ Safety Standards, perhaps there is international best practise we could adopt with a clause or a right to amend to fit NZ if need be.

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | Yes |  |  |
| Safe disposal of e‑cigarette devices and liquids | Yes |  |  |
| Ability of device to prevent accidents | Yes |  |  |
| Good manufacturing practice |  | No |  |
| Purity and grade of nicotine | Yes |  |  |
| Registration of products | Yes |  |  |
| A testing regime to confirm product safety and contents purity |  | No |  |
| Maximum allowable volume of e-liquid in retail sales | Yes |  |  |
| Maximum concentration of nicotine e-liquid | Yes |  |  |
| Mixing of e-liquids at (or before) point of sale |  | No |  |
| Other |  |  |  |

**Q9 Are there any other comments you would like to make?**

|  |
| --- |
| As a stop smoking aid, e cigarettes would very useful for Pacific populations in Aotearoa. I have witnessed my 80 year old neighbour who has smoked around a packet a day for 65 years stop smoking by using an e-cigarette. If I hadn’t seen it with my own eyes I would not have believed it. We recommend that the Ministry of Health develops a framework for monitoring and evaluating emerging evidence on E Cigarettes, including their evolution and use (internationally and in New Zealand), and for evaluating the impact of E Cigarettes, especially on smoking prevalence in all population groups and progress towards the Smokefree 2025 goal. |

**Additional information on sales and use**

**Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?**

|  |
| --- |
|  |

**Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.**

|  |
| --- |
|  |

**Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?**

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 144

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

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Do not publish this submission.

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Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

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|  |
| --- |
|  |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Appropriate controls is the key here, limiting sales to those over 18 is important, however banning their use inside etc I believe will reduce their use. I use e-cigarettes partually because their use is not restricted indoors. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I have no knowedge of products other than gum and patches. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
|  |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I think this is very important. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I have been using e-ciggarettes for five years, partually because of the lack of governmental control over their use. Banning the use of e-ciggarettes inside the work place etc will discourage their takeup somewhat and remove a significant advantage to their use.  Reasons for smoke free environments are primaraliy health related there is significant doubt that there is any second hand smoking impacts with e-cig use. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | There appears to be concensus that these products are much safter than smoking. As such a warning that they contain a poisonous and adictive drug would be reasonable, however graphic warnings would be hard to back up as the research doesn’t yet show this to be true. |
| Prohibition on displaying products in sales outlets |  |  | I think a plain sign saying they are avalible but no actual advertising of the product. |
| Restriction on use of vending machines |  |  | Too easy for children to access the product |
| Requirement to provide annual returns on sales data |  |  | This is important for the long term planning of nicotine based products |
| Requirement to disclose product content and composition |  |  | Yes a **complete** list of **all** ingreedents, including the components in flavours etc is important. The cover term ‘flavour’ should not be allowed rather the exact makeup should be detailed. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | The flavour and other ingredents need to be regulated to ensure they don’t cause harm when inhailed |
| Requirement for annual testing of product composition |  |  | Obviously |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  | Otherwise we end up with the same issue as alcohol now or tobacco in the past. |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| I think this will be seen simply as a money grab by the government. It will incourage importation and reduce the composition testing benefits (where I really see governmental oversight being of benefit). The 15% GST should be considered enough tax. Any testing and licencing costs of products should be covered by the importer and should reflect the cost of testing the liquid. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | This is already in place, I have yet to see a container that wasn’t child proof. |
| Safe disposal of e‑cigarette devices and liquids |  |  | Documentation provided with the product should detail the disposal. |
| Ability of device to prevent accidents |  |  | This question is too vague to answer. In what way? |
| Good manufacturing practice |  |  | To ensure that they don’t contain lead solder or other toxic metals. |
| Purity and grade of nicotine |  |  | This should be detailed in plain english, on the packet. |
| Registration of products |  |  | This would add a ridiculous amount of overhead and likely result in large companies dominating the market, typically that’s not a good thing. |
| A testing regime to confirm product safety and contents purity |  |  | Purity yes – safety – no, we all know that having a LIPO battery in your pocket can be dangerous. A simple warning that they should not be pearced or charged when not observed would do. |
| Maximum allowable volume of e-liquid in retail sales |  |  | Nicotine content not eliquid volume. |
| Maximum concentration of nicotine e-liquid |  |  | So long as the maximum is significantly high. |
| Mixing of e-liquids at (or before) point of sale |  |  | Again this question is vague and doesn’t really spell out the issue. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| Having used these products to give up smoking, and using them effectivly as a nicotine delivery system I believe they should be encouraged.  Tobacco companies should be banned from entering the e-cigarette market, they have proven themselves deceitful and criminal in the past. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| No |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| No |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| 5 years | daily | $5 | Import |

# Consultation submission 145

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | [redacted] |
| Position *(if applicable)*: | [redacted] |

*(Tick one box only in this section)*

Are you submitting this:

xx as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

xx Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

xx I am not an e‑cigarette user.

I have tried e‑cigarettes.

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xx Remove my personal details from responses to Official Information Act requests.

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|  |
| --- |
| None |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes

Reasons/additional comments:

|  |
| --- |
| For reasons outlined in both the RCP and PHE reports (see refs below), e-cigarettes are a less harmful delivery device for nicotine than the currently widely sold and supplied tobacco cigarettes. In our view, it is unethical to prevent access to a less harmful nicotine delivery source.  Access may be particularly important for groups where smoking rates remain high. Many developed countries including New Zealand have made very considerable progress in reducing smoking in some groups. However in New Zealand prevalence in less affluent communities and in Maori and Pacific Islander populations, among others, remains high. Existing conventional approaches to smoking cessation (quit lines, subsidised or free pharmacotherapy) have made few inroads into reducing smoking rates in these groups. Alternative nicotine delivery devices have appeal that traditional approaches may not and could provide a viable alternative, one that people can choose to access for themselves. In our PHE and RCP reports we have emphasised the importance of tobacco harm reduction for high prevalence groups, and access to e-cigarettes and nicotine liquids is consistent with a comprehensive tobacco control framework that also includes tobacco harm reduction.  Refs:  Royal College of Physicians. Nicotine without smoke. A report of the Tobacco Advisory Group of the Royal College of Physicians. London: Royal College of Physicians, 2016. Available at: <https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction-0> (Note: McNeill & Bauld contributors to the report)  McNeill A, Brose L.S., Calder R, Hitchman S.C., Hajek P, McRobbie H (2015). E-cigarettes: and evidence update, Public Health England. Available at: <https://www.gov.uk/government/publications/e-cigarettes-an-evidence-update> |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes

Reasons/additional comments:

|  |
| --- |
| Whilst revising the regulatory framework in NZ, we recommend consideration be given to low nitrosamine smokeless tobacco products and heat-not-burn tobacco products, either currently or in the future. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes

Reasons/additional comments:

|  |
| --- |
| It is prudent to minimise access to e-cigarettes by those under 18 years of age, and prohibition of sale and supply is therefore justified. However, it would be important to consider access to e-cigarettes for tobacco smokers under 18 years of age as a smoking cessation aid. This could arise if an e-cigarette product receives a medicinal license that is applicable in New Zealand, for example.  If age of sale restrictions are applied, such a policy should be kept under review, however, as there is emerging evidence that prohibition of EC sales to under 18 may have unintended consequences.  For example, see Friedman, A. S. (2015). How does electronic cigarette access affect adolescent smoking?. *Journal of health economics*, *44*, 300-308. <http://www.sciencedirect.com/science/article/pii/S0167629615001150> |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes

Reasons/additional comments:

|  |
| --- |
| We have recently completed a rapid review of the e-cigarette marketing literature for Cancer Research UK (our draft report is currently with the funder). We found that existing studies are dominated by research conducted in the USA (we found only one study from New Zealand, for example) and the USA has a very different policy context where it is difficult to restrict advertising. However, in the UK and Europe action has been taken to limit advertising and the findings of our review do suggest that e-cigarette ads are appealing both to children and adults, including non smokers. There is therefore grounds to limit advertising particularly to protect minors who do not already smoke.  Yet the marketing literature also shows that some promotion increases the expressed intention of adult smokers to try e-cigarettes. In at least two studies exposure to e-cigarette marketing did not change adult smoker’s intentions to quit and did not result in recent adult ex-smokers reporting that they were likely to relapse to smoking, which is encouraging. In our view, therefore, a balance needs to be struck between the protection of non-smokers and encouraging switching to less harmful products.  At a minimum, some promotion at the point of sale in particular should be retained. Smokers need to be able to see products within (and on the front of) shops, notice displays that may prompt a decision to try, and have information at the point of sale that encourages discussion with vendors around purchases.  If point of sale or other forms of advertising are retained, this should be kept under review, however, and ideally research conducted in New Zealand of the impact of new marketing regulations. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

