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PRA response to consultation - CAP and BCAP's proposals for changes to their Codes and Guidance in response to the Tobacco Products Directive taking effect in the UK

Background to the PRA

The Petrol Retailers Association (PRA) welcomes the opportunity to respond to the current consultation on changing Codes and Guidance to meet the Tobacco Products Directive in the UK.

The PRA represents over 5,500 independent petrol retailers and forecourt operators across the UK. This is more than 60% of the total number of such retail outlets. Our members range from small rural facilities to larger convenience retail outlets and motorway service areas. The PRA is an association within the Retail Motor Industry Federation (RMI).

Alongside the obvious gains for tobacco harm reduction, the electronic cigarette market is of increasing importance to retailers throughout UK. E-cigarettes are delivering one of the fastest growing categories in convenience store retailing in recent years. These products, and their accessories, will supply a vital new income stream to retailers from consumers seeking an alternative to traditional cigarettes.

PRA position on E-cigarettes and nicotine containing products

While we do not feel we have the relevant expertise to provide analysis on each of the detailed consultation questions raised in relation to the regulations we feel a response to such consultations to represent the importance of the category to the retailing sector is appropriate.

The PRA have taken the opportunity to respond to different consultations on e-cigarettes, including most recently Electronic Cigarettes and Strengthening Tobacco Control in Scotland and the Age of Sale for Nicotine Inhaling Products Consultation in England. These can be accessed in the public domain and help provide more detail to our positions.

In summary, the PRA shares the view of many public health experts that electronic cigarettes offer a promising reduced-risk alternative to traditional combustible cigarettes for adult smokers.

That said, whilst these products offer significant benefits as an alternative to conventional tobacco products, our members accept the need for these products to be effectively regulated, for example we fully supported the introduction of age restrictions and the extension of the tobacco 'proxy purchasing' offence to also cover nicotine inhaling products.

Given the recent statements of public health experts, perhaps best summarised by Professor John Britton, Director of the UK Centre for Tobacco Control Studies, who recently said: "*Electronic cigarettes offer a huge potential benefit to public health by helping smokers to shift to an alternative source of nicotine.*"¹ There is a need to encourage adult smokers to switch to these devices; undue advertising restrictions we feel would be counter-productive to this.

¹ See: <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9641&mode=pdf>

By not communicating the relative health benefits of e-cigarettes compared to traditional cigarettes, the opportunity to help adult smokers from quit or cut down their levels of smoking could be missed. Of course, we accept a careful regulatory balance needs to be struck between enabling manufacturers to market their products, delivering public health gains for adult smokers and preventing youth access, however evidence in public health surveys continues to show low levels of uptake by minors even through the period of open advertising which existed before May this year. Additionally, smoking rates for 11-15 year olds are now at their lowest level recorded which also demonstrates that e-cigarettes have not acted as a gateway to smoking, despite this being a common concern.²

ASH estimates that there are currently 2.8 million adults in Great Britain using electronic cigarettes (6% of the adult population). Of these, approximately 1.3 million (47%) are ex-smokers. The Smoking Toolkit Study, which provides information about smoking prevalence and behaviour in England, found that electronic cigarettes have overtaken over-the-counter (OTC) nicotine replacement therapy (NRT) as the first choice of stop smoking aid³ and are 60% more effective in helping smokers quit than NRT bought OTC or quitting unaided.⁴

While recognising that quitting smoking is always the best option for smokers, the NICE guidance supports the use of licensed nicotine containing products (NCPs) to help smokers not currently able to quit to cut down and as a substitute for smoking, where necessary indefinitely.⁵

Inaccurate perceptions of relative harm from electronic cigarettes is an area of concern for many, including ASH⁶, and is the balance to be struck with any guidance produced.

PRA position on the Guidance

The PRA would therefore like to be assured that the new Code will be drafted in a manner to ensure that advertising is not unduly restricted, beyond minimum requirements in the TPD.

The PRA would also like to be assured that where there is scientific substantiation of benefits of switching to e-cigarettes and other nicotine containing products (such as that of Public Health England and the Royal College of Physicians) that such evidenced claims can be referred to throughout the supply chain, including at point of sale.

If you require any further information or clarification, please contact Katy Recina, email katy.recina@rmif.co.uk or telephone 0207 307 3422.

Yours sincerely



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² Smoking Drinking and Drug Use survey 2014, HSCIC

³ West, R. Electronic cigarettes in England: latest trends. Smoking Toolkit Study. 8 April 2014. <http://www.smokinginengland.info/latest-statistics/> accessed 13th April 2014

⁴ Brown J, Beard E, Kotz D, Michie S & West R. Real-world effectiveness of e-cigarettes when used to aid smoking cessation: a cross-sectional population study. Published online 20 May 2014. <http://onlinelibrary.wiley.com/doi/10.1111/add.12623/abstract>

⁵ <https://pathways.nice.org.uk/pathways/smoking/evidence-based-stop-smoking-services-and-quitlines#path=view%3A/pathways/smoking/strategy-policy-and-commissioning-for-smoking-prevention-and-cessation.xml&content=view-node%3Anodes-general>

⁶ ASH Fact Sheet 33, May 2016, *Use of electronic cigarettes (vapourisers) among adults in Great Britain*