Nicotine Alliance Registered charity in England and Wales – number 1160481

Norway TRIS Notification: NNA Response

Thank you for allowing the opportunity to submit to the consultation on amending the Tobacco Control Act to introduce standardised packaging and ban flavours for vaping products.

We are the New Nicotine Alliance (NNA), a consumer association and educational charity which represents consumers of low-risk alternatives to cigarettes such as vaping products, nicotine pouches, smokeless and heated tobacco products. As consumers, we have a direct interest in the regulation of these products and the personal and public health consequences of policy choices made by governments. We are not affiliated with or supported by the tobacco or e-cigarette industries. Our comments draw on academic research and our own experience of the benefits of novel nicotine delivery products for smokers who cannot or have no urge to quit smoking by other means.

Both proposals would be a retrograde move considering vaping products have been found to be almost twice as effective as nicotine-replacement therapy (NRT) for smoking cessation.ⁱ Flavours are vital to vaping as they are an appealing attraction for people who smoke and also help prevent vapers from relapsing to smoking. Implementing plain packaging will make far less harmful alternatives to smoking less visible and would deter quit attempts by signalling that vaping products are equal in harm to combustible cigarettes. Both proposals would have negative effects on public health and inevitably create a vast black market in unregulated vaping liquids.

The proposed amendments are not evidence-based

The impact assessment bases much of its assessments on the SCHEER review, which has been heavily criticisedⁱⁱ. The SCHEER Committee investigated vaping products in a vacuum, without considering the comparison with smoking, thereby not taking into account the clear unintended consequences which will result from obstructing less harmful alternatives to combustible tobacco. In 2015, Public Health England, the UK's leading health agency, found "that using [e-cigarettes is] around 95% safer than smoking," and that their use "could help reduce smoking related disease, death and health inequalities."ⁱⁱⁱ In 2018, the agency reiterated their findings, finding vaping to be "at least 95% less harmful than smoking."^{iv} As recently as September 2022, the eighth update of a series of reports on the effects of vapour products for adults in the UK was published. The authors found that in the UK, e-cigarettes "remain the most common aid used by people to help them stop smoking."^v Additionally, recently issued guidance from the UK's National Institute for Clinical Excellence advocated that more stop smoking services should support smokers who want to stop smoking with the help of a vaping product.^{vi}

Concerns of a gateway effect are exaggerated and not grounded in reported data. Analysis conducted by University College London studying data from 2007 to 2018 found that the increase in e-cigarette use in England is not associated with an increase in the uptake of smoking among young adults aged 16 to 24.^{vii} Similarly, in 2021 the University of Queensland, Australia, concluded that "e-cigarette use has not been accompanied by increased cigarette smoking among young people in the United States, as would be the case if e-cigarette use were a major gateway to cigarette smoking."^{viii} Furthermore, an article in the American Journal of Public Health by 15 former Presidents of the world-renowned Society for Research on Nicotine and Tobacco found no evidence of a gateway effect, stating that "US survey data demonstrate that smoking among young people has declined at

its fastest rate ever during vaping's ascendancy. If vaping increases smoking initiation, other unknown factors more than compensate."^{ix}

It is indisputable that vaping is orders of magnitude less harmful than smoking and, considering that an overwhelming majority of e-cigarette users have a history of combustible tobacco use, it is wholly reckless to place restrictions on vaping products based on hypothetical and unproven harms. This can only deter uptake of lower risk products, perpetuating smoking in the Norwegian population with all the decades long proven evidence of smoking-related disease that this will entail.

The benefits of vaping

Vaping products have led to steep declines in smoking wherever they have been allowed to flourish. In the UK, an unprecedented and dramatic decline in smoking followed vaping products going mainstream in 2012. Rates plummeted from 21 percent in 2011 to less than 15 percent in 2020.^x This decline has continued and is now down to 13.3%.^{xi}

A May 2022 study researching "the impact of vaping introduction on cigarette smoking across settings with varied regulatory approaches to vaping" concluded that "In environments that enable substitution of cigarettes with e-cigarettes, e-cigarette introduction reduces overall cigarette consumption. Thus, to reduce cigarette smoking, policies that encourage adults to substitute cigarette smoking with vaping should be considered."^{xii}

A study published in the New England Journal of Medicine in 2019 concluded that vaping products were approximately twice as effective as nicotine replacement therapy^{xiii}, while the Cochrane Review also concluded in November 2022 that smokers are more likely to quit using an e-cigarette than traditional NRT methods.^{xiv}

Furthermore, other research shows that in countries where liberal policies towards electronic cigarettes and vaping have been adopted, the decrease in smoking rates is twice as fast as the global average.^{xv} The Smoking Toolkit Study conducted by University College London has tracked e-cigarette use since 2011 in England and found that vaping is the most successful quitting aid for smokers.^{xvi}

Restrictions protect the cigarette trade

Restrictions on reduced risk tobacco and nicotine products obstruct smokers' access to alternatives which can help them quit. This effectively protects the combustible cigarette trade against competition from far safer nicotine delivery methods. This is counterproductive to public health and is contrary to the aim of tobacco control to counter the harms of tobacco smoke.

