

# **Consultation on Electronic Cigarettes**

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Analysis of submissions

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# Contents

<b>Introduction</b>	<b>1</b>
Methods	1
<b>Results</b>	<b>2</b>
<b>Summary of responses</b>	<b>3</b>
Sale and supply of nicotine e-cigarettes and e-liquid	3
Other alternative nicotine-delivery products	4
Sale and supply of e-cigarettes to young people	4
Advertising of e-cigarettes	5
E-cigarette use in Smokefree Areas	6
Other controls in the Smoke-free Environments Act	7
Excise on nicotine e-liquid	10
Quality and safety standards	10
Other comments made in submissions	13
Sales of e-cigarettes in New Zealand	13
Impact of proposed amendments on businesses	13
Nicotine e-cigarette use	13
<b>Appendix 1: Consultation form</b>	<b>15</b>
Consultation submission	15
Consultation questions	17
<b>List of tables</b>	
Table 1: Characteristics of submitters	2
Table 2: Frequency of responses to question 1	3
Table 3: Frequency of responses to question 3	4
Table 4: Frequency of responses to question 4	5
Table 5: Frequency of responses to question 5	6
Table 6: Frequency of responses as to whether e-cigarettes should be subject to the other controls in the SFEA for smoked tobacco	9
Table 7: Frequency of responses as to whether there should be quality control and safety standards for e-cigarettes	12
<b>List of figures</b>	
Figure 1: Number of submissions received and included in the analysis	2
Figure 2: Point of purchase of e-cigarettes among responders who vape	14



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# Introduction

The Ministry of Health has consulted on policy options for the regulation of electronic cigarettes (e-cigarettes), including possible amendments to the Smoke-free Environments Act 1990 (SFEA).<sup>1</sup>

Proposed amendments would mean that the sale and supply of nicotine e-cigarettes and e-liquid would be made lawful as consumer products, with appropriate regulatory controls, which would:

- prohibit their sale and supply in public places, to people under the age of 18 years
- restrict advertising
- prohibit their use in areas defined as smokefree in the SFEA.

## Methods

### Consultation period

The consultation period ran for six weeks (2 August until 12 September 2016). It was publicised on the Ministry of Health website<sup>2</sup> and in several mainstream media news items.

### Data collection and handling

Participants were asked to make only written submissions. A consultation submission form was developed to guide feedback and included specific questions (see Appendix 1). These forms were returned by email.

Ministry of Health staff transferred data from the submission forms into an Excel spreadsheet.

Data collected in the comments/free text sections was themed by one member of the team and checked by two others. Where discrepancies arose these were resolved by discussion with all team members. Multiple themes could be extracted from each response.

### Analyses

Simple descriptive statistics were used to summarise the submissions. Vaping status (that is, whether or not the submitter used an e-cigarette) was recorded and results were compared between vapers and non-vapers using chi-squared statistics, where appropriate. Differences were considered statistically significant where  $p < 0.05$ .

Free text responses were themed.

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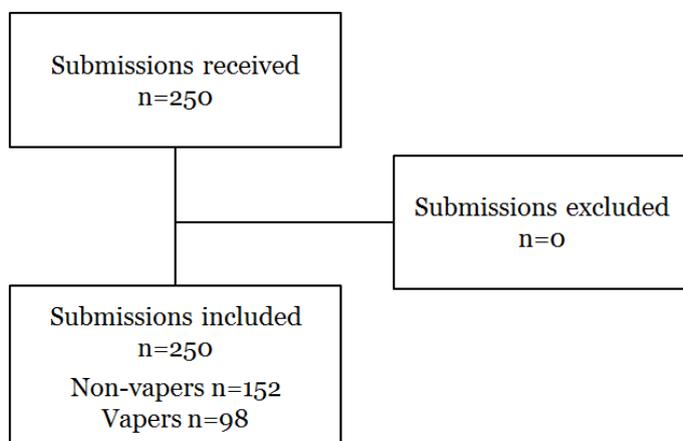
<sup>1</sup> Ministry of Health. 2016. *Policy Options for the Regulation of Electronic Cigarettes: A consultation document*. Wellington: Ministry of Health.