No

Reasons/additional comments:

|  |
| --- |
| We appreciate that many jurisdictions have extended smokefree laws to apply to e-cigarettes. From a policy perspective this has been a relatively straightforward thing to do, but we believe a more nuanced approach is appropriate. This is for three main reasons:   * There is not sufficient evidence that e-cigarette vapour is harmful to bystanders * Extending smokefree laws to e-cigarette sends the message that e-cigarettes are as harmful as tobacco, which could deter smokers from switching * Consultation and dialogue with employers and other key stakeholders can be positive and shows that different approaches may be appropriate to different public places ( a childcare facility compared with a factory, for instance).   These three factors have influence the UK’s decision (all parts of the UK currently) to NOT extend smokefree laws to include e-cigarettes in all enclosed public places and workplaces.  Rather than outline all the details here include links to the work of Public Health England, which we have been involved in, which describes this approach.  The press release from PHE is available [here](https://www.gov.uk/government/news/vaping-in-public-places-advice-for-employers-and-organisations), the official documents from the work [here](https://www.gov.uk/government/publications/use-of-e-cigarettes-in-public-places-and-workplaces) and an illustrative blog from one of PHE’s Directors can be found [here](https://publichealthmatters.blog.gov.uk/2016/07/06/e-cigarettes-helping-employers-and-organisations-create-vaping-policies/) |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  | xx | There is not sufficient evidence of specific health harms from e-cigarettes to develop graphic warning labels |
| Prohibition on displaying products in sales outlets |  | xx | See text on marketing above |
| Restriction on use of vending machines | xx |  | These are accessible to anyone including children and therefore if age of sale laws are introduced, vending machine bans may support them. |
| Requirement to provide annual returns on sales data | xx |  | This is useful for research and monitoring |
| Requirement to disclose product content and composition |  | xx | This could pose a regulatory burden difficult for smaller manufactures and retailers, which would have the unintended consequence of favouring products from large companies, specifically tobacco industry owned e-cigarette brands |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  | xx | The debate about flavours often ignores the fact that they are useful and appealing to adult smokers in making the switch and separating the experience of using e-cigarettes from continuing to smoke |
| Requirement for annual testing of product composition | xx |  | Product standards are an area for improvement and this would aid it |
| Prohibition on free distribution and awards associated with sales | xx |  | Potentially important to protect non smoking children |
| Prohibition on discounting | xx |  | As below |
| Prohibition on advertising and sponsorship | xx |  | As outlined above, there should be some routes allowed, particularly point of sale |
| Requirement for standardised packaging |  | xx |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

No

Reasons/additional comments:

|  |
| --- |
| See our point about high prevalence groups above who are often on a lower income. Price is a mechanism to encourage switching from combustible tobacco. Any pricing policies should ensure that e-cigarettes and other less harmful nicotine containing products are cheaper than combustible tobacco products.  See for example:  Chaloupka, F. J., Sweanor, D., & Warner, K. E. (2015). Differential taxes for differential risks—toward reduced harm from nicotine-yielding products. *N Engl J Med*, *373*(7), 594-597.  https://trsknowledge.com/theme/tcorslms/components/headlines/uploads/434570313.pdf  Huang, J., Tauras, J., & Chaloupka, F. J. (2014). The impact of price and tobacco control policies on the demand for electronic nicotine delivery systems. *Tobacco control*, *23* (suppl 3), iii41-iii47.  http://tobaccocontrol.bmj.com/content/23/suppl\_3/iii41.short |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers | xx |  |  |
| Safe disposal of e‑cigarette devices and liquids |  | xx |  |
| Ability of device to prevent accidents | xx |  |  |
| Good manufacturing practice |  | xx |  |
| Purity and grade of nicotine | xx |  |  |
| Registration of products | xx |  |  |
| A testing regime to confirm product safety and contents purity | xx |  |  |
| Maximum allowable volume of e-liquid in retail sales |  | xx |  |
| Maximum concentration of nicotine e-liquid |  | xx |  |
| Mixing of e-liquids at (or before) point of sale |  | xx |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| Many of the questions posed in this consultation are relevant to the content of both the PHE and RCP reports mentioned above. In relation to Q8 and other questions, the RCP report is particularly relevant and comprehensive and we hope it provides a useful point of reference. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| n/a |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| n/a |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| n/a | n/a | n/a | n/a |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 146

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: |  |
| Position *(if applicable)*: |  |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*: Individual

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, the Ministry of Health asks all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry, and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

|  |
| --- |
|  |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| New Zealand allows the sale of Tobacco products and Alcohol which are proven to be far more dangerous, denying tobacco smokers the alternative of a far safer way to indulge their nicotine craving without the harmful chemical additives in processed tobacco would seem very hypocritical. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Not aware of any other products at this time. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| With nicotine being the most addictive naturally occurring substance in the world and cigarettes being restricted to over 18’s this logically follows. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| As a far safer alternative to smoking, vaping should be encouraged over tobacco use as there are those who find the nicotine addiction an impossible habit to kick, informing these people of a safer vaping system to get their nicotine without the poisons of tobacco and helping them make the move from tobacco to vaping will be a huge step in the bid to get New Zealand smoke free. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Vaping is not smoking. The vapour an e- vaporiser produces is vastly different to the smoke produced by a cigarette and poses no known health risk to any non vape users. By applying the same laws that apply to tobacco in regard to “smoke free” areas the question for smokers will be “Why bother using a vape instead of having a cigarette?” Vaping should not be bundled under the smoke free laws as it is NOT Smoking. By any legal or medical definition vaping is NOT the same as smoking. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | Vape juice contains none of the carcinogenic poisons found in tobacco. You cannot in good faith relate vaping to the dangers inherent in tobacco smoking. |
| Prohibition on displaying products in sales outlets |  |  | Having a far less dangerous alternative to smoking hidden would be stupidity. If you want people to give up tobacco hiding a far safer alternative lacks the use of common sense. |
| Restriction on use of vending machines |  |  | If anything, these products should be more widely available in vending machines to make sure tobacco users are aware of their easy availability as an alternative to tobacco. |
| Requirement to provide annual returns on sales data |  |  | Obviously keeping track of how many smokers switch to safer vaping would be insightful. |
| Requirement to disclose product content and composition |  |  | As E-juice is made using no known or recognised carcinogens, nor has any study been able to link vaping to any known cancer I do not see the point. Johnsons baby powder contains a known carcinogen, as do a lot of hair conditioning products, they are not required to declare this. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Apart from declaring the nicotine content this would seem a little like overkill. It would be akin to restricting milkshake flavours that have no fruit juice in them. |
| Requirement for annual testing of product composition |  |  | Ensuring no etra dangers are added would seem to be a prudent step. |
| Prohibition on free distribution and awards associated with sales |  |  | If these steps help move people off the far more dangerous tobacco. Then no. |
| Prohibition on discounting |  |  | This should be left to the Wholesaler or retailer, as vaping is a far safer alternative to tobacco smoking, any tool that can get people to stop using tobacco should not be ruled out. |
| Prohibition on advertising and sponsorship |  |  | A prohibition on advertising would seem to be juxtaposition to letting smokers know there is a safer alternative to tobacco. Sponsorship, not necessary there are enough sponsors in the market already. |
| Requirement for standardised packaging |  |  | As “Vaping” is not “Smoking” by any Legal or Medical definition and has so far only been proven to be far safer than tobacco use, I believe the distinction should be made by deliberately not using plain packaging. |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| As the stated goal of the New Zealand Government is to be “smoke free” by 2025 taxing these products in the same way as tobacco is simply defeating the purpose. This is a way to speed up the goal of a smoke free New Zealand. Simply turning it into a source of revenue will give smokers less reason to switch from tobacco. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments: Those who already use vaping units have already created a system of quality control, cheap, unreliable vape units and poor quality e-juice have already fallen off the market as “Vapers” are demanding good quality units and liquids.

