

Position on Potential Bans of Flavoured Nicotine vapes ("e-cigarettes" or "ecigs")



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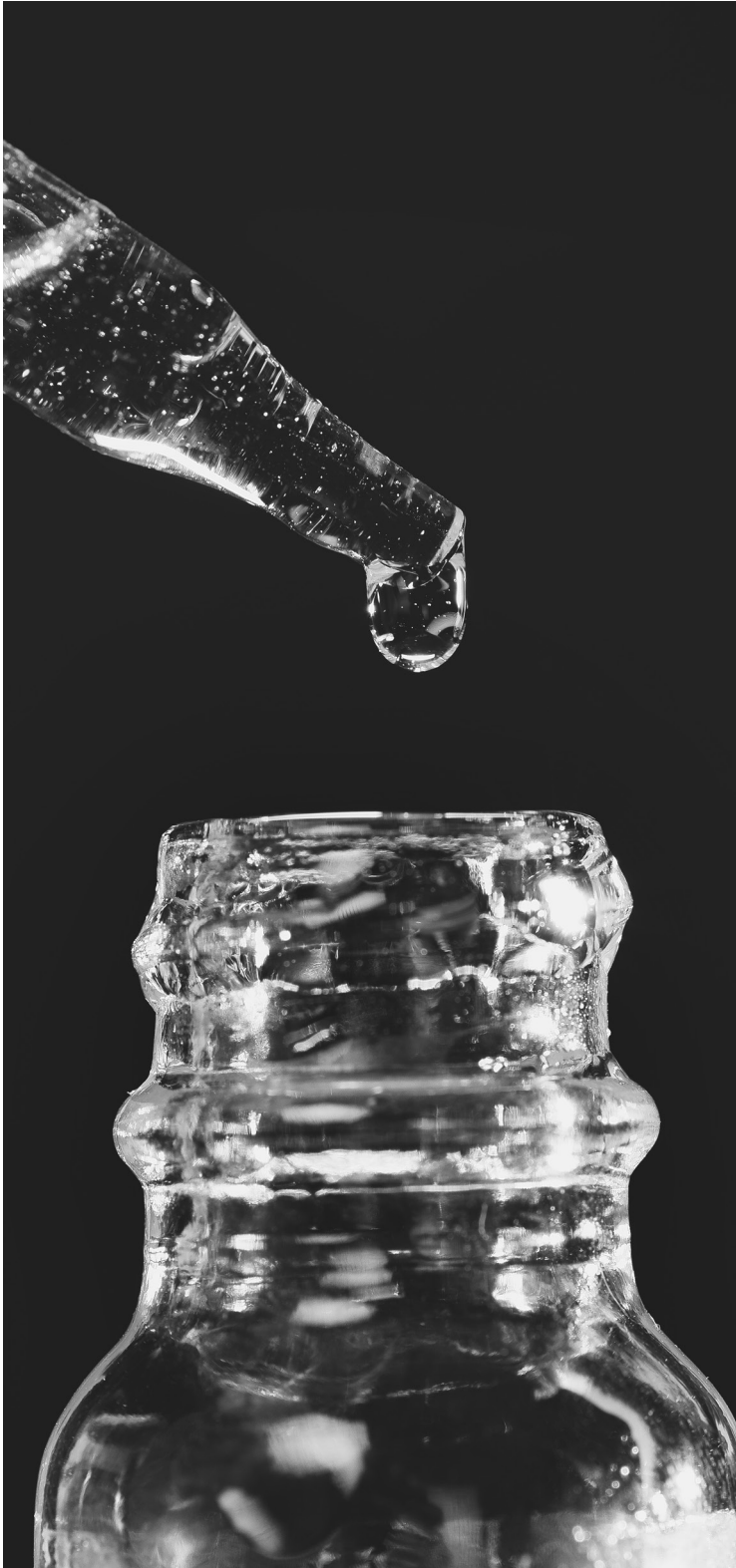
INNCO is a global non-profit consortium of volunteer member organizations in 35 countries. We promote the rights and well-being of 98 million people worldwide who use safer nicotine in order to quit or reduce use of toxic forms of tobacco.