<sup>2</sup> [www.health.govt.nz/publication/policy-options-regulation-electronic-cigarettes-consultation-document](http://www.health.govt.nz/publication/policy-options-regulation-electronic-cigarettes-consultation-document)

# Results

Figure 1 shows the number of submissions received and included in this analysis. No submissions were excluded. Of the total submissions, 98 (39%) were from vapers. Table 1 shows the characteristics of those who made submissions.

**Figure 1: Number of submissions received and included in the analysis**



**Table 1: Characteristics of submitters**

		Total (n=250)	Non-vapers (n=152)	Vapers (n=98)
Type of submission	Individual	130	81	49
	Organisation	97	11	86
Sector*	Commercial	39	12	27
	NGO	21	0	21
	Academic	27	3	24
	Health professional	36	1	35
	Māori provider	10	0	10
	Pacific provider	2	0	2
	DHB/SSS/TC alliance	15	1	14
	Other#	11	5	6
	E-cigarette use	Nicotine containing		
Nicotine-free				2
Concurrent with smoking (dual users)				7

DHB = district health board

NGO = non-governmental organisation

SSS = stop smoking service

TC = tobacco control

\* People could indicate more than one sector.

# The submitters who identified as 'Other' included: consumers and consumer advocates, smokefree coalitions, international NGOs and unions.

The responses to the consultation questions are summarised below.

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# Summary of responses

## Sale and supply of nicotine e-cigarettes and e-liquid

**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?**

**Table 2: Frequency of responses to question 1**

Q1: Allow sale of e-cigarettes	Total (n=250)	Vapers (n=98)	Non-vapers (n=152)
Agree	227	96	131
Disagree	4	0	4
No response	19	2	17

Of the 231 submitters who responded to the question, the majority agreed that nicotine-containing e-cigarettes should be able to be sold lawfully as a consumer product, with no significant difference between vapers and non-vapers (100% compared with 97%,  $p=0.09$ ). Only 1.7 percent of responders thought that they should not.

Submitters suggested a range of broad regulatory options for nicotine e-cigarette products, from no regulatory restrictions, to e-cigarettes continuing to be regulated under the Medicines Act 1981 or made available as a consumer product regulated under the SFEA, to e-cigarettes not being legalised at all.

### Key themes

Key themes that emerged from the submitters' responses to question 1 included the following.

#### **Nicotine e-cigarettes should be regulated as consumer products**

The submitters who stated that nicotine e-cigarettes should be legalised for sale and supply gave the following main reasons:

- e-cigarettes are safer than smoking tobacco
- e-cigarettes should be made available as a harm reduction tool to help people quit smoking.

Many submitters supported their views by giving personal stories about using e-cigarettes as a means to quit smoking tobacco.

#### **E-cigarettes should be subject to controls**

Many submitters stated that, although the supply and sale of e-cigarettes should be legalised, they should be subject to controls or regulation. Suggestions about appropriate controls included the following:

- age restrictions
- restrictions on where e-cigarettes are sold (for example, specialist vape shops, dairies and supermarkets)

- restrictions on the constituents of e-liquid.

Some submitters argued that e-cigarette regulation needs to be proportionate to the relative health risks, and particularly that any regulatory controls on e-cigarettes should be less stringent than those on tobacco.

## Other alternative nicotine-delivery products

**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?**

The purpose of this question was to capture any information that might inform work to “future-proof” any legislative changes.

Most submitters who responded to this question considered that all nicotine-delivery products needed to be included in the legislation, and subject to the same set of requirements as proposed for e-cigarettes. Specific products identified included snus, e-shisha, nicotine wax, inhalers and oral sprays.

Submitters had differing opinions on the inclusion of heat-not-burn nicotine-delivery products in the legislation. Several respondents considered that heat-not-burn products should be classed as an e-cigarette, and should be included in the proposed e-cigarette legislation. Other submitters argued that heat-not-burn products should be classed as a tobacco product, and subject to the regulations that currently exist for tobacco products.

A few submitters considered that the legislation needed to take account of future innovations in nicotine-delivery products, and proposed establishing a regulatory framework to evaluate nicotine-delivery products based on their risk profile and utility as a smoking cessation aid.

