

[Public Health \(Wales\) Bill](#) / [Bil Iechyd y Cyhoedd \(Cymru\)](#)

Evidence from Fontem Ventures – PHB 71 / Tystiolaeth gan Fontem Ventures – PHB 71

**Fontem Ventures’ response to the Public Health (Wales) Bill, Health and Sports Committee consultation.**

**About Fontem Ventures:**

- 1 Fontem Ventures is a fully owned subsidiary of Imperial Tobacco Group. Fontem Ventures is committed to developing and growing a portfolio of innovative non-tobacco products including e-cigarettes.
- 2 Fontem Ventures manufactures the blu™ e-cigarette range which is available online and in store from over 20,000 UK stockists.

**Do you agree that the use of e-cigarettes should be banned in enclosed public and work places in Wales, as is currently the case for smoking tobacco?**

- 3 No. There is no scientific-based justification for the inclusion of e-cigarettes in existing smoke-free regulations in Wales.
- 4 There are clear and substantial differences between e-cigarettes and tobacco products. E-cigarettes do not contain tobacco, do not burn, and do not smoulder unlike tobacco products. As a result, bystanders may only be exposed to vapour exhaled by the consumer into the air but not to smoke. Numerous reviews of the scientific literature have concluded that exposure to nicotine and other chemicals that may be present in exhaled e-cigarette vapour is negligible with all chemical analyses to date indicating exhaled e-cigarettes vapour does not warrant a health concern to bystanders [1-6].
- 5 The overwhelming majority of scientific evidence also show e-cigarettes are not renormalising the act of smoking or serving as a “gateway” to tobacco products, particularly amongst youngsters. A recent review of the scientific literature found the use of e-cigarettes in areas where smoking is banned “*may encourage smokers to make the switch to a product that could save their health and their lives, thereby helping to de-normalise smoking by reducing the overall number of smokers*” [4].
- 6 By banning e-cigarette use in public and work places in Wales, the Welsh Government are forcing e-cigarette consumers to use their products in designated smoking areas where e-cigarette users are exposed to “second-hand smoke”. The public health community has previously concluded “second-hand smoke” is a cause of smoking-related disease and there is no safe level of exposure to tobacco smoke [7].
- 7 Greater uptake of e-cigarettes in Wales could be an effective cessation and smoking reduction aid and help the Welsh Government achieve its target of reducing smoking rates to 16% by 2020. By restricting use of e-cigarettes in public and enclosed places achieving this target will be difficult. The Welsh Government should embrace e-cigarette products which have been found to be a less harmful alternative to smokers and present no apparent risk to bystanders [2].

**What are your views on extending restrictions on smoking and e-cigarettes to some non-enclosed spaces (examples might include hospital grounds and children's playgrounds)?**

- 8 In principle, Fontem Ventures does not support extending restrictions on use of e-cigarettes to some non-enclosed spaces. As an e-cigarette manufacturer, Fontem Ventures will not comment on legislation related to smoking, since this pertains to an entirely separate product category.
- 9 E-cigarettes have been found to be 95% less harmful than normal cigarettes and help adult smokers quit smoking and reduce their cigarette consumption with no identified risks to bystanders when used indoors or outdoors [2,3,5,8].
- 10 Fontem Ventures are of the view that effectively extending an indoor e-cigarette ban to include an outside area only serves to further stigmatise adult e-cigarette users and as such we consider it to be an unjustified restriction on the freedom of individuals to use a product with the greatest potential for those seeking an alternative to tobacco. In principle, Fontem Ventures does not believe there should be any bans in non-enclosed spaces, except on actual school premises or other premises whose purpose is expressly child-oriented.

**Do you believe the provisions in the Bill will achieve a balance between the potential benefits to smokers wishing to quit with any potential disbenefits related to the use of e-cigarettes?**