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | All e-juices I have seen are already in child proof containers. |
| Safe disposal of e‑cigarette devices and liquids |  |  | As vape units contain nothing that is not already in most homes in one form or another (Batteries, plastic and metal) |
| Ability of device to prevent accidents |  |  | The good quality vape units now available most times have built in safety checks that prevent use of the unit if there is a problem. |
| Good manufacturing practice |  |  | The quality of product being required by vape unit users now has meant that low quality units are being weeded out. |
| Purity and grade of nicotine |  |  | Surely nicotine is nicotine. |
| Registration of products |  |  | For what purpose? |
| A testing regime to confirm product safety and contents purity |  |  | Studies overseas have already shown that vaping is up to 95% safer than smoking so this would seem to be a waste of time and taxpayer money. |
| Maximum allowable volume of e-liquid in retail sales |  |  | The market will dictate the volume of liquid people are willing to buy, just as it has with most products. |
| Maximum concentration of nicotine e-liquid |  |  | There are already recognised levels of nicotine in low, medium and high liquids. Requiring a change to these would seem dictatorial. |
| Mixing of e-liquids at (or before) point of sale |  |  | As liquids come in sealed vials this would seem an unlikely requirement. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| “Vaping must not be treated as “Smoking” it is not. By all international legal and medical definitions of “Smoking” and ‘Vapour” are very clear. By these definitions Vaping is not nor can it ever be described as “Smoking” The vast majority of retailers selling E-Vape units and liquids are R18 restricted stores, which is vastly different to those retailing tobacco, Keeping the current Status Quo when it comes to selling Vapes and liquids would seem like a smart move as these retailers are up to date on the ins and outs of Vaping and it’s status as a healthier alternative to smoking tobacco. Restricting sales to medical outlets would once again simply defeat the purpose of moving smokers to a healthier alternative as prices would rise and availability then becomes limited for those wishing to change. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| The E-Vape market in NZ has risen quite steadily as it is a cheaper and healthier alternative to tobacco, Over legislating of these products will simply turn users back to tobacco. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 147

**Submission on behalf of:**

|  |  |
| --- | --- |
| Contact name: [redacted] | Group: Patu Puauahi Tai Tokerau |
| Email: [redacted] | Title/position: [redacted] |
| Phone (day): [redacted] | Phone (alternative): |
| Postal address: [redacted] | |
| Postcode: | |

Are you submitting this:

✔ as an individual or individuals (not on behalf of an organisation)?

**✓** on behalf of a group, organisation(s) or business?

This submission is on behalf of Patu Puauahi Tai Tokerau a group of organisations all working within the Tobacco Control sector in Northland. Ngati Hine Health Trust, Te Hiku Hauora, Hokianga Health Enterprise Trust, Te Ha Oranga – Ngati Whatua, Cancer Society Northland, Northland DHB, Manaia Health PHO, Te Tai Tokerau PHO, Whangaroa Health Services Trust and other community groups.

Patu Puauahi was established to have a voice for Northland and to think and work regionally together to promote Auahi kore/Smokefree within the communities of Tai Tokerau.

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

**✓** Tobacco control non-government organisation

Academic/research

**✓** Cessation support service provider

**✓** Health professional

**✓** Māori provider

Pacific provider

**✓** Other sector(s) *(please specify)*: District Health Board, Smokefree Enforcement Officer

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

**✓** We are not e‑cigarette users.

I have tried e‑cigarettes.

### Privacy

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

**✓** Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, the Ministry of Health asks all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry, and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

|  |
| --- |
| No members of Patu Puauahi have any tobacco company links to declare. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes **✓** No

Reasons/additional comments:

|  |
| --- |
| New Zealand is one of only a handful of countries that has clearly stated an “end game” to address the impact of tobacco on the population. At present the use of e-cigarettes is concerning, with water based products being available for sale here in New Zealand and  nicotine based products only obtainable by ordering on line from overseas. Whilst closely identified with tobacco either as an alternative to smoking or as a potential stop smoking aid, use of e-cigarettes is ambiguous. Advertising and product packaging may be confused with tobacco; their use in public places sends mixed messages about “smokefree areas”; they have the potential to encourage youth to experiment; act as a gateway to future tobacco use and their efficacy in cessation remains open to debate. With the long term health effects unknown, there is a need to be cautious and to ensure that they are regulated in line with tobacco products. Unless this is the case, New Zealand’s goal to be Smokefree by 2025 will be undermined.  If nicotine based e-cigarettes were to be introduced we would only support the **restricted sale** of nicotine-containing e-cigarettes or e-liquids for smokers who want to quit.  Continue to allow the importation of nicotine-containing e-cigarettes or e-liquids for personal use but also allow sales of nicotine-containing e-cigarettes or e-liquids through pharmacies (including after-hours e.g. for ‘emergency supplies of e-juice) and a limited number of licensed specialist shops (with stipulations about proximity to schools, exclusion of minors from shops, and training/competence for staff in e-cigarettes use and ABC stop smoking support); minimum age of purchase 18 years.  The use of e-cigarettes and e-liquids should be reviewed regularly as new research emerges on the impact of e-cigarettes on quit, long term health effects and smoking initiation. Currently there is no long term evidence around the safety of e-cigarettes, e-liquids and second-hand vaping.  E-cigarettes should not be used in any Smokefree environments, either internally or externally, as this would encourage people to substitute e-cigarettes where they would normally not be able to smoke. The vapour emitted still creates a nuisance for non-smokers and ‘blowing vape clouds’ still role models smoking behaviour to our children.  The Ministry of Health proposes that nicotine-containing e-cigarettes become freely legally available for sale, except to minors under the age of 18 years. **We** **do not support this proposal**.  We believe that e-cigarettes should be available for sale on a restricted basis (pharmacies and specialist shops) because:   1. It reduces minors having access to buy e-cigarettes. Point of sale restrictions (e.g. around schools) can be put in place, specialist shops can be restricted to those over 18 years of age, a licensing system should be introduced for specialist shops will support enforcement. 2. All staff should be ABC stop smoking trained/competent in e-cigarette and e-liquid use and to ensure the availability of expert advice and support. There is good evidence that a combination of behavioural support and stop-smoking medicine works best[[3]](#footnote-3). 3. If all e-cigarette retailers are registered then it would be much easier to relax retail restrictions for sale of e-cigarettes at a later date if new evidence suggested that this would help achieve the Smokefree 2025 goal.   Currently smoked tobacco products are a highly regulated product if we are to introduce e-cigarettes as a stop smoking tool then they should be as regulated as tobacco products and tobacco products need to be further regulated.  Whatever regulations are implemented for e-cigarettes similar or stricter measures should be introduced to control the sale of smoked tobacco products.  Please read general comments in Q.9 as context for this YES answer. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No **✓**

Reasons/additional comments:

|  |
| --- |
| When other similar products are developed and have the potential for use as a quit smoking tool they should be gauged in a similar way to assess if they should be made more widely available.  We would also suggest subsidising the NRT Inhaler and Quit Mist that are currently available. Research shows that these two products are more effective than current NRT patches gum and lozenges. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes **✓** No

Reasons/additional comments:

|  |
| --- |
| For simplicity of regulation, sale of e-cigarettes and e-liquids to under 18 year olds should be prohibited, until further evidence suggests relaxing this approach would help reduce smoking among minors under 18 years.  If you have youth under the age of 18 making a quit attempt they should be using the proven NRT patches and lozenges. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes **✓** No

Reasons/additional comments:

|  |
| --- |
| The marketing of nicotine containing e-cigarettes and e-liquids products within NZ should be limited to point of sale displays and regulated to avoid exposure to children and young people.  The current overseas experience where e-cigarette marketing is allowed is often glamorises the use of e-cigarette and promotions that appeals to minors, and often promotes the use of e-cigarettes as a substitution to smoking (e.g. encouraging the use of e-cigarettes in smokefree environments) and for long term use, rather than as an aid to quit smoking.[[4]](#footnote-4), [[5]](#footnote-5)  Advertising of e-cigarettes will not help achieve the New Zealand Governments goal of a Smokefree 2025 advertising may undermine any positive effect that may come from the introduction of e-cigarettes.  The availability and advice about using e-cigarettes to quit smoking does need to be communicated to smokers. Targeted communications (e.g. leaflets) with smokers trying to quit, giving information about the availability of e-cigarettes and their potential benefits and harms, provided by cessation services, health professionals, Quitline staff, at point of sale in pharmacies, and trained specialist shop staff. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes **✓** No

Reasons/additional comments:

|  |
| --- |
| We believe that the use of e-cigarettes should be prohibited in all indoor workplaces, schools and public places consistent with the 1990 Smoke-free Environments Act, and in cars containing children under the age of 18 years.  There is currently no evidence of the health impacts of second-hand vapour, it is not yet known if e-cigarette vapour is completely safe. There is a considerable nuisance effect to non-smokers exposed to vaping emissions.  E-cigarettes should be prohibited in other outdoor public spaces where children go e.g. playgrounds, sports grounds and parks this will minimise the normalisation smoking behaviour (role modelling) as children may not be able to tell the difference.  If the government were to impose restrictions on the use of e-cigarettes in vehicles where children are present, then the same needs to be applied to smoked tobacco products. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| --- | --- | --- | --- |
| Requirement for graphic health warnings |  | **✓** | No. However, we suggest the packaging of e-cigarettes products being required to carry:   * safety warnings (e.g. dangerous to ingest, keep away from children and pets), * health information (text warnings that nicotine is addictive and that the long term health effects of EC use are not known). * A list of ingredients. * Quitline information to maximise cessation and support. |
| Prohibition on displaying products in sales outlets |  | **✓** | No, as long as e-cigarette sales are restricted to pharmacies and licensed and over 18-restricted specialist shops.  Any e-cigarette Point of Sales signage needs to be regulated as per the current SFEA i.e. ”e-cigarettes and e-liquids sold here”. |
| Restriction on use of vending machines | **✓** |  | Yes. As these may be accessible to children, and there is no stop smoking advice offered at a vending machine Point of Sale.  Vending machines that contain tobacco products should be prohibited. If the government were to impose restrictions on the sale of e-cigarettes through vending machines, then the same needs to be applied to smoked tobacco products. |
| Requirement to provide annual returns on sales data | **✓** |  | Yes. This is useful for monitoring of trends in use of different product types. This should include data on importation and sales.  This requirement should be extended to smoked tobacco products. |
| Requirement to disclose product content and composition | **✓** |  | Yes, disclosure of ingredients/content is important consumer information.  This requirement should be extended to smoked tobacco products.  The Government stated that they would consider a similar requirement for smoked tobacco products in their response to the Māori Affairs Select Committee. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) | **✓** |  | **Ingredients and flavourings**  Yes. We recommend excluding selected additives/flavours (e.g. those shown to be toxic or that make products appealing or palatable for children and young adults).  This requirement should be extended to smoked tobacco products.  **Nicotine content**  Yes. We recommend aligning with internationally credible standards on the maximum concentration of nicotine e-liquid and degree of accuracy of nicotine content labelling.  No controls on nicotine content are applied to smoked tobacco products, this requirement should be extended to smoked tobacco products.  The Government needs to investigate this option in its response to the Māori Affairs Select Committee report.  **Regulation of ingredients**  We recommend that e-liquid ingredients be regulated to enable long term studies to be carried out to gauge efficacy. |
| Requirement for annual testing of product composition | **✓** |  | Yes. We recommend aligning with credible international guidance for product composition testing. |
| Prohibition on free distribution and awards associated with sales | **✓** |  | Yes. If e-cigarettes and e-liquids are introduced as a stop smoking device any incentives are likely to promote long term use and substitution.  We recommend that any types of incentives are prohibited. |
| Prohibition on discounting | **✓** |  | Yes. We believe that discounting the price of e-cigarettes is likely to promote increase sales that they are likely to encourage long-term use and substitution, rather than cessation.  We recommend that they are prohibited.  Discounting of price may make e-cigarettes affordable to youth market. If the government want to make e-cigarettes affordable to smokers then e-cigarettes and e-liquids maybe subsidised as per current NRT via a prescription is an alternative to retail discounting. |
| Prohibition on advertising and sponsorship | **✓** |  | See response to Q4. |
| Requirement for standardised packaging | **✓** |  | Yes.  Plain packaging would be justified, given the influence packaging has on gaining attention at the point-of-sale and it’s potential to stimulate impulse purchases.  We support Plain packaging regulation to ensure that packaging or product names that are appealing to children and young people are prohibited in order to minimise the use of e-cigarettes by minors.  As e-cigarettes and e-liquids will be introduced as stop smoking tools the plain packaging of pharmaceutical products should be applied to e-cigarettes and e-liquids. |
| Other |  |  | We support the prohibition of e-cigarette devices that appeal to children and youth markets. |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No **✓**

Reasons/additional comments:

|  |
| --- |
| No additional tax or excise should be applied to e-cigarettes and e-liquids.  Smoked tobacco needs to remain more expensive than e-cigarettes and e-liquids, if these products are to be used to support quitting.  This needs to be reviewed if there is evidence of uptake of e-cigarettes by children and young people. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes **✓** No

Reasons/additional comments:

|  |
| --- |
| It is unnecessary to develop specific New Zealand standards, it is more practical to align with international standards and best practice.  All e-cigarettes and e-liquids need to comply with these standards in order for their distribution and sale to be permitted in New Zealand. |

| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| --- | --- | --- | --- |
| Childproof containers | **✓** |  | Yes, a minimum standard of child safety needs to be applied that aligns with international best practice. |
| Safe disposal of e‑cigarette devices and liquids | **✓** |  | Yes, requirements for safe disposal of e-cigarettes devices, e-liquids and batteries should be introduced and aligned with international best practice.  We support the prohibition of daily disposable e-cigarettes as an environmental risk factor. |
| Ability of device to prevent accidents | **✓** |  | Yes, requirements for the safety of e-cigarette devices and e-liquids are introduced that align with international best practice.  We recommend that use of e-cigarettes in cars, carrying children under the age of 18 years, be banned as smoking/vaping in cars creates a driver distraction. |
| Good manufacturing practice | **✓** |  | Specific standards for manufacturing of e-cigarettes and e-liquids need to be developed that are practicable and of a reasonable standard that include the device, the battery and the e-liquid ingredients. |
| Purity and grade of nicotine | **✓** |  | Yes, requirements for purity and grade of nicotine are required and should align with international best practice. |
| Registration of products | **✓** |  | Yes, registration of products is required and needs to align with international standards. |
| A testing regime to confirm product safety and contents purity |  | **✓** | If e-cigarettes and e-liquids meet all the recommended international best practice requirements (as outlined above) there may be no need for a testing regime.  We understand that a high quality testing regime in New Zealand is unlikely to be available. Should the Government decide there is a need for a product testing regime then the cost could be covered by the manufacturer and the testing could be carried out by an independent MoH appointed laboratory. |
| Maximum allowable volume of e-liquid in retail sales | **✓** |  | Yes, we recommend a maximum purchase allowable volume of e-liquid is introduced in line with what is reasonable for personal use.  Any Duty Free allowance should align with what is reasonable for personal use. |
| Maximum concentration of nicotine e-liquid | **✓** |  | Yes, we recommend that requirements for maximum concentration of nicotine are introduced aligned with best international practice.  We believe there is a need to develop controls on nicotine content for smoked tobacco products. The Government stated that they would consider a similar requirement in their response to the Māori Affairs Select Committee. |
| Mixing of e-liquids at (or before) point of sale |  | **✓** | No, we believe that it is not necessary to mix e-liquids at point of sale as there is no need for mixing if e-cigarettes are to be a cessation tool.  Mixing of e-liquids at point of sale feeds into the ‘trend’ of vaping, encourages long-term use and appeals to youth. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| If nicotine based e-cigarettes were to be introduced we would only support the **restricted sale** of nicotine-containing e-cigarettes or e-liquids for smokers who want to quit.  The **primary aim of the e-cigarettes policy should be to support smokers to quit** smoking in order to achieve to New Zealand Governments goal of Smokefree 2025.  We don’t want to encourage uptake of e-cigarettes by youth, substitution or long term use.  E-cigarettes regulations should not be more rigorous than those in place for smoked tobacco products.  The Ministry of Health should continue to monitor emerging evidence on e-cigarettes and the potential impacts of these products on smoking prevalence in New Zealand. Policy and practice should be reviewed and updated in light of new evidence.  To achieve Smokefree 2025 tobacco control efforts need to be strengthened as outlined in the 42 recommendations made by the Māori Affairs Select Committee.  Nowhere in the consultation document does the Ministry ask about the use of e-cigarette and e-liquids as a cessation tool. If e-cigarettes and e-liquids are to be regulated as a stop smoking device this would mean that the Medicines Act would need to be amended - therapeutic claim.  We recommend that stop smoking service providers receive training in use of e-cigarettes to support quitting. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| Not applicable |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| Not applicable |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| N/a | N/a | N/a | N/a |

Policy Options for the Regulation of Electronic Cigarettes

# Consultation submission 148

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | Smokefree Nurses Aotearoa/New Zealand, Auckland University of Technology |
| Position *(if applicable)*: | [redacted] |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

Academic/research

Cessation support service provider

Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

As a party to the global tobacco control treaty, the World Health Organization Framework Convention on Tobacco Control, New Zealand has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To help meet this obligation, the Ministry of Health asks all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. The Ministry will still carefully consider responses from the tobacco industry, and from respondents with links to the tobacco industry, alongside all other submissions. Please provide details of any tobacco company links or vested interests below.