## Sale and supply of e-cigarettes to young people

**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?**

**Table 3: Frequency of responses to question 3**

Q3: No sales to minors	Total (n=250)	Vapers (n=98)	Non-vapers (n=152)
Agree	179	73	106
Disagree	26	14	12
No response	45	11	34

A total of 205 submitters responded to this question, with the vast majority (87%) agreeing that sale and supply of e-cigarettes should be prohibited to people under the age of 18 years. There was no significant difference in the views of vapers and non-vapers who supported a ban in sales to minors (84% compared with 90% respectively,  $p=0.21$ ). However, some submitters thought that there should be some mechanism for minors who smoke to access e-cigarettes as support to stop smoking.

## Key themes

The key themes that emerged from submitters' responses to the question were:

- nicotine is addictive
- concern that e-cigarette use may be a pathway to smoking
- although e-cigarettes are associated with less health risk than tobacco cigarettes, they are likely to have a degree of risk compared to not smoking or vaping, and these harms are not yet known
- restrictions on e-cigarettes should be similar to current existing restrictions on tobacco and alcohol.

Other themes that emerged included that e-cigarettes should not be sold to anyone under 21 years old, manufacturers should set age restrictions, and monitoring of use by young people is needed.

## Advertising of e-cigarettes

**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?**

**Table 4: Frequency of responses to question 4**

Q4: Restrict advertising	Total (n=250)	Vapers (n=98)	Non-vapers (n=152)
Agree	113	33	80
Disagree	100	56	44
No response	37	9	28

Of the 213 submitters who answered this question, 53 percent agreed that it was important to restrict advertising in the same way as tobacco. However, these submitters generally went on to say that some differences might apply to e-cigarettes, and only 12 percent of the submitters considered that all forms of advertising should be restricted. There was a significant difference in the proportion of vapers who agreed that there should be advertising controls compared with non-vapers (37% compared with 65%,  $p < 0.001$ ).

## Key themes

Three key themes emerged from the submitters' responses to question 4.

### Restrict advertising to minors

Regardless of whether submitters agreed that restrictions on advertising e-cigarettes were necessary or not, the majority agreed that advertising should not target anyone under 18 years of age.

### No restrictions on advertising

Submitters who stated that there should be no restrictions on advertising gave various reasons, which included:

- advertising encourages smokers to switch to e-cigarettes and stop smoking completely
- restricting advertising is not necessary as e-cigarettes do not carry the same health risks as tobacco products
- restrictions on advertising will not work as most people who vape hear via word-of-mouth.

## Point of sale advertising

A number of submitters were supportive of point-of-sale advertising in specialist vape shops and stores that only allow customers aged 18 years and over. These submitters considered it important that smokers are informed of e-cigarette brands if they are to be encouraged to switch from smoking to e-cigarette use.

Other themes that emerged from the submissions included:

- there should be no restrictions on advertising, including display, of e-cigarettes in stores
- e-cigarette advertising should be allowed that targets smokers only
- advertising should be allowed through stop smoking services.

Concerns were also raised by a few submitters regarding tobacco industry involvement in advertising e-cigarette products.

## E-cigarette use in Smokefree Areas

**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?**

**Table 5: Frequency of responses to question 5**

Q5: Ban use in smokefree environments	Total (n=250)	Vapers (n=98)	Non-vapers (n=152)
Agree	94	20	74
Disagree	122	69	53
No response	34	9	25

Of all responses to this question (n=216), 44 percent thought it was important to prohibit vaping in designated smokefree areas. Non-vapers were significantly more likely to support this view than vapers (58% compared with 23%,  $p < 0.001$ ).

## Key themes

Key themes that emerged from the submitters' responses to this question can be categorised into the following:

### E-cigarettes should *not* be prohibited in smokefree areas

The submitters who stated that e-cigarettes should not be prohibited in smokefree areas gave various reasons, which included:

- evidence suggests that e-cigarette vapour is less harmful than tobacco smoke
- concern that prohibiting e-cigarette use in legislated smokefree places would marginalise vapers, thus discouraging smokers from switching to vaping
- rules around e-cigarette use should be less restrictive than tobacco.

### E-cigarettes should be prohibited in smokefree areas

Conversely, the submitters who stated that e-cigarettes should be prohibited in smokefree areas gave the reasons outlined below:

- e-cigarettes have unknown health risks, thus restrictions should be placed on their use indoors, in public spaces, and other areas identified in the SFEA

- the ‘nuisance factor’ that comes with vaping
- restricting e-cigarette use in smokefree areas will support the de-normalisation of smoking and nicotine use.