The World Health Organization has recognized that vaping is an alternative to smoking, it states that "ENDS/ENNDS and cigarettes are substitutes – higher cigarette prices are associated with increased ENDS/ENNDS sales."^{xvii} This is equally true of other non-combustible nicotine products such as snus, heated tobacco and nicotine pouches. As substitutes to smoking, burdens placed on reduced risk products inevitably favour sales of traditional cigarettes.

Alarmingly, a San Francisco flavour ban similar to that being proposed by the Norwegian government resulted in an increase in youth smoking. A Yale University study concluded that the "ban on flavored tobacco product sales was associated with increased smoking among minor high school students" and that "reducing access to flavored electronic nicotine delivery systems may motivate youths who would otherwise vape to substitute smoking."^{xviii}

Research by Dr. Edward Anselm, medical director of Health Republic Insurance of New Jersey, concluded that the presence of flavorings in e-cigarettes greatly helps smokers quit using traditional tobacco cigarettes. He noted concerns over "flavoring as a tool to recruit children are overblown," and rightly points out there are no specific "kids flavors" for e-cigarettes.^{xix} There is no "evidence that suggests children are drawn to tobacco products specifically because of flavor."

Standardised packaging of vaping products is futile as a measure to deter youth vaping as the packaging is almost instantly discarded. However, it would send a strong message to adults who are considering vaping as a smoking cessation aid that e-cigarettes are as harmful as smoking. It should be made clearly apparent that there is a highly significant difference in risk between smoking and vaping. Treating packaging of vaping products the same as cigarette packets can only protect the incumbent combustible cigarette market from their sales being eroded by far less harmful nicotine alternatives and will prolong smoking in Norway.

Flavours

Flavours are integral to the appeal of low-risk alternatives to cigarettes. Many consumers emphasise their exit from smoking is maintained by preferring non-tobacco flavours in smoke-free products. Restrictions on flavours can be damaging. Research studying flavours in e-cigarettes and their impact on smoking found that "adults who began vaping nontobacco-flavored e-cigarettes were more likely to quit smoking than those who vaped tobacco flavors."^{xx} Furthermore, bans on flavours have been shown to increase smoking rates in jurisdictions where they have been enacted.^{xxi}

Not every smoker experimenting with vaping is sufficiently determined to persevere if the experience is not to their satisfaction compared with smoking. A large proportion of former smokers using e-cigarettes are "accidental quitters"; those who tried vaping on a whim, and it attracted them away from smoking specifically because of the better taste. Many consumers emphasise their exit from smoking is maintained by preferring non-tobacco flavours in smoke-free products.^{xxii}

Youth Vaping in the UK

The ready availability of flavours has not led to problematic youth vaping in the UK. In June 2021, the UK tobacco control organization Action on Smoking and Health's (ASH) survey of *Use of e-cigarettes among young people in Great Britain* reported that young never-smokers do not take up vaping because they find flavors and packaging attractive.^{xxiii} Latest data has found that youth use is "low and largely experimental", that only 0.5% of 11–17-year-olds who regularly use e-cigarettes were not former smokers and 92% had never tried one.^{xxiv}

Conclusion and policy recommendations

Nicotine is the primary reason people smoke, but nicotine itself is not the cause of smoking-related disease. Low-risk alternatives all share a common characteristic – they do not involve combustion and there is no smoke to inhale. They do, however, provide nicotine and can satisfy smokers who would not otherwise wish to quit or would find it hard to quit. Though not harmless, they are *much less harmful* – with likely risk reductions of one to two orders of magnitude. When smokers completely switch from smoking to a low-risk product, they avoid nearly all the incremental health risks of continued smoking. This allows for 'harm reduction', a well-established concept in public health policy, for example, in drugs, alcohol and HIV. This concept should be central to tobacco control policy in Norway.

We do not believe traditional tobacco control measures are effective without also recognising the potential benefits of harm reduction. We are concerned that consensus positions of tobacco control

and medical organisations reflect the measures they find agreeable, not necessarily what will work to maximise the number of smokers who quit combustible tobacco or switch to safer forms of nicotine use.

In our view, the key strategy for reducing smoking prevalence in Norway, especially in individuals and communities where smoking is deeply entrenched, is switching from high-risk smoked products to low-risk smoke-free products. This is a more straightforward pathway to follow for many smokers because it does not demand the user gives up nicotine or many of the sensory or behavioural aspects of smoking. Yet switching is likely to reduce health risk by 95% or more.

We believe the Norwegian government's plan to prohibit all flavours in vaping products and to implement plain packaging is extremely reckless and risks deterring many Norwegian adults from switching to vaping as an alternative to smoking, may drive current vapers back to combustible tobacco use, will create a significant black market and increase, rather than reduce, risks to young people who may otherwise smoke or continue to smoke in the absence of viable vaping products.

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https://doi.org/10.2105/AJPH.2021.306416

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