|  |
| --- |
| Smokefree Nurses does not have tobacco company links or vested interests. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

Yes  No

Reasons/additional comments:

|  |
| --- |
| We agree that the sale and supply of nicotine e-cigarettes and nicotine liquids should be allowed on the local market for the following reasons:   1. Harm reduction: Using nicotine e-cigarettes is at least 95% safer than smoking tobacco cigarettes (Royal College of Physicians, 2016). Benefits accrue to smokers (if they quit using them) and bystanders since exhaled vapor has no known ill health effects currently. 2. Contribute to achieving the Smokefree 2025 goal: 3. Modelling in the USA predicts that “under most plausible scenarios, VNP [vaporised nicotine product] use generally has a positive public health impact” 1. 4. Analysis of longitudinal data from the ITC Four Country Survey (2010 to 2014) suggests that “the real-world effectiveness of e-cigarettes for quitting can be influenced by the e-cigarette regulatory environment”. Countries with less restrictive policies (UK and USA) were compared with countries with more restrictive policies (Australia and Canada). “E-cigarettes were as effective as approved therapies such as NRT and prescribed stop smoking medications in a less restricted e-cigarettes policy environment, but were worse that approved therapy in a more restrictive environment” 2. 5. Consumer choice:   a. Potential quitters want a range of stop smoking choices. Predominantly Maori and Pacific Island smokers said that they wanted quit smoking options so they could tailor their quit journeys individually (Smokefree Nurses focus groups to develop [*What Smokers Really Want*](http://whatsmokersreallywant.co.nz/)– unpublished data - http://whatsmokersreallywant.co.nz/wp-content/uploads/2014/10/What-Smokers-Really-Want.pdf).  b. Smokers may prefer nicotine e-cigarettes to other stop smoking treatments for reasons such as throat hit; similarity to smoking behaviour; addressing craving for nicotine.   1. Respect and support for personal autonomy: Many smokers prefer to make quit attempts by themselves. Readily available, high quality, nicotine e-cigarettes could increase the effectiveness of these attempts (although we appreciate that the evidence for e-cigarettes for cessation not yet definitive). 2. Equity: 3. Access to nicotine e-cigarettes should be equitable. Currently they are only legally available to those who have the means to import them for personal use. 4. Tobacco taxes are regressive. Nicotine e-cigarettes offer low income smokers a cheaper, safer, alternative to smoking. They are a compassionate alternative to tobacco smoking as tobacco taxes continue to rise. 5. Reduce stigmatisation and discrimination: Smokefree Environments policies discriminate against smokers in order to prevent harm to bystanders and de-normalise smoking. Nicotine e-cigarettes can encourage people who are addicted to nicotine to engage fully in society in almost all environments so long as e-cigarette use itself is not stigmatised. 6. Decriminalisation: Currently people who sell, buy or gift nicotine e-cigarettes in NZ are breaking the law even though it is unclear what the law means or how it could be enforced. Legalising sale and supply of nicotine e-cigarettes will decriminalise these activities. 7. Complement other tobacco control interventions: Nicotine e-cigarettes have the potential to enhance current and future tobacco control efforts. 8. Saving money: 9. The sale and supply of nicotine e-cigarettes will promote self-funded quitting. Potentially every smoker who quits unaided saves $29,344.70, the break-even point for a tobacco intervention for each smoker who quits 3. 10. Harm reduction via e-cigarette use will reduce health care system costs for treatment for ill health caused by smoking in ex-smokers, and for bystanders previously exposed to tobacco smoke. 11. Allowing the sale and supply of nicotine e-cigarettes is cheaper than some other suggestions to reach the Smokefree 2025 goal such as creating and implementing a regulatory framework for tobacco product retailer licensing. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

Yes  No

Reasons/additional comments:

|  |
| --- |
| We support creating principles and a framework to manage other existing or potential nicotine-delivery products to ensure that they are assessed rationally and fairly with regard to potential benefits and harms.  Examples are snus, “heat not burn” products and nicotine films, lollipops, lip balm, toothpaste and tobacco water. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

Yes  No

Reasons/additional comments:

|  |
| --- |
| Nicotine e-cigarettes are safer than smoked tobacco although the safety of their long term use has not yet been evaluated. It is possible that they are less addictive than tobacco cigarettes because they do not contain ingredients which enhance nicotine uptake. We are not aware of any studies which show that non-tobacco smokers who take up nicotine e-cigarettes use become addicted although this is highly likely. Because of the uncertainties above, we agree with the legislation outlined above but we believe it should be revised as new evidence comes to hand about both the effectiveness of nicotine e-cigarettes for smoking cessation, and their addictiveness.  We are also concerned that this will mean that young people aged under 18 years who already smoke and want to quit will not have access to nicotine e-cigarettes. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| We support the advertising model that the United Kingdom had prior to implementation of the EU Tobacco Products Directive 2014/40/EU. We believe that information about e-cigarettes should reach smokers but not glamorise them in order to appeal to young people. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

Yes  No

Reasons/additional comments:

|  |
| --- |
| We do not support prohibiting vaping in designated smokefree areas in the same way as the SFEA prohibits smoking in such areas for the following reasons:   1. Vaping has no known health risks to bystanders 2. Children can distinguish between vaping and smoking 4 therefore vaping is unlikely to renormalize smoking or act as role modelling for smoking 3. People who are trying to stop smoking using an electronic cigarette should not be stigmatised, demonised or discriminated against.   We support organisations making their own policies about vaping. |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | Nicotine liquid containers should state that nicotine is addictive |
| Prohibition on displaying products in sales outlets |  |  | Nicotine e-cigarettes should be easier to see and access than tobacco products (point-of-sale tobacco product display is prohibited) |
| Restriction on use of vending machines |  |  | To prevent youth access |
| Requirement to provide annual returns on sales data |  |  |  |
| Requirement to disclose product content and composition |  |  | Product content and composition should be on the products |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | Regulations should prohibit ingredients which are dangerous to health |
| Requirement for annual testing of product composition |  |  | Standards for consumer products are already in place. |
| Prohibition on free distribution and awards associated with sales |  |  |  |
| Prohibition on discounting |  |  |  |
| Prohibition on advertising and sponsorship |  |  | Partial – see Q4. |
| Requirement for standardised packaging |  |  |  |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  No

Reasons/additional comments:

|  |
| --- |
| We believe that regulation round e-cigarettes should reflect their harms and benefits relative to smoking tobacco. Because they are at least 95% safer than smoking and likely to be at least as effective as NRT for smoking cessation, they should be a cheaper alternative to smoking and at least as accessible as commercially available NRT products. This will support their uptake by smokers and reduce the financial stress caused by continued tobacco use and tax increases. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

Additional comments:

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  |  |
| Safe disposal of e‑cigarette devices and liquids |  |  | As for e-waste |
| Ability of device to prevent accidents |  |  |  |
| Good manufacturing practice |  |  | As per commercial products such as baby milk powder. |
| Purity and grade of nicotine |  |  | Standards are required. |
| Registration of products |  |  |  |
| A testing regime to confirm product safety and contents purity |  |  |  |
| Maximum allowable volume of e-liquid in retail sales |  |  |  |
| Maximum concentration of nicotine e-liquid |  |  |  |
| Mixing of e-liquids at (or before) point of sale |  |  |  |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| We believe that nicotine e-cigarettes should be at least as available as tobacco cigarettes and commercially available NRT products. They offer smokers the opportunity to manage their own smoking, independent of the health system.  E-cigarettes are a commercial product. Sales depend on good service and excellent effective products. Regulations should not impede product improvement and innovation or discriminate against small businesses by imposing prohibitively expensive or cumbersome regulatory requirements.  Regulations should foster, not discourage, the growth of community-based support e-cigarette user networks which enhance effective e-cigarette use, personal and community empowerment and social connectivity.  Health professionals need clear, MoH mandated, guidance on how to incorporate advice about e-cigarettes into brief and extended stop smoking support. The advice should reflect the potential that e-cigarettes offer for smoking cessation, their safety profile including for bystanders exposed to vapor, and how to access suppliers and support. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
|  |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
|  |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
|  |  |  |  |

**1.**

**References**

1. Levy DT, Borland R, Villanti AC, et al. The Application of a Decision-Theoretic Model to Estimate the Public Health Impact of Vaporized Nicotine Product Initiation in the United States. *Nicotine & Tobacco Research.* July 14, 2016 2016.

2. McNeill A, Hitchman SC, Driezen P, Fong G, Cummings KM, Borland R. Understanding of nicotine’s role in harmfulness and addictiveness of smoking: Changes across the ITC 4 Countries Surveys over time.

Paper presented at: SRNT Europe 2016; Prague.

3. Chair, Cabinet Social Policy Committee. Report back on New Zealand’s Tobacco Control Programme. Wellington: New Zealand Government; 2016 [http://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/tobacco-control-new-zealand-context](https://outlook.aut.ac.nz/owa/redir.aspx?C=RAlN15mQApy4kYMFxOLj7RLkgKZWUbmlL4_UOysrXJgxsvqfg9rTCA..&URL=http%3a%2f%2fwww.health.govt.nz%2four-work%2fpreventative-health-wellness%2ftobacco-control%2ftobacco-control-new-zealand-context)

4. Faletau J, Glover M, Nosa V, Pienaar F. Looks like smoking, is it smoking?: children's perceptions of cigarette-like nicotine delivery systems, smoking and cessation. *Harm Reduction Journal:* 2013;10(30).

# Consultation submission 149

|  |  |
| --- | --- |
| Your details This submission was completed by: *(name)* | [redacted] |
| Address: *(street/box number)* | [redacted] |
| *(town/city)* | [redacted] |
| Email: | [redacted] |
| Organisation *(if applicable)*: | Community Alcohol & Drug Services, Waitemata DHB |
| Position *(if applicable)*: | [redacted] |

*(Tick one box only in this section)*

Are you submitting this:

as an individual or individuals (not on behalf of an organisation)?

✔ on behalf of a group, organisation(s) or business?

*(You may tick more than one box in this section)*

Please indicate which sector(s) your submission represents:

Commercial interests, including e‑cigarette manufacturer, importer, distributor and/or retailer

Tobacco control non-government organisation

✔ Academic/research

Cessation support service provider

✔ Health professional

Māori provider

Pacific provider

Other sector(s) *(please specify)*:

*(You may tick more than one box in this section)*

Please indicate your e‑cigarette use status:

I am using nicotine e‑cigarettes.

I am using nicotine-free e‑cigarettes.

I currently smoke as well as use e‑cigarettes.

✔ I am not an e‑cigarette user.

I have tried e‑cigarettes.

### Privacy

We intend to publish all submissions on the Ministry’s website. If you are submitting as an individual, we will automatically remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry’s website, please tick this box:

Do not publish this submission.

Your submission will be subject to requests made under the Official Information Act. If you want your personal details removed from your submission, please tick this box:

Remove my personal details from responses to Official Information Act requests.

If your submission contains commercially sensitive information, please tick this box:

This submission contains commercially sensitive information.

### Declaration of tobacco industry links or vested interest

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|  |
| --- |
| None of the authors have any tobacco company links or other interests to declare.  Dr Susanna Galea, CADS Service Clinical Director / Consultant Psychiatrist / Honorary Senior Lecturer & Associate Director, Centre for Addictions Research, University of Auckland. Susanna has worked and provided expertise in the field of addiction for a number of years. Susanna has written a chapter on ‘Tobacco Abuse: Treatment and Management’ for “substance Use Disorders’ for the ‘World Psychiatric Association Evidence and Experience in Psychiatry Series’. Susanna has also participated in debates on the ‘Ethics of Smoking Bans in Psychiatric Hospitals’ and has given a number of presentations on the prevalence and impact of tobacco use in the mental health and addiction populations.  Robert Steenhuisen is a Registered Social Worker and Regional Manager for WDHB Community Alcohol and Drug Services. Robert has worked in the alcohol and drug rehabilitation sector since 1987 and is an Executive Member of the National Committee for Addiction Treatment. Robert is a Director with Te Pou (a member of the WISE Group) and the National Society for Alcoholism and Drug Addiction. |

Please return this form by email to:

**ecigarettes**[**@moh.govt.nz**](mailto:tobacco@moh.govt.nz) by **5 pm, Monday 12 September 2016**.

If you are sending your submission in PDF format, please also send us the Word document.

## Consultation questions

Although this form provides blank spaces for your answers to questions, there is no limit to the length of your responses; you should take as much space as you need to answer or comment. Feel free to enlarge the boxes or attach additional pages.

#### Q1 Do you agree that the sale and supply of nicotine e‑cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

**Yes**  No

Reasons/additional comments:

|  |
| --- |
| The current use and demand for nicotine e-cigarettes and nicotine liquids by the general population, whether through legal or illegal pathways, can be interpreted as an indication that individuals are willing to utilize these products to control or reduce their tobacco smoking. This is also paralleled in anecdotal reports of health care workers about smokers’ requests for health information on nicotine e-cigarettes. This is currently occurring without appropriate controls – i.e. without any control over the type and safety of the product; dosage of nicotine; potential for tempering with product; etc. The potential harms associated with the current state are unknown.  Scientific evidence suggests that nicotine e-cigarettes and nicotine liquids are effective in reducing the harm related to tobacco smoking and are of public health benefit with potential for significant reductions in health care costs. The World Health Organization states that “Tobacco is the single most preventable cause of death in the world today”. Prevalence rates for smoking in the general population in New Zealand have been gradually declining through concerted policy and government initiatives. However, there is little evidence to indicate similar rates of reduction among population subgroups such as Maori people and Pacific people; and within the mental health and addictions populations reduction is even less significant. This data indicates health inequalities within the NZ population.  Sanctioning the use of nicotine e-cigarettes and nicotine liquids provides an opportunity for properly regulating the supply, product safety, and nicotine dosage of nicotine e-cigarettes and nicotine liquids. This would benefit the NZ population through reduction of the gap of health inequalities and reduction in harm related to tobacco use and consequent health care costs. |

#### Q2 Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

**Yes**  No

Reasons/additional comments:

|  |
| --- |
| All nicotine delivery devices should be evaluated in a similar way. |

#### Q3 Do you think it is important for legislation to prohibit the sale and supply of e‑cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

**Yes**  No

Reasons/additional comments:

|  |
| --- |
| Currently there is not enough evidence about the effects of e-cigarettes on young people under the age of 18. However, evidence from the addiction field and from research on the effects of substances including tobacco on the developing brain, suggests the potential of harmful effects within this population.  Potential harmful effects include:   * gateway to tobacco and/or other drug use; * impact of nicotine on the developing brain; * risk of early addiction; * economic burden.   These justify the importance for legislation to prohibit the supply to this population subgroup with the aim of reducing the potential for harm related to its use if it were not prohibited. |

#### Q4 Do you think it is important for legislation to control advertising of e‑cigarettes in the same way as it controls advertising of smoked tobacco products?

Yes  **No**

Reasons/additional comments:

|  |
| --- |
| Control over the advertising of e-cigarettes reduces the potential for domination of marketing of these products by the tobacco industry. It is important to reduce the potential for glamorisation of the product and to reduce advertising to potential vulnerable populations, such as minors.  However, appropriate communication to smokers regarding the benefits of the product can be achieved through:   * health promotion campaigns; * point of sale communication. |

#### Q5 Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

**Yes**  No

Reasons/additional comments:

|  |
| --- |
| The primary purpose of designated smokefree areas id to protect the non-smoker from the effcts of second hand smoking. There is currently not enough evidence on the potential second hand effects of vaping – such as, physical harmful effects; impact on minors (mirroring and glamorising behaviour). |

#### Q6 Do you agree that other controls in the SFEA for smoked tobacco products should apply to e‑cigarettes? For example:

|  |  |  |  |
| --- | --- | --- | --- |
| **Control** | **Yes** | **No** | **Reasons/ additional comments** |
| Requirement for graphic health warnings |  |  | These are not known as yet. More research is required. |
| Prohibition on displaying products in sales outlets |  |  | Displaying should be appropriate to facilitate informed choice by potential consumers. There will need to be some control over the prominence of displaying and its impact on public health. |
| Restriction on use of vending machines |  |  | There would be no control on access through use of vending machines. |
| Requirement to provide annual returns on sales data |  |  | Important to understand population-based data related to these products and to monitor the level of nicotine dependence in the population. |
| Requirement to disclose product content and composition |  |  | The consumer will need to know the content and composition to make an informed choice re dosage required. |
| Regulations concerning ingredients (eg, nicotine content and/or flavours) |  |  | As above – facilitates informed choice.  Nicotine content should be aligned with international credible standards on maximum concentrations. |
| Requirement for annual testing of product composition |  |  | Aligned with international guidelines for testing of product composition. |
| Prohibition on free distribution and awards associated with sales |  |  | Inappropriate incentives that could result in public harm. |
| Prohibition on discounting |  |  | Discounting can result in product competition resulting in increased sales and inappropriate use. Evidence for this can be extrapolated from research on discounting the price of alcohol. |
| Prohibition on advertising and sponsorship |  |  | As above. |
| Requirement for standardised packaging |  |  | This ensures some control over the use of packaging that makes the product potentially appealing to vulnerable populations, such as, minors. This also provides a platform for any health promotion that may be required re potential adverse effects (once more research is completed). |
| Other |  |  |  |