A small number of submitters stated that business owners should decide the rules around vaping in smokefree areas, while a couple of submitters suggested that there should be designated vaping areas (for example, in indoor workplaces, etc).

## **Other controls in the Smoke-free Environments Act**

### **Question 6: Do you agree that other controls in the SFEA for smoked tobacco products should apply to e-cigarettes?**

Feedback was sought about whether other controls in the SFEA for smoked tobacco products should apply to e-cigarettes. The responses to these are summarised in Table 6.

### **Graphic warning labels and standardised packaging**

Considering only those who responded, there was relatively low support (21%) for graphic warning labels, with a significant difference in agreement between vapers and non-vapers (7% compared with 31%,  $p < 0.001$ ). Many submitters considered that e-cigarettes should not be sold with health warning labels as, unlike cigarettes, they do not have known health risks.

There was modest support for standardised packaging for e-cigarettes (36% overall), although there were divergent views between vapers (17%) and non-vapers (51%,  $p < 0.001$ ). Of those who were supportive, many commented that standardised packaging can be used to reduce the appeal of e-cigarettes to young people. A few commented that e-cigarette packaging should include the Quitline number.

### **Product displays (at point of sale)**

Less than a third of submitters agreed (31%) that there should be point of sale advertising and display restrictions similar to tobacco. Agreement was significantly lower among vapers than non-vapers (14% compared with 43%,  $p < 0.001$ ). Many commented that advertising and display at point of sale allows people to be informed about e-cigarette products, encouraging people to consider switching to vaping.

### **Vending machines**

There was general support for restrictions for vending machines (69% in total; 54% among vapers compared with 80% among non-vapers,  $p < 0.001$ ). Many submitters raised concerns that without restrictions, minors would be able to access e-cigarette products through vending machines.

### **Annual sales returns**

Sixty-two percent of submitters agreed that annual sales returns would be useful, although non-vapers were significantly more likely than vapers to agree (75% compared with 42%,  $p < 0.001$ ). Submitters noted that requiring annual sales returns would be beneficial for monitoring

purposes. Others, however, commented that requiring annual sales returns would place a burden on retailers.

## **Regulation of product content and ingredients**

Overall, agreement for disclosure of product content and regulation of ingredients in e-liquids was high (91% and 82% respectively). However, vapers were significantly less likely than non-vapers to agree with controls around the disclosure of product content (86% compared with 96%,  $p=0.01$ ) and regulation of ingredients (74% compared with 89%,  $p<0.01$ ). Of those who responded, many stated that consumers need to be informed of product content and ingredients to ensure quality and safety of the products. Conversely, others commented that industry self-regulation is adequate as it is currently functioning well.

There was moderate support for testing product composition (61%), although less so among vapers than non-vapers (49% compared with 70%,  $p<0.01$ ). Many submitters noted that testing product composition would ensure proper quality and safety standards, but others stated that annual testing would place a large financial cost on small businesses.

## **Free distribution and discounting of e-cigarettes**

Submitters indicated that there should be greater lenience with e-cigarette products than there is for tobacco, with less than half of all submitters agreeing with prohibitions on free distribution (48%) and discounting (30%). Again, differences in agreement were observed between vapers and non-vapers (free distribution: 26% compared with 66%,  $p<0.001$ ; discounting 1% compared with 55%,  $p<0.001$ ). Many commented that allowing free distribution and discounting on e-cigarettes would encourage people to switch from smoking to vaping.

## **Advertising and sponsorship**

Almost half (48%) of submitters agreed that there should be some restrictions on e-cigarette advertising and sponsorship, although again there was a significant difference in agreement between vapers and non-vapers (27% compared with 64%,  $p<0.001$ ).