Contents

<i>Summary</i>	<i>03</i>
<i>Situation Overview</i>	<i>04</i>
<i>INNCO Position</i>	<i>05</i>
<i>Key Arguments</i>	<i>07</i>
<i>Conclusion</i>	<i>12</i>
<i>About INNCO</i>	<i>13</i>



Summary



The International Network of Nicotine Consumer Organisations (INNCO) recommends that any national or local government that is considering the imposition of a 'flavour' ban on nicotine vapes ("e-cigarettes") should first conduct a careful health impact assessment to determine how many adult vapers will relapse to smoking, how many fewer smokers will quit, and how many teen vapers may shift to cigarette smoking.

We believe that many governments are conflating safer nicotine vape use with deadly tobacco use and making hasty policy decisions that will ultimately protect cigarette sales and, thus, cost lives. In this analysis, we examine compelling arguments against nicotine vape 'flavour' bans, and urge policy makers to consider evidence and potential unintended consequences before imposing simplistic and hasty prohibitions.

Situation overview



Nicotine vapes (“e-cigarettes”) represent a mixed class of products that use an electrically powered coil to heat and transform a nicotine-containing liquid into an aerosol, which is inhaled by the user. Nicotine vape liquids are available in a wide range of flavours, from tobacco flavour, mint and menthol flavours, to fruit, dessert and candy flavours.

All of these flavours are artificial, including tobacco flavour (nicotine, like caffeine, has almost no taste). Proponents of ‘flavour’ bans usually seek to prohibit fruit, dessert and candy ‘flavours’, and sometimes also mint and/or menthol as ‘flavours,’ but not tobacco flavour.

Regulation of nicotine vape products vary by country, and often by states or localities within countries, making for a confusing patchwork of policies. Only 30 countries ban nicotine vapes outright. Prohibition is most common in Asia, the Middle East, and South America.

Instead of a total vaping products ban, some countries and localities have banned, or proposed to ban, nicotine vape liquid ‘flavours’. Proposed ‘flavour’ bans have resulted in significant public backlash. For example, when the Netherlands proposal was put to public consultation, it received one of the biggest responses ever, and 98% of respondents were against the ban. [European vapers took to the streets of The Hague](#) to protest the ban.

Conversely, some countries – such as the United Kingdom – promoted nicotine vapes (“e-cigarettes”), including ‘flavoured’ vapes, to help reduce the deadly burden of death and disease from adult smoking. Indeed, in a world-first, [e-cigarettes could soon be prescribed under the UK’s National Health Service](#). Rather than banning ‘flavours,’ the U.K. government sets safety standards to avoid problematic substances in vaping liquids.

In a 2019 interview with CNBC, Dr. John Britton, director of the U.K. Center for Tobacco and Alcohol Studies at the University of Nottingham [commented on the UK’s stance on e-cigarettes](#): “We need radical solutions to stop smoking and one option is providing smokers with e-cigarettes so they can get the nicotine they need without the tobacco smoke. We have a much more relaxed attitude to people being addicted to nicotine on the basis that nicotine itself isn’t particularly hazardous.”

In its 2016 report, [Nicotine without Smoke: Tobacco Harm Reduction](#), The UK Royal College of Physicians notes that if a proposed e-cigarette policy makes them “less easily accessible, less palatable or acceptable, more expensive, less consumer friendly or pharmacologically less effective, or inhibits innovation and development of new and improved products, then it causes harm by perpetuating smoking.”

INNCO Position

At INNCO, we passionately believe that there are compelling reasons why ‘flavoured’ nicotine vapes (“e-cigarettes”) should not be banned.



Such prohibitions reduce palatability and acceptability of products used by roughly 80 percent of adult People Who Use Safer Nicotine to avoid toxic forms of tobacco.

‘Flavour’ bans will do more harm than good, and actually run counter to the science. It is vital that products proven to help people reduce / quit smoking are not made intentionally less acceptable to adult smokers who want to quit, and to adult vapers who want to stay quit. Many of such people are, after all, trying to avoid the smell and flavour of cigarettes.

We understand the challenge faced by policymakers, assessing the tension between the two key perspectives – whether non-tobacco flavours are a risk to youth vaping initiation vs whether they are a boon for adult smoking cessation. We recommend that local governments considering ‘flavour’ bans for e-cigarettes should first conduct a careful health impact assessment to determine:

- how many adult vapers will relapse to smoking
- how many fewer smokers will quit
- how many teen vapers will switch to combustible tobacco, or other substances
- how many counterfeit/bootleg products are likely to arise (noting that such products are, by definition, not regulated, may be less safe, and will be sold with no age-checks)

Policy makers need to be mindful of potential unintended consequences of prohibition. History shows that prