



FREEDOM TO VAPE

ANNUAL REVIEW

2017

“Making the positive case for vaping and campaigning for vapers' rights”

Introduction

The Freedom Association launched the *Freedom to Vape* campaign at the beginning of August 2016. The campaign has three main aims:

- To remove the regulations imposed on the vaping industry by the European Union's 2014 Tobacco Products Directive (TPD) (which came into force on 20 May 2016), including the ban on advertising, the maximum size of tanks, the size of e-liquid bottles, and the strength of e-liquids.
- To raise awareness of the differences between vaping and smoking combustible tobacco.
- To set-up a 'freedom to vape' scheme for businesses who welcome vapers.

This report will look at the progress made so far, and will look forward by setting the aims and objectives for the campaign in the coming year.

The European Union's Tobacco Products Directive

Although an e-cigarette is not a tobacco product, the European Union (EU) decided to include e-cigarettes in its most recent Tobacco Products Directive (TPD). A variety of restrictions fully came into force on 20 May this year. Some of those restrictions are annoying. For example, there really isn't a good reason for restricting the tank size to 2ml. All that means is the user has to fill it up more often. It's an inconvenience, and one that all vapers we speak to would like to do without, but it doesn't have a direct economic effect on the industry.

The rest of the restrictions do, and they are starting to bite. It is also now illegal to sell e-liquid in bottles larger than 10ml. Many vapers bought liquid in 50ml and 100ml bottles, purely for convenience, and the market favourite was 30ml. Restricting the size of bottles means that production costs are increased.

It is now illegal to sell liquids that contain more than 20mg of nicotine, despite around 6 per cent of vapers in the UK using e-liquid greater than that strength. Around 20 per cent of former smokers also start on liquid higher than 20mg in order to get them off cigarettes. This restriction is counterproductive as it will mean current smokers will find it more difficult to make the switch.

There are more diktats on labelling and manufacturers now have to produce reams of paperwork for every type of e-liquid they produce. There are also restrictions on advertising which were introduced a year ago.

If you are a small company, you can't afford to comply with all of these restrictions. Some have decided to offer a much smaller range of products as a result. It obviously costs more to buy an increased quantity of smaller bottles, and you also have to produce more labels. If you can't effectively advertise your wares, it makes it very difficult to attract new customers (current smokers) to help grow your business.

The good news is that responding to campaigning, the Department of Health, in its Tobacco Control Plan for England published on 18 July, announced that *"the government will assess recent legislation such as the Tobacco Products Directive, including as it applies to e-cigarettes, and consider where the UK's exit provides opportunity to alter the legislative provisions to provide for improved health outcomes within the UK context"*.

This is very good news, however, we still need to hold the Government's feet to the fire and convince them that removing all of the restrictions is in the best interests of public health, vapers, and the vaping industry in the UK.

Raising awareness of the differences between vaping and smoking combustible tobacco

"E-cigs are just as bad for your heart as smoking fags as they damage key blood vessels, say experts". That was the headline in *The Sun* a year ago. Read on, and you realise that the headline didn't bear any resemblance to the truth. Even Deborah Arnott from Action on Smoking and Health (ASH) - hardly an ally - said that e-cigarettes are much safer than tobacco.

The article went on to say that Rosanna O'Connor, director of drugs, alcohol and tobacco at Public Health England (PHE), agreed, saying: *"Vaping carries a fraction of the risk of smoking, yet many smokers are still not aware, which could be keeping people smoking rather than switching to a much less harmful alternative."*

Rosanna O'Connor is underestimating the problem. More people now think that e-cigarettes are as damaging to health as smoking combustible cigarettes. This is despite all of the evidence to the contrary - including the report from the Royal College of Physicians that stated that e-cigarettes were at least 95 per cent safer than smoking combustible tobacco.



Vaping policies in UK Councils

A report from The Freedom Association's
Freedom to Vape campaign

In November last year, *Freedom to Vape* published a report looking at the vaping policies in UK councils. In the first report of its kind, we asked every council in the UK what its policies are on staff using e-cigarettes. Using freedom of information requests, all UK councils (district, county, unitary, metropolitan, London boroughs, and the City of London Corporation) were asked if their policies on vaping differed from those on smoking; if they allowed vaping in the workplace; and

if e-cigarette users were required to vape in designated smoking shelters.

The levels of ignorance in town halls across the UK was breathtaking, especially when you consider that councils are now responsible for public health. The recommendations of that report were as follows:

“Public Health England stated earlier this year that smoke free policies should display a clear distinction between vaping and smoking, and that it is never acceptable to require vapers to share the same outdoor space with smokers. It is clear from this report that the vast majority of councils across the UK are ignoring this advice.

"All councils should now review their vaping policies in-line with the recommendations of Public Health England. Those councils who currently require vapers to vape in designated smoking areas, should now immediately change their policies, and all councils allow some form of indoor vaping based on the current evidence that indoor vaping does not constitute a risk to public health."

We know that the report was read in 10 Downing Street and passed on to the Department of Health (DoH). Andrew Allison raised the issue with Prof. Kevin Fenton of Public Health England at a meeting of the All-Party Parliamentary Group (APPG) for E-Cigarettes late last year. He answered by saying that it was an “absolute priority” for PHE and they would be working with councils to change policies, but this would take time.

Freedom to Vape will be sending freedom of information requests again in the coming weeks and will publish another report to see if progress has been made. We do know, however, that councils have been talking to each other about our report, and some progress is being made - albeit slowly.

The Tobacco Control Plan also recommends (in line with advice from PHE) that routine bans of vaping products in the workplace and public spaces should cease. The report states that the DoH aims to “maximise the availability of safer alternatives to smoking”.

All of this is good news, however, as a campaign group, we have to do our part in making sure the positive messages are getting through. Which leads us to the third campaign aim.

Set-up a ‘freedom to vape’ scheme for businesses who welcome vapers

As the campaign has focussed on the first two aims, this third aim is still in the planning stage. We are convinced that if businesses are more vape friendly, more people will make the switch from smoking to less harmful products (if they so wish), and this will mean less prejudice and more acceptance - particularly as it filters through to the workplace.

When this part of the campaign is launched is dependent on funding. Once we have secured donations, we will announce a launch date.

Conclusions

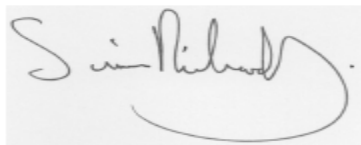
It is important for any campaign group to understand its objectives and how they are going to be realised. We understand that the voice of vapers is underrepresented; not only in Government, but also in the media. It is vital that scare stories (or “fake news”) are dealt with swiftly and that to achieve this, everyone, including Government, must play their part.

In the coming year we will continue to hold the Government’s feet to the fire. Words mean nothing unless they are backed up with actions. We will continue to press the Government to repeal the EU’s TPD as soon as possible after the UK leaves the European Union. We will continue to press councils to set a good example by lifting workplace vaping restrictions, and will launch (when funding is in place) a ‘freedom to vape’ scheme.

All of the above is in addition to Parliamentary and media work already undertaken.



Andrew Allison
Head of Campaigns
The Freedom Association



Simon Richards
Chief Executive
The Freedom Association

25 July 2017

To make a secure donation to the work of the campaign, please click [HERE](#).