**Table 6: Frequency of responses as to whether e-cigarettes should be subject to the other controls in the SFEA for smoked tobacco**

<b>Q6: Other controls in SFEA</b>	<b>Total (n=250)</b>	<b>Vapers (n=98)</b>	<b>Non-vapers (n=152)</b>
<b>Graphic warnings</b>			
Agree	43	6	37
Disagree	167	84	83
No response	40	8	32
<b>Standardised packaging</b>			
Agree	70	14	56
Disagree	125	71	54
No response	55	13	42
<b>Product display (point of sale)</b>			
Agree	63	13	50
Disagree	143	77	66
No response	44	8	36
<b>Vending machines</b>			
Agree	139	46	93
Disagree	63	40	23
No response	48	12	36
<b>Provide annual sales return</b>			
Agree	118	33	85
Disagree	73	45	28
No response	59	20	39
<b>Disclose product content</b>			
Agree	188	77	111
Disagree	18	13	5
No response	44	8	36
<b>Regulate ingredients</b>			
Agree	170	66	104
Disagree	38	25	13
No response	42	7	35
<b>Test product composition</b>			
Agree	120	44	76
Disagree	78	46	32
No response	52	8	44
<b>Ban free distribution</b>			
Agree	94	22	72
Disagree	101	63	38
No response	55	13	42
<b>Ban discounting</b>			
Agree	59	1	58
Disagree	136	88	48
No response	55	9	46
<b>Ban advertising and sponsorship</b>			
Agree	96	23	73
Disagree	104	62	42
No response	50	13	37

# Excise on nicotine e-liquid

**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?**

There was little support for imposing some form of excise or excise-equivalent duty on nicotine e-liquid, as there is for tobacco products (16% of all responses agreed). Six percent of vapers agreed with applying duty, compared with 24 percent of non-vapers ( $p < 0.001$ ). Some submitters suggested that if a tax was applied it should be at a rate that would both encourage smokers to switch to vaping, and also deter people who have never smoked from vaping. Many commenters who agreed with applying an excise tax on e-cigarettes noted that this tax should only cover the regulation costs borne by the Government.

## Quality and safety standards

**Question 8: Do you think quality control of and safety standards for e-cigarettes are needed?**

People were asked for feedback on quality control and safety standards for e-cigarettes. In general there was a high level of support for quality and safety measures. These data are summarised in Table 7.

### Childproof containers

There was a very high level of support (97% of all submitters) for childproof containers. There was no significant difference in support for childproof containers between vapers (95%) and non-vapers (98%). Most submitters commented that requiring childproof containers for e-cigarette products would minimise risks to minors, such as nicotine poisoning.

### Disposal of e-cigarettes and accident prevention

Almost three quarters (72%) of submitters agreed that e-cigarettes and e-liquids should be disposed of safely, although vapers considered this to be less of a concern than non-vapers (57% compared with 82%,  $p < 0.001$ ).

Similar levels of agreement were observed in relation to requiring e-cigarette devices that were designed to prevent accidents (78% overall agreement; 64% among vapers and 89% among non-vapers,  $p < 0.001$ ). Issues raised in this regard included the need for high quality rechargeable batteries, mechanisms that prevented over-heating of the device, and means for disposal of nicotine e-liquid and containers.

### Manufacturing standards

In terms of e-liquids there was a high level of support for these to be manufactured to Good Manufacturing Practice (GMP) standards (85% agreement), as well as majority support for regulations or standards requiring the use of pharmaceutical grade nicotine (93% agreement). There was no significant difference between vapers (87%) and non-vapers (84%) in support of GMP (87% compared with 84%) and pharmaceutical grade nicotine (89% compared with 96%). Of those who responded, many agreed that GMP would ensure high safety standards, while a small number considered that manufacturers and retailers already sufficiently self-regulate product quality and safety standards.

Further, there was majority support for requiring a maximum allowable nicotine concentration (69% agreed with a maximum concentration; 55% of vapers compared with 79% of non-vapers,  $p < 0.001$ ), but somewhat less support for restrictions on a maximum volume of e-liquid (42% agreed with maximum volume; 22% of vapers compared with 57% of non-vapers,  $p < 0.001$ ). Some submitters were concerned that a maximum allowable volume of e-liquid would discourage people from bulk buying product, while others proposed a broad range of potential maximum allowable volumes (from 2 mL to 100 mL).

## **Product registration**

Sixty-five percent of submitters agreed that there should be some sort of registration process. Vapers, however, were significantly less likely than non-vapers to agree with this (48% compared with 77%,  $p < 0.001$ ). Many submitters felt that product registration would allow for quality and safety standards to be enforced, while others raised concerns that requiring manufacturers to register their products would lead to over-regulation and a potential financial burden on businesses.

