

A surge strategy for *Smokefree Aotearoa 2025*

The role and regulation of vaping and other low-risk smokefree nicotine products

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1. **Smokefree tobacco products such as e-cigarettes are a big opportunity** to reduce the health, social and economic harms from smoking.
2. **It's not too late for New Zealand to learn** from jurisdictions that applied ill-fitting tobacco regulations to much less harmful smokefree products. New Zealand can develop world leading policies that will reduce smoking deaths and illness.
3. **Effective and responsive vaping policies** will help New Zealand get back on track to the Smokefree 2025 goal.

△ **New Zealand is not on track for Smokefree 2025**

In 2011 the New Zealand government set an ambitious goal to be smokefree by 2025. This means adult daily smoking is less than 5% prevalence and almost no new smokers start. The achievement is far short of the ambition.

♣ **Smoking is still a major driver of health and economic inequity**

31% of Māori adults are daily smokers, almost three times the rates for non-Māori. As a result Māori suffer greatly worse health outcomes. Māori lung cancer mortality is three times that of non-Māori. Similar inequities exist for socio-economic status – the poorest 20% of New Zealanders have four times the smoking prevalence of the wealthiest 20%.

◇ **We need a rapid change from business as usual**

Progress can be recovered by accelerating the switch from high risk smoked tobacco such as cigarettes to reduced risk smokefree products such as e-cigarettes.

♡ **Smokers now have several less harmful alternatives**

The disease burden from tobacco is almost entirely due to smoking. People smoke for the nicotine in cigarettes, but die from tar and toxic gases inhaled from burning tobacco. Nicotine creates dependence that keeps people smoking despite the known risks of doing so.

E-cigarettes or vaping deliver nicotine via an aerosol with flavours added. Although these products are not entirely harm free, they carry only approximately 5% of the risk of smoked tobacco.

Other safer alternatives include products that heat rather than burn tobacco to create a flavoured vapour, and snus, an oral product that delivers nicotine via a pouch and may or may not contain tobacco.

♠ **A good policy regime will greatly reduce harms from smoking**

In the last 5 years there has been a rapid increase in smokefree products such as e-cigarettes (vaping) that provide nicotine without combustion. The HPA Healthy Lifestyles Survey estimates around 4.3% of New Zealanders (100,000 people) are regular vapers. Of these, 47% are ex-smokers and 50% are dual users. These alternatives can greatly displace smoking and reduce the health burden.

Heated tobacco products have caused Japanese cigarette sales to drop by almost a third in just 3 years. In Sweden, snus has displaced smoked tobacco, leading to less than 5% smoking prevalence and among the lowest lung cancer mortality in the world.

It's not too late for New Zealand to learn from jurisdictions that legislated in haste or applied ill-fitting tobacco regulations to much less harmful smokefree products. We recommend the Government:

- **Differentiate between smoked and smokefree products.** Smokefree tobacco and nicotine products can displace smoking and greatly reduce health burdens. The key point is not whether a product contains tobacco, it is whether it is intended to be smoked.
- **Avoid excessive measures in primary legislation** and embrace New Zealand's established principles of good regulatory practice.
- **Start with simple product standards with scope for routine updates.** This should include a pre-market authorisation standard, and processes to report adverse reactions and defective products. Regulators should retain powers to impose appropriate controls as scientific evidence emerges.
- **Set powers to control ingredients, flavours and product descriptors,** but use these with caution and based on evidence of harm, and with an understanding of their role for adults shifting from smoking.
- **Control rather than prohibit advertising of low risk products.** Advertising allows new smokefree products to encourage smokers to switch and is, in essence anti-smoking advertising. Controls are appropriate, but a ban protects the dominant cigarette trade.
- **Provide objective and truthful government approved information on risk relative to smoking.** This includes product warnings, advertising claims and health professional advice.
- **Take a nuanced approach to youth use of smokefree products.** Measures to protect youth should focus on marketing, not reducing the appeal of products to adult smoking. Youth use may be beneficial to existing smokers. Some young people could be harmed by excessive regulations.
- **Allow premises to determine their own policy on the use of non-combustible products.** In the absence of risk to bystanders from vaping, there is no health case for a ban. Such bans may cause harm to vapers who must use smoking areas. The government should instead give advice on best practice to help premises decide their own approach.

△ **Beware of excessive controls with unintended consequences that may increase harm!**

Examples of plausible unintended consequences of excessive control include:

Restricting vaped nicotine content

Products need to compete with smoking to encourage nicotine withdrawal. Restriction may result in unsatisfactory vaping experiences and relapse to smoking.

Banning use in public places

May result in relapse as smokefree users will have to use 'smoking areas'. This will also expose them to the known risks of second-hand smoke.

Advertising and marketing bans in line with cigarettes

This favours cigarettes as the established product since safer alternatives will not be able to compete in the marketplace.

Banning all or most flavours in vapes

Likely to cause a relapse to cigarette smoking for those unable to use a preferred flavour, and could encourage a black market.