



ETHRA submission to Finland TRIS notification - Government proposal to Parliament for an Act amending the Tobacco Act

Our submission is on behalf of the European Tobacco Harm Reduction Advocates (ETHRA). ETHRA is the voice of 27 million¹ EU consumers of safer nicotine products (SNPs). The safer nicotine products we use include vapes, nicotine pouches, snus, and heated tobacco products. ETHRA is a consortium of 24 grassroots consumer associations in 17 European countries, supported by experts in tobacco control and nicotine research. We are a voluntary operation with no industry funding or conflicts of interest. Our transparency registration number is 354946837243-73.

We have read with interest the Government's proposal to Parliament for an Act amending the Tobacco Act. As people with lived experience of using safer nicotine products to quit smoking and remain smoke free, we have serious concerns that the proposal could severely restrict flavours in nicotine pouches (leaving tobacco & menthol only) and be detrimental to public health.

One of the main aims of the proposal is to prevent youth use. While we agree that preventing youth use is important, it shouldn't come at the expense of restricting adult access to nicotine pouches or discourage smokers who could greatly improve their health by switching to a vastly safer product. A more appropriate way to prevent youth use is to enforce an age of sale restriction.

In relation to flavours the proposal states: *"smokeless nicotine products would be prohibited from having alcohol or cannabis flavouring, as well as flavours likely to attract young people."* The obvious problem with this statement is that flavours which are appealing to young people are also appealing to adults. If we take the example of vapes, Special Eurobarometer 506² found that the most popular flavour among adult consumers was fruit and candy (68%). A study³ of over 69,000 participants in the USA concluded that at the time of quitting smoking the most popular flavour was fruit (83.3%). In its 1400-page evidence review the UK's Office for Health Improvement and Disparities⁴ found that non-tobacco flavours, particularly sweet flavours, play a positive role in helping people switch from smoking to vaping.

It's clear that flavours play an important role for smokers attempting to quit using safer nicotine products, so serious consideration must be given to potential unintended consequences of policies. These include discouraging smokers from switching to a less risky product, relapse to smoking among current consumers of safer nicotine products and encouraging a black market.

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Again, using vapes as an example, recent evidence from studies in the United States shows that bans on vape flavours increased cigarette consumption among young people and adults.^{5 6} It should not be surprising that flavour bans favour cigarettes: a flavour ban aims to make an alternative to cigarettes less attractive.

Daily smoking in Finland only declined by 1% from 2013 to 2022⁷, so it makes no sense to restrict a viable low-risk alternative like nicotine pouches. It must be remembered that the harms from smoking are due to the toxic products of combustion (the delivery method - smoking) and not from nicotine use. This has been known for decades and was pointed out by Professor Michael Russell⁸ in 1976, *“people smoke for the nicotine but die from the tar.”* The Royal College of Physicians expanded upon this in its 2016 report, *Nicotine without Smoke*⁹: *“it is widely accepted that any long-term hazards of nicotine are likely to be of minimal consequence in relation to those associated with continued tobacco use.”*

The impact assessment acknowledges that the use of pouches could be a positive for public health: *“if people who currently smoke cigarettes switch to nicotine pouches, public spending on treatment of tobacco-related diseases is likely to decrease, at least in the long term.”*

Additionally, the German Federal Institute for Risk Assessment (BfR)¹⁰ recently published a detailed health assessment of nicotine pouches acknowledging that pouches are low risk products which may aid smoking cessation: *“taking into account this concept of harm reduction, switching from cigarettes to nicotine pouches could represent a reduction in the health risk for a person who smokes.”*

The BfR report also acknowledges the harm reduction potential of snus. Citing Ramström et al (2016)¹¹ it notes that Swedish men have been using snus as a substitute for smoking for decades. This has led to dramatic public health gains: *“Snus has both contributed to decreasing initiation of smoking and, when used subsequent to smoking, appears to facilitate smoking cessation. All these effects suggest that the availability and use of snus has been a major factor behind Sweden’s record-low prevalence of smoking and the lowest level of tobacco-related mortality among men in Europe.”*

Nicotine pouches and snus serve as substitutes for deadly combustible tobacco and have shown promise in aiding smokers on their journey to quit. The inclusion of flavours in these products is a vital element in the transitioning process, making them more appealing to adult smokers who are seeking alternatives. Flavours play a pivotal role in encouraging smokers to switch to less harmful options, contributing to harm reduction efforts.

Banning flavours in nicotine pouches would undermine the effectiveness of these harm reduction tools. Adult smokers may find the products less attractive, reducing their motivation to transition away from traditional smoking. This, in turn, could hinder smoking cessation efforts and potentially lead individuals back to more harmful forms of tobacco consumption.

It is essential to recognise that nicotine pouches, with flavours intact, offer a safer alternative to combustible tobacco, and any move to restrict their appeal could impede progress in public health initiatives. We urge careful consideration of the likely unintended

consequences before enacting legislation that may compromise the positive impact nicotine pouches can have on reducing smoking-related harms.

A note on ETHRA's preferred terms for products

As people with lived experience of using Safer Nicotine Products (SNPs), we generally choose to use these terms:

- 'vapes', 'vaping products' and 'vaping', rather than 'e-cigarettes' or 'ENDS'.
- 'HTPs' to refer to Heated Tobacco Products.
- 'Nicotine pouches' for non-tobacco containing oral sachets.
- 'snus' to refer to the pasteurised Scandinavian oral tobacco product, either in loose or pouch form.

References:

¹ Estimate of 27 million consumers provided by ECigIntelligence/TobaccoIntelligence. The actual figure is likely to be far higher because the data for smokeless tobacco is taken from research (Leon et al 2016) using data gathered in 2010 in only 17 countries.

² European Commission. 2020. Special Eurobarometer 506: Attitudes of Europeans towards tobacco and electronic cigarettes. [\[access\]](#)

³ Farsalinos, K., Russell, C., Polosa, R. *et al.* Patterns of flavored e-cigarette use among adult vapers in the USA: an online cross-sectional survey of 69,233 participants. *Harm Reduct J* 20, 147 (2023). [\[access\]](#)

⁴ Office for Health Improvements and Disparities. Nicotine vaping in England: an evidence update including health risks and perceptions, 2022. A report commissioned by the Office for Health Improvement and Disparities. September 2022. [\[access\]](#)

⁵ Friedman AS. A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California. *JAMA Pediatr* 2021 [\[access\]](#)

⁶ Friedman, Abigail and Liber, Alex C. and Crippen, Alyssa and Pesko, Michael, E-cigarette Flavor Restrictions' Effects on Tobacco Product Sales (September 26, 2023). [\[access\]](#)

⁷ Finnish Institute for Health and Welfare. 2022. Tobacco statistics 2022, Statistical report 58/2023. Appendix Table three. [\[access\]](#)

⁸ Russell M. Low-tar medium-nicotine cigarettes: a new approach to safer smoking. *BMJ*. 1976;1:1430–1433. [\[access\]](#)

⁹ Royal College of Physicians. Nicotine without smoke: Tobacco harm reduction. London: RCP, 2016. [\[access\]](#)

¹⁰ Federal Institute for Risk Assessment. October 2022. Health assessment of nicotine pouches. [\[access\]](#)

¹¹ Ramström, L.; Borland, R.; Wikmans, T. Patterns of Smoking and Snus Use in Sweden: Implications for Public Health. *Int. J. Environ. Res. Public Health* 2016, 13, 1110. [\[access\]](#)