

UK Vaping Industry Association and Vape Business Ireland Joint response to consultation on regulations restricting the age of sale for nicotine inhaling products to over eighteens October 2017

Summary

We welcome the proposal to introduce a minimum age limit of 18 for buying nicotine inhaling products, including vaping products in Northern Ireland. We also welcome the introduction of the offences of underage selling or proxy selling of nicotine inhaling products.

Vaping is a viable alternative to smoking. However, vaping products should not be sold or marketed towards under 18's, or indeed non-smokers. As the UK and Ireland's leading trade associations, we support sensible, evidence based regulation that protects consumers and ensures that the public health community have absolute confidence in our industry. We therefore welcome this move to bring Northern Ireland into line with the rest of the UK by introducing minimum age limit for vaping products sales.

Minimum age limit and proxy selling

We welcome the introduction of a minimum age limit for the purchase of nicotine inhaling products, and the inclusion of vaping products within this definition. The introduction of an offence of proxy selling is also welcomed. The introduction of this restriction simply brings Northern Ireland into line with the rest of the UK:

- In England and Wales, it is illegal to sell vaping products or e-liquids to someone under 18.¹
- In 2016, the Scottish Government introduced a minimum purchase age of 18 for vaping products and e-liquids.²

However, although we support the introduction of a minimum age for purchasing vaping products, it is important to note that there is no evidence that vaping products act as a 'gateway' for young people to become addicted to nicotine or tobacco products:

- Action on Smoking (ASH) reported that, although children's awareness of and experimentation with electronic cigarettes is increasing, regular use of vaping products remains rare and is most common among those who currently smoke or have previously smoked.³
- The research by ASH also demonstrated that whilst 2% of 11-18 year olds surveyed used electronic cigarettes more than once a month, this figure had not increased since the same survey was conducted in 2015.⁴

Enforcement powers

We welcome the proposal to give regulators enforcement powers to impose a £250 fixed penalty fine on non-compliant retailers, and in addition, the power to ban a business from selling vaping products if it repeatedly commits this offence. It is in the interests of the entire vaping industry that regulations are enforced correctly

¹ Children and Families Act 2014

² Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

³ ASH Fact Sheet: Use of electronic cigarettes among children in Great Britain, October 2016

⁴ ASH Fact Sheet: Use of electronic cigarettes among children in Great Britain, October 2016

and consistently, or they risk being devalued entirely. However, it is also important that regulations are enforced proportionately and that regulators provide clear guidance and advice to retailers of vaping products in advance of these regulations coming into force.

Impact on the industry

It is important that there is a constructive dialogue between the industry and regulators once the new regulations come into force.

In particular, we urge the Executive to work with trade associations proactively to provide practical advice on the new regulations to businesses of all sizes and to promote compliance with these important regulations amongst the wider retail community. It is important that retailers are supported to put in place strong policies to prevent breaches of age restriction regulations.

Future regulation

Whilst not part of the regulations subject to this consultation, we noted the references to the flavours of e-liquid in the consultation document.

E-liquid flavours are a core part of the appeal of vaping products to smokers seeing to switch. Several countries around the world have restricted, or are seeking to restrict, certain flavours⁵ This type of restriction often relies on the excuse that certain flavours increase vaping use among young people. We are clear that all steps must be taken to ensure vaping products are not marketed towards under 18's. It is vital to the success of vaping as a 95%less harmful alternative to cigarettes that product choice is maintained. As stated above, there is no evidence that vaping products act as a 'gateway' for young people to become addicted to nicotine or tobacco products, or that particular flavours of e-liquids encourage young people to start vaping. We therefore urge the Executive to avoid introducing any restrictions on e-liquid flavours in future.

About the UKVIA

The UKVIA represents supports and promotes the fastest growing consumer goods sector in the UK. It is a partnership of the leading producers, distributors and vendors of vaping products. Its vision is to create a world where the evidence about the life changing public health benefits of vaping products is fully understood and their positive impact is maximised. The UKVIA supports sensible, evidence based vaping regulation that protects consumers and ensures the highest levels of product quality so that consumers, the government, regulators and the public health community have absolute confidence in the industry and smokers are encouraged to make the switch to vaping

About Vape Business Ireland

Vape Business Ireland is Ireland's largest vaping trade association, committed to an open debate about vaping products in Ireland. The VBI believes that the manufacture, supply, distribution and sale of vaping products must be regulated in a responsible manner while upholding the principles of consumer choice for adults, particularly for adult smokers who wish to find an alternative to tobacco products. VBI's membership spans the vaping product supply chain from manufacture to sale.

⁵ For example Estonia and Germany