#### Q7 Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

Yes  **No**

Reasons/additional comments:

|  |
| --- |
| Nicotine e-cigarettes and nicotine liquids should be considered as medicines. In addition, maintaining a price differential between tobacco products and nicotine e-cigarettes and nicotine liquids could be an effective strategy to the achieve NZ smokfree target at 2025. |

#### Q8 Do you think quality control of and safety standards for e‑cigarettes are needed?

Yes  No

**Additional comments**: NZ should align with international best practice standards but pay particular attention to the impact on Maori people.

|  |  |  |  |
| --- | --- | --- | --- |
| **Area of concern** | **Yes** | **No** | **Reasons/additional comments** |
| Childproof containers |  |  | Packaging should align with minimum standard for child safety. |
| Safe disposal of e‑cigarette devices and liquids |  |  | The same requirements that apply to batteries &electrical waste. Aligned with best international practice. |
| Ability of device to prevent accidents |  |  | Aligned with best international practice. |
| Good manufacturing practice |  |  | As with other medicines. |
| Purity and grade of nicotine |  |  | Of pharmaceutical grade & aligned with universal practice. Important monitoring of nicotine dependence within the population. |
| Registration of products |  |  | Product monitoring – ensure product safety. |
| A testing regime to confirm product safety and contents purity |  |  | As above. |
| Maximum allowable volume of e-liquid in retail sales |  |  | Strategy to monitor over the counter abuse. |
| Maximum concentration of nicotine e-liquid |  |  | Only the necessary dosage should be consumed. |
| Mixing of e-liquids at (or before) point of sale |  |  | Mixing ingredients at point of sale done by a pharmacist. |
| Other |  |  |  |

#### Q9 Are there any other comments you would like to make?

|  |
| --- |
| Nicotine e-cigarettes and nicotine liquids are health products and should be categorized as medicines with appropriate controls.  We recommend that the purchase of these products is subsidized, as are other smoking cessation pharmaceuticals.  We recommend that varying levels of subsidy is applied to reflect higher tobacco smoking prevalence rates within population subgroups, such as Maori and Pacific people; and mental health and addictions populations.  Given the sparsity of scientific evidence in relation to their usage and potential adverse effects, we recommend that the government invest in further research related to this. |

### Additional information on sales and use

#### Q10 Can you assist us by providing information on the sale of e‑cigarettes in New Zealand (for example, size of sales or range of products for sale on the local market)?

|  |
| --- |
| Easily available through internet purchasing and local retail shops (eg. dairies).  Current asking price is around $60. |

#### Q11 Would the Ministry of Health’s proposed amendments have any impact on your business? If so, please quantify/explain that impact.

|  |
| --- |
| Impact on health care costs. |

#### Q12 If you are using nicotine e‑cigarettes: how long have you been using them, how often do you use them, how much do you spend on them per week and where do you buy them?

|  |  |  |  |
| --- | --- | --- | --- |
| **How long have you been using them?** | **How often do you use them?** | **How much do you spend on them per week?** | **Where do you buy them?** |
| N/A | N/A | N/A | N/A |

Submission on Policy Options for Electronic Cigarettes

# Consultation submission 150

Auckland Regional Public Health Service

Thank you for the opportunity for Auckland Regional Public Health Service (ARPHS) to provide a submission on the Policy Options for Electronic Cigarettes.

The following submission represents the views of the Auckland Regional Public Health Service and does not necessarily reflect the views of the three District Health Boards it serves. Please refer to **Appendix 1** for more information on ARPHS.

Yours sincerely,

|  |  |
| --- | --- |
| [redacted]  [redacted]  [redacted] | [redacted]  [redacted]  [redacted] |

## Summary:

ARPHS recognises that there is evidence that support the role of e-cigarettes as a harm reduction approach for smokers unable or unwilling to reduce their nicotine dependency through current cessation methods. However, ARPHS considers that there is also evidence which indicates e-cigarettes may play a role in the normalisation of tobacco consumption, particularly for young people. Denormalising tobacco consumption is a critical component in reducing youth initiation and supporting the Government goal of Smokefree Aotearoa by 2025.

To balance this dichotomy of benefit and potential harm, ARPHS recommends that e-cigarettes are legalised in NZ for the purpose of smoking cessation and tobacco harm minimisation. Controls need to support this objective and minimise e-cigarettes as a contributing factor to youth smoking initiation, and long term nicotine addiction.

To support this objective, ARPHS suggests the regulations contain provisions that reflect the following key recommendations:

1. The legalisation of e-cigarettes in New Zealand (NZ) should be tightly controlled through selected retailers that are qualified in cessation advice or referrals to services. Suggested retailers are licensed pharmacies and cessation services.
2. E-cigarettes containing nicotine can be perceived by younger audiences as “cool” and something to experiment with that can cause long term addiction. Therefore, we support the proposal to have e-cigarettes and e-liquids unavailable to young people under the age of 18 and exposure to the promotion of e-cigarettes (for any purposes) should be limited to 18+ audiences.
3. The advertising of e-cigarettes should only be for cessation purposes and available to view when smokers are looking to quit through appropriately licensed retailers.
4. E-cigarettes and e-liquid packaging should be standardised to acknowledge the unknown long-term health effects and help buffer against future (somewhat unknown) unintended consequences. Our submission suggests this can be done through applying the same packaging colour of Pantone 448C that tobacco products have and the application of health warnings.
5. We also believe that the Act should create consistency to encourage workplaces and tenancies to not vape in-doors or in spaces detailed in the Smoke-Free Environments Act 1990 (SFEA).
6. We are in support of the controls proposed in question 6 including the requirement to provide annual returns on sales data and consumer information on product content.
7. Health warnings on packages should be included about known health risks, including the risk of nicotine addiction, and keeping e-cigarettes and liquids away from the reach of children, along with Quitline information.
8. Testing for whether nicotine in E-cigarettes has been derived from tobacco or created synthetically is complicated, and hard to perform. Therefore, the regulations should cover nicotine either derived from tobacco or synthetically produced.
9. There is no current need to place an excise tax on e-cigarettes and e-liquids but we suggest placing a limit on the product amount available to be imported at any one time.
10. We agree with the quality controls proposed in question 8, but again, wish to bring attention to the complexity of testing e-cigarettes and liquids because of their vast amount of flavours and design. ARPHS recommends that requirements for proof of safety and quality should rest with wholesalers and manufacturers similar to the requirements for psycho-active substances proposed for sale in NZ.
11. A key consideration is to avoid creating confusion for existing smokefree environments. Signage and policies creating out-door vaping areas that are consistent with the spaces outlined in the Smoke-Free Environments Act 1990 should be considered.

## Questions and Recommendations:

### Question 1: Do you agree that the sale and supply of nicotine e-cigarettes and nicotine liquids should be allowed on the local market, with appropriate controls?

1. ARPHS overall understands the Ministry of Health’s decision to legalise nicotine e-cigarettes and e-liquids as a cessation and harm-reduction tool for tobacco smokers, but recommends the following controls underpin the policy:

* Extensive licensing of appropriate retailers including cessation services and pharmacies that are trained with the right cessation knowledge.
* Licensed retailers should be located strategically away from areas where there is exposure to children and young people (as we would recommend for tobacco).
* Well enforced and backed by robust evidence based legislation.
* Strict in supporting the aim of a smokefree New Zealand (NZ) by 2025.

### Question 2: Are there other (existing or potential) nicotine-delivery products that should be included in these controls at the same time? If so, what are they?

1. ARPHS does not have any other nicotine-delivery products that should be included in these controls. However, we recommend an awareness of emerging nicotine devices that are under development and could come into the market in the future.

### Question 3: Do you think it is important for legislation to prohibit the sale and supply of e-cigarettes to young people under 18 years of age in the same way as it prohibits the sale and supply of smoked tobacco products to young people?