## **Testing regime**

A testing regime to confirm product content as true to label was supported by 71 percent of submitters. Vapers were less likely to support a testing regime than non-vapers (62% compared with 78%,  $p = 0.01$ ). Of those who commented further, many supported testing of products to ensure they meet international and/or industry standards. Other submitters were comfortable with a randomised testing regime, and a small number argued that New Zealand does not have the resources to implement a testing regime for e-cigarette products.

## **Regulations on mixing e-liquid**

Just under half of submitters (49%) agreed that there should be a prohibition on mixing e-liquids at (or before) point of sale, with vapers significantly less likely to be in agreement than non-vapers (36% compared with 60%,  $p = 0.001$ ). While many raised concerns that the mixing of e-liquids is potentially dangerous, others argued that retailers and vapers should be able to decide whether to mix e-liquids.

**Table 7: Frequency of responses as to whether there should be quality control and safety standards for e-cigarettes**

<b>Control</b>	<b>Total (n=250)</b>	<b>Vapers (n=98)</b>	<b>Non-vapers (n=152)</b>
<b>Childproof containers</b>			
Agree	190	80	110
Disagree	6	4	2
No response	54	14	40
<b>Safe disposal</b>			
Agree	136	44	92
Disagree	53	33	20
No response	61	21	40
<b>Device prevents accidents</b>			
Agree	143	49	94
Disagree	40	28	12
No response	67	21	46
<b>Good manufacturing practice</b>			
Agree	165	71	94
Disagree	29	11	18
No response	56	16	40
<b>Purity/grade of nicotine</b>			
Agree	178	74	104
Disagree	13	9	4
No response	59	15	44
<b>Maximum volume of e-liquid</b>			
Agree	80	19	61
Disagree	112	66	46
No response	58	13	45
<b>Maximum nicotine concentration</b>			
Agree	134	46	88
Disagree	60	37	23
No response	56	15	41
<b>Product registration</b>			
Agree	120	38	82
Disagree	66	42	24
No response	64	18	46
<b>Testing regime</b>			
Agree	139	52	87
Disagree	56	32	24
No response	55	14	41
<b>Mixing of liquid at (or before) point of sale</b>			
Agree	91	30	61
Disagree	95	54	41
No response	64	14	50

## Other comments made in submissions

### **Question 9: Are there any other comments you would like to make?**

A number of other general comments were made. Many submitters gave personal stories of using e-cigarettes to cut down on or quit smoking. Other submitters cautioned against overly restricting the sale of e-cigarettes. A key point made in some submissions was that the regulatory controls on e-cigarettes should be less stringent than those on tobacco, a considerably more harmful product.

## Sales of e-cigarettes in New Zealand

### **Question 10: 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)?**

Submitters did not provide any robust data. In general, those who responded to this question stated that both e-cigarette devices, or ‘hardware’, and e-liquid are available online and in specialist vape shops.

A small number of businesses provided information on sales turnover and growth.

## Impact of proposed amendments on businesses

### **Question 11: Would the Ministry of Health’s proposed amendments have any impact on your business?**

The majority of submitters did not answer this question. Of those submitters that did respond, most reported that they would not be impacted by the Ministry’s proposed amendments to the regulation of e-cigarettes.

Some submitters were concerned that some of the proposed restrictions on the sale of e-cigarettes would lead to monetary losses for businesses, as well as increased compliance costs.