- 11 No. Fontem Ventures are of the view that the Bill is shaped entirely by precautionary impulse and not scientific evidence. The Bill should embody a regulatory approach aimed at preventing uptake by under 18s while encouraging tobacco smokers to shift to e-cigarettes as a smoking-cessation tool and a means of reducing the number of tobacco-related illnesses in Wales.
- 12 The Bill fails to recognise the fundamental differences between e-cigarettes and tobacco products and differentiate both product types. E-cigarettes do not contain or burn tobacco, and so do not generate the many thousands of different chemicals that are present in tobacco smoke, but work by heating a simple liquid mixture containing propylene glycol and/or glycerol which may contain nicotine into an inhalable vapour [8]. These ingredients have a long history of use in medicinal products [9]. The current Bill treats smoking and vaping as the same and thereby promotes the false impression that vaping presents the same risks as smoking.
- 13 It has been reported that e-cigarettes are not undermining and may contributing to the long-term decline in cigarette smoking [2] and could help the Welsh Government achieve its goal of reducing smoking amongst the population to 16% by 2020. There is emerging scientific evidence that e-cigarettes can also encourage reduced cigarette consumption and cessation even among those smokers not intending to quit or reject other support [2,10-12].
- 14 The Welsh Government's concerns on e-cigarettes should be considered relative to significant health risks from tobacco. Given the consensus among public health experts that switching to e-cigarettes has significant health benefits for smokers and their use is confined to former or current smokers, the Bill should be an opportunity for the Welsh Government to introduce measures to ensure safety and quality is consistently high across all products rather than

restricting access to e-cigarettes, their use in indoor public and work places and stigmatising smokers who shift to using e-cigarettes.

**Do you have any views on whether the use of e-cigarettes renormalises smoking behaviours in smoke-free areas, and whether, given their appearance in replicating cigarettes, inadvertently promote smoking?**

- 15 Based on the overwhelming majority of scientific evidence, it is the view of Fontem Ventures that e-cigarettes are not renormalising the act of smoking or serving as a “gateway” to traditional tobacco products.
- 16 There is no scientific evidence that show e-cigarettes are undermining the long-term decline in tobacco smoking among adults and youth and they may in fact be contributing to it [2]. It is estimated 2.6 million adults in the UK currently use e-cigarettes with 60% current smokers and 40% ex-smokers [13]. Despite some very limited experimentation among never smokers, regular use among never smokers is extremely rare and estimated around 0.2% [2].
- 17 A recent scientific study by academics at the University of Cardiff studying e-cigarette use in young people in Wales funded by the Welsh Government’s Public Health Division concluded “*the very low prevalence of regular use...suggests that e-cigarettes were unlikely to be making a significant direct contribution to adolescent nicotine addiction*” [14]. This is further scientific evidence that suggests e-cigarettes are not renormalising the act of smoking or serving as a “gateway” to traditional tobacco products, particularly among youngsters in Wales.
- 18 Most e-cigarette users do not wish to be associated with smoking and choose e-cigarettes that do not resemble conventional tobacco products. The majority of e-cigarettes do not resemble conventional tobacco products and for that reason Fontem Ventures uses the term ‘electronic vapour products’ (EVPs) to describe such products. The use of EVPs is likely to contribute further to the de-normalisation of smoking by reducing the number of smoking role models, reducing frequency of public smoking and by providing a role model for the rejection of smoking, which can help the Welsh Government achieve its target of reducing smoking rates to 16% by 2020.

**Do you have any views on whether e-cigarettes are particularly appealing to young people and could lead to a greater uptake of their use among this age group, and which may ultimately lead to smoking tobacco products?**

- 19 Fontem Ventures is of the view that e-cigarette products should not be sold or marketed to anyone under the age of 18.
- 20 Scientific studies have found regular use of e-cigarettes among youth is rare with around 2% using at least monthly and 0.5% weekly and whilst there is very limited experimentation among never smokers, nearly all youth using e-cigarettes are tobacco smokers [2].
- 21 Fontem Ventures is of the view that no e-cigarette flavour should be marketed or appeal to anyone under the age of 18 e.g. *bubble-gum, milkshake, cotton candy*. Flavours have been found to play an important role in both perceived pleasure and the effort to reduce cigarette consumption of quit smoking in e-cigarette users [15]. Given the uptake of e-cigarettes by

youth is minimal, any restrictions to flavours used by adult e-cigarette users could have a negative impact on current e-cigarette users while no public health benefits would be observed in the young [2,15]. Fontem Ventures is of the view that flavour variability should be maintained with any potential risk for anyone under the age of 18 being attracted to e-cigarettes sufficiently minimised by strictly prohibiting e-cigarette sales in this population group.

**Do you have any views on whether restricting the use of e-cigarettes in current smoke-free areas will aid managers of premises to enforce the current non-smoking regime?**

- 22 There is little evidence that shows the use of e-cigarettes in smoke-free areas undermines smoke-free laws [16]. Most people have no difficulty differentiating exhaled e-cigarette vapour from tobacco smoke. Fontem Ventures is of the view that compliance with smoke-free laws can be supported by emphasising a clear distinction between smoking and vaping and by communicating this clearly to managers of premises.
- 23 There is no scientific-based justification for the inclusion of e-cigarettes in existing smoke-free regulations in Wales. All testing of e-cigarette vapour so far has shown no evidence that use of e-cigarettes results in exposure to inhalable chemicals that would warrant health concerns by common safety and regulatory standards [5,16]. Fontem Ventures is of the view that managers should have the choice whether to allow employees and customers to use e-cigarettes on their premises or not.