1. It is important for legislation to prohibit the sale and supply of e-cigarettes to young people less than 18 years of age consistent with tobacco product law. Research has proven young people have started to use e-cigarettes more and this has become a cause for concern because of the addictive nature of nicotine.[[6]](#footnote-6),[[7]](#footnote-7) In New Zealand, The Youth Insights Survey analysed the results of two surveys completed in 2012 and 2014 by year 10 students and found a 13% increase in e-cigarette consumption.[[8]](#footnote-8) The main cause for this increase in consumption among both year 10 smokers and non-smokers was curiosity about e-cigarettes. Other research indicates an increased rate of youth initiation of tobacco smoking within 12 months of trying e-cigarettes.[[9]](#footnote-9)
2. Therefore ARPHS recommends that the sale and supply of e-cigarettes and liquids be prohibited to people under the age of 18 as a tool for future proofing against any health effects yet to be discovered by research, and preventing the use of it as a pathway to nicotine addiction.

### Question 4: Do you think it is important for legislation to control advertising of e-cigarettes in the same way as it controls advertising of smoked tobacco products?

1. ARPHS suggests mass media advertisements of e-cigarettes is unnecessary and introduces the risk of e-cigarettes being used for consumer leisure purposes instead of cessation use. Therefore, we suggest the following advertisement controls be considered.

#### Display of e-cigarettes in or from sale outlets

1. The advertisement and marketing of e-cigarettes should be visible only to the extent that is necessary for it to be delivered in accordance with the SFEA 1990, section 23 A (4) at selected licensed providers, cessation services and pharmacies.
2. ARPHS believes that licensed providers such as cessation services and pharmacies would help control the sale and supply of e-cigarettes. This also helps reinforce the powers of licensing and enforcement officers in monitoring the sale and supply of e-cigarettes in NZ.
3. The selected providers must not be in the same areas as schools or any other location where young people are likely to be exposed to it (as we would recommend for tobacco).
4. Controlling advertising to smokers looking to quit allows cessation advisers to provide the right information and support the use of e-cigarettes as a nicotine replacement therapy. It also ensures there is no unnecessary advertisement of e-cigarettes through public avenues including television advertisements and online advertisements.

* A recent study in South Korea exploring the impacts of introducing e-cigarettes without tight regulatory controls, revealed advertising for e-cigarettes increased the attractiveness by using captions such as “healthy cigarettes”. The demand for e-cigarettes rapidly grew especially among young people who had open access to an array of e-cigarette products through an uncontrolled retail market both in shops and online through blogs dedicated to providing information on where to purchase the latest e-cigarettes products.[[10]](#footnote-10)
* Research in America indicated that media outlets such as television advertisements were increasingly used over the last couple of years. This drastically changed public perception about the use of e-cigarettes from a smoking cessation tool to a consumer smoking behaviour that is “cool”.[[11]](#footnote-11)

#### Smokefree 2025 is the goal

1. ARPHS emphasises that the purpose of legalising e-cigarettes and e-liquids for tobacco smokers is to provide comprehensive and effective support in quitting the addictive behaviour of smoking.[[12]](#footnote-12) Thereby, controlling the advertising on the availability and accessibility of e-cigarettes and e-liquids allows the main goal of Smokefree 2025 to progress without creating a new market of consumers addicted to nicotine.[[13]](#footnote-13) It is noted actions with good intentions can have unintended consequences.

#### Standardisation of e-cigarette products

1. ARPHS supports the intent to use e-cigarettes and e-liquids as a cessation tool to help smokers in quitting the consumption of tobacco, and for harm reduction amongst a small number of longstanding smokers who never intended to quit.
2. We recommend this is best done when packaging of e-cigarettes and e-liquids are controlled. Our preference is that packaging of e-cigarettes and e-liquids are consistent with the proposed standardised packaging of tobacco products. Though e-cigarettes may not be as harmful and might not pose the same health risk to the public, the attractive packaging defeats the original intent of e-cigarettes as primarily a cessation tool.[[14]](#footnote-14)

* The previously mentioned study in South Korea5 suggested people were more attracted to e-cigarettes because of the choice in packaging. E-cigarette packaging was perceived to be “fashionable” among youth encouraging use. Adult smokers were encouraged to utilise e-cigarettes to avoid withdrawal but were not informed of the effects of nicotine addiction.3



Figure 1 Example of e-cigarette packaging

1. E-cigarette and e-liquid product packaging should require tailored health messages about the possible health risks of vaping.[[15]](#footnote-15) The use of pictures is also effective in portraying consumer information about keeping products away from children, nicotine addiction and Quitline contact information.[[16]](#footnote-16)
2. If the principle purpose of e-cigarettes is a nicotine replacement therapy, multiple flavours are unnecessary. There should be one simple e-liquid flavour available instead of the current multitude of e-liquid flavours including chocolate, bubble-gum and shisha. This is an example of marketing tools designed to entice people to use addictive products through creating new and sustaining old addictions to nicotine.[[17]](#footnote-17)
3. Colour of e-cigarette and e-liquid should be tightly controlled so as not to mislead consumers.

* The colour of e-cigarettes should also be a standardised colour (we suggest Pantone 448C).



Figure 2 Example of e-cigarette devises

### Question 5: Do you think it is important for the SFEA to prohibit vaping in designated smokefree areas in the same way as it prohibits smoking in such areas?

1. ARPHS suggests vaping e-cigarettes be prohibited in places consistent with the SFEA, 1990 including in schools, workplaces, parks and other areas within close proximity to children. This would role model the principle of de-normalising smoking and nicotine addiction altogether.

* Research from America suggests second hand vaping is not desirable in public spaces such as restaurants and parks. An analysis of a national online survey in America found respondents preferred that vaping be included under smoking laws till the long term negative health effects of it can be proven.[[18]](#footnote-18)

1. We also recommend the progress made through Wellington’s Smokefree Action Plan Policy in terms of discouraging e-cigarettes in workplaces, public spaces and new tenancies also be considered nationally.

* The Wellington Council’s Smokefree Action Plan 2016-2017 towards achieving Smokefree 2025 encourages people to not smoke e-cigarettes in places where smoking is prohibited including public buildings and new housing tenancies. It clarifies that organisations can prohibit the use of e-cigarettes in their workplace policies and supports them in doing so.[[19]](#footnote-19)

### Question 6: Do you agree that other controls in the SFEA for smoked tobacco products should apply to e-cigarettes?

1. ARPHS agrees with the controls proposed including disclosing product content on packaging and annual returns and sales data. We suggest the NZ regulations also be aware and consider the controls included in the United Kingdom Revised Tobacco Product Legislation 2016, part 6 & 7 which included the following:[[20]](#footnote-20)

* Manufacturers are required to provide contact details to the authority in charge.
* A list of the ingredients in the liquid including test results i.e. toxic data on effects to health after inhalation and exhalation.
* A detailed description about the design of the e-cigarette and any additional features on it.
* A declaration that the manufacturer is responsible for product malfunction.
* A description of the production process is required.
* Whether the nicotine is derived from tobacco or synthetically derived needs to be the responsibility of the producers to communicate it clearly on their products.

### Question 7: Do you think it is important for legislation to impose some form of excise or excise-equivalent duty on nicotine e-liquid, as it does on tobacco products?

1. ARPHS does not see a need to apply an excise tax on nicotine containing e-cigarettes, but encourages regulations to place a limit on the amount of e-cigarettes and e-liquids available to be imported for up to three months at a time.

### Question 8: Do you think quality control of and safety standards for e-cigarettes are needed?

1. ARPHS agrees with the controls proposed in the table for quality control but identifies that testing for the composition of tobacco-derived-nicotine and other chemicals in e-liquid that is vaped is complicated to prove. We suggest legislation needs to include the same regulations for nicotine, whether derived synthetically or from tobacco, in the SFEA or in new law that give powers of enforcement to smokefree environment officers.

## Appendix 1 - Auckland Regional Public Health Service

Auckland Regional Public Health Service (ARPHS) provides public health services for the three district health boards (DHBs) in the Auckland region (Auckland, Counties Manukau and Waitemata District Health Boards).

ARPHS has a statutory obligation under the New Zealand Public Health and Disability Act 2000 to improve, promote and protect the health of people and communities in the Auckland region. The Medical Officer of Health has an enforcement and regulatory role under the Health Act 1956 and other legislative designations to protect the health of the community.

ARPHS’ primary role is to improve population health. It actively seeks to influence any initiatives or proposals that may affect population health in the Auckland region to maximise their positive impact and minimise possible negative effects on population health.

The Auckland region faces a number of public health challenges through changing demographics, increasingly diverse communities, increasing incidence of lifestyle-related health conditions such as obesity and type 2 diabetes, infrastructure requirements, the balancing of transport needs, and the reconciliation of urban design and urban intensification issues.

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