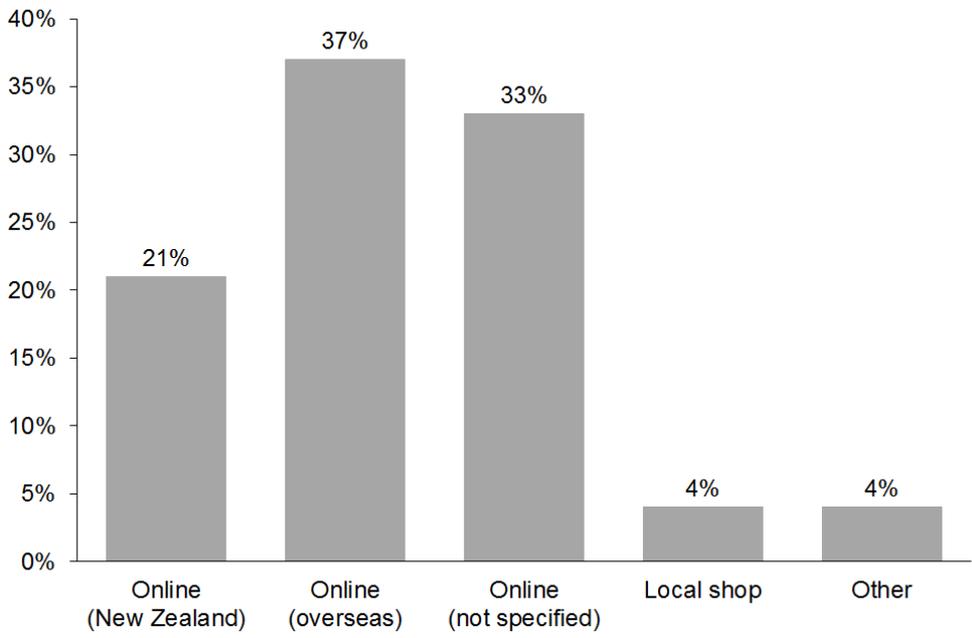
Other submitters commented that legalising the sale and supply of nicotine e-cigarettes would encourage business growth and expand the New Zealand market for e-cigarettes.

## Nicotine e-cigarette use

### **Question 12: 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?**

Finally, vapers were asked about their use of e-cigarettes. The length of time using them ranged from 1 to 364 weeks, with an average of 112 weeks. The majority (97%) of vapers vaped daily (3% vaped at least weekly). The average weekly spend on e-cigarettes and e-liquid was \$17.63 (range \$2–\$50). Figure 2 summarises where people said they buy e-cigarettes.

**Figure 2: Point of purchase of e-cigarettes among responders who vape**



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# Appendix 1: Consultation form

## Consultation submission

### Your details

This submission was completed by: (name) \_\_\_\_\_

Address: (street/box number) \_\_\_\_\_

(town/city) \_\_\_\_\_

Email: \_\_\_\_\_

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

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 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	<input type="checkbox"/>	<input type="checkbox"/>	
Prohibition on displaying products in sales outlets	<input type="checkbox"/>	<input type="checkbox"/>	
Restriction on use of vending machines	<input type="checkbox"/>	<input type="checkbox"/>	
Requirement to provide annual returns on sales data	<input type="checkbox"/>	<input type="checkbox"/>	
Requirement to disclose product content and composition	<input type="checkbox"/>	<input type="checkbox"/>	
Regulations concerning ingredients (eg, nicotine content and/or flavours)	<input type="checkbox"/>	<input type="checkbox"/>	
Requirement for annual testing of product composition	<input type="checkbox"/>	<input type="checkbox"/>	
Prohibition on free distribution and awards associated with sales	<input type="checkbox"/>	<input type="checkbox"/>	
Prohibition on discounting	<input type="checkbox"/>	<input type="checkbox"/>	
Prohibition on advertising and sponsorship	<input type="checkbox"/>	<input type="checkbox"/>	
Requirement for standardised packaging	<input type="checkbox"/>	<input type="checkbox"/>	
Other	<input type="checkbox"/>	<input type="checkbox"/>	

**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	<input type="checkbox"/>	<input type="checkbox"/>	
Safe disposal of e-cigarette devices and liquids	<input type="checkbox"/>	<input type="checkbox"/>	
Ability of device to prevent accidents	<input type="checkbox"/>	<input type="checkbox"/>	
Good manufacturing practice	<input type="checkbox"/>	<input type="checkbox"/>	
Purity and grade of nicotine	<input type="checkbox"/>	<input type="checkbox"/>	
Registration of products	<input type="checkbox"/>	<input type="checkbox"/>	
A testing regime to confirm product safety and contents purity	<input type="checkbox"/>	<input type="checkbox"/>	
Maximum allowable volume of e-liquid in retail sales	<input type="checkbox"/>	<input type="checkbox"/>	
Maximum concentration of nicotine e-liquid	<input type="checkbox"/>	<input type="checkbox"/>	
Mixing of e-liquids at (or before) point of sale	<input type="checkbox"/>	<input type="checkbox"/>	
Other	<input type="checkbox"/>	<input type="checkbox"/>	

**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?