**Do you have any views on the level of fines to be imposed on a person guilty of offences listed under this Part?**

- 24 Fontem Ventures is of the view that the Welsh Government should determine the level of fines to be imposed and not e-cigarette manufacturers and suppliers.

**Do you agree with the proposal to establish a national register of retailers of tobacco and nicotine products?**

- 25 Fontem Ventures agrees with the proposal to establish a register of retailers of tobacco and e-cigarette products, however given the clear and substantial differences between tobacco and e-cigarettes products including public health benefits, Fontem Ventures is of the view there should be two separate registers.
- 26 By establishing separate registers for tobacco and e-cigarette products, smokers wishing to reduce or quit tobacco smoking would have greater access to e-cigarettes and reduced access to conventional tobacco products. Fontem Ventures is of the view that a single register does not convey the message that e-cigarettes are a less harmful alternative to conventional tobacco products nor does a single register for both products help remove less reputable e-cigarette vendors from the market, which would help drive standards up across the industry.
- 27 Fontem Ventures strongly believes that there should be no fee to register and as limited an administrative burden on retailers as possible.

**Do you believe the establishment of a register will help protect under 18s from accessing tobacco and nicotine products?**

28 Yes. Fontem Ventures is of the view that e-cigarette products should not be sold or marketed to anyone under the age of 18 and an e-cigarette register will help restrict access to youngsters.

**Do you believe a strengthened Restricted Premises Order regime, with a national register, will aid local authorities in enforcing tobacco and nicotine offences?**

29 Yes, with the reservations expressed above.

**What are your views on creating a new offence for knowingly handing over tobacco and nicotine products to a person under 18, which is the legal age of sale in Wales?**

30 Fontem Ventures supports legislation which restricts the access and consumption of nicotine products by anyone under the age of 18, and to make it an offence to proxy purchase nicotine-containing products.

31 Fontem Ventures also supports the introduction of a requirement for retailers of e-cigarettes to have an age verification policy in place to prevent anyone under the age of 18 accessing nicotine-containing products.

**Do you believe the proposals relating to tobacco and nicotine products contained in the Bill will contribute to improving public health in Wales?**

32 No. Fontem Ventures is of the view that the Bill may have diverse unintended consequences on public health and does not clearly differentiate the fundamental differences between e-cigarettes and tobacco products. The Bill also fails to recognise the public health benefits e-cigarettes offer to smokers seeking a less harmful alternative to tobacco. It has been estimated more than 70,000 lives a year could be saved in England and Wales if every smoker switched to e-cigarettes, equivalent to the population size of the Isle of Anglesey, North Wales.

33 Fontem Ventures is of the view that the Bill does not support the Welsh Government's goal of reducing smoking rates to 16% by 2020 as it restricts access and use of e-cigarettes by adult smokers and misses an opportunity to introduce positive measures that would drive up industry standards and build confidence in the e-cigarette category.

34 Fontem Ventures is of the view that despite 27,000 people in Wales being admitted to hospital suffering tobacco-related illnesses at a cost of £380 million to NHS Wales each year [17], the Welsh Government's Bill is shaped entirely by precautionary impulse and fails to acknowledge the overwhelming scientific evidence which recognises the public health benefit e-cigarettes can offer.

35 Fontem Ventures is of the view that e-cigarettes and other electronic vapour products offer the greatest potential to adult smokers seeking an alternative to tobacco use. The Welsh Government's Bill appears to inadequately cover so-called "heated tobacco" or "heat not burn" products, an emerging novel tobacco category in the UK. These products are being positioned as an alternative to conventional cigarettes, and there is evidence in other countries that the manufacturers of such products are seeking favourable excise treatment compared to both conventional cigarettes and non-tobacco products such as e-cigarettes. Fontem Ventures is of the view the Welsh Government's Bill should ensure all heated tobacco products are regulated and taxed accordingly, i.e. as conventional cigarettes.

The annual cost to the Welsh NHS due to admitting people suffering tobacco related illnesses is £380 million. In 2010 this meant that 27,500 people per year were admitted to hospital in Wales with tobacco related illnesses.

Sadly the Welsh Government has taken a negative epistemological stance towards NVP and will not accept the scientific evidence of their positive potential. It is estimated that tobacco related illness costs the Welsh NHS 380 million pounds per year. In human terms this is over 27,000 people admitted to hospital for tobacco related illnesses and sadly, 5,600 premature deaths.<sup>1</sup> Fontem Ventures believes that NVPs can play a significant role in reducing these figures.

The Bill has the opportunity to recognise the positive role NVPs can play in the reduction of the number of people using tobacco products. It is suggested that 70,000 lives can be saved if everyone in England and Wales who used tobacco switched to NVP (See Public Health England report; reference 1).

1. McNeill, A.; Etter, J.F.; Farsalinos, K.; Hajek, P.; le Houezec, J.; McRobbie, H. A critique of a who-commissioned report and associated article on electronic cigarettes. *Addiction (Abingdon, England)* **2014**.
  2. McNeill, A.; Brose, L.S.; Calder, R.; Hitchman, S.C.; Hajek, P.; McRobbie, H. *E-cigarettes: An evidence update*; Public Health England: 2015.
  3. Burstyn, I. Peering through the mist: Systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks. *BMC public health* **2014**, *14*, 18.
  4. Saitta, D.; Ferro, G.A.; Polosa, R. Achieving appropriate regulations for electronic cigarettes. *Therapeutic advances in chronic disease* **2014**, *5*, 50-61.
  5. O'Connell, G.; Colard, S.; Cahours, X.; Pritchard, J.D. An assessment of indoor air quality before, during and after unrestricted use of e-cigarettes in a small room. *International journal of environmental research and public health* **2015**, *12*, 4889-4907.
  6. Colard, S.; O'Connell, G.; Verron, T.; Cahours, X.; Pritchard, J.D. Electronic cigarettes and indoor air quality: A simple approach to modeling potential bystander exposures to nicotine. *International journal of environmental research and public health* **2015**, *12*, 282-299.
  7. WHO. Only 100% smoke-free environments adequately protect from dangers of second-hand smoke. <http://www.who.int/mediacentre/news/releases/2007/pr26/en/> (10 August 2015),
  8. Farsalinos, K.E.; Polosa, R. Safety evaluation and risk assessment of electronic cigarettes as tobacco cigarette substitutes: A systematic review. *Therapeutic advances in drug safety* **2014**, *5*, 67-86.
  9. eMC. Electronic medicines compendium (emc). <https://www.medicines.org.uk/emc/medicine/24257/SPC/Nicorette+QuickMist+1mg+sp ray+mouthispray/>
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10. Polosa, R.; Caponnetto, P.; Maglia, M.; Morjaria, J.B.; Russo, C. Success rates with nicotine personal vaporisers: A prospective 6-month pilot study of smokers not intending to quit. *BMC public health* **2014**, *14*, 1159.
11. Rahman, M.A.; Hann, N.; Wilson, A.; Mnatzaganian, G.; Worrall-Carter, L. E-cigarettes and smoking cessation: Evidence from a systematic review and meta-analysis. *PloS one* **2015**, *10*, e0122544.
12. Polosa, R.; Caponnetto, P.; Morjaria, J.B.; Papale, G.; Campagna, D.; Russo, C. Effect of an electronic nicotine delivery device (e-cigarette) on smoking reduction and cessation: A prospective 6-month pilot study. *BMC public health* **2011**, *11*, 786.
13. ASH. Electronic cigarettes (also known as vapourisers). [http://www.ash.org.uk/files/documents/ASH\\_715.pdf](http://www.ash.org.uk/files/documents/ASH_715.pdf) (10 August 2015),
14. Moore, G.; Hewitt, G.; Evans, J.; Littlecott, H.J.; Holliday, J.; Ahmed, N.; Moore, L.; Murphy, S.; Fletcher, A. Electronic-cigarette use among young people in wales: Evidence from two cross-sectional surveys. *BMJ open* **2015**, *5*, e007072.
15. Farsalinos, K.E.; Romagna, G.; Tsiapras, D.; Kyrzopoulos, S.; Spyrou, A.; Voudris, V. Impact of flavour variability on electronic cigarette use experience: An internet survey. *International journal of environmental research and public health* **2013**, *10*, 7272-7282.
16. Polosa, R.; Caponnetto, P. Time for evidence-based e-cigarette regulation. *The Lancet. Oncology* **2013**, *14*, e582-583.
17. BMA. <http://bma.org.uk/working-for-change/improving-and-protecting-health/tobacco/smoking-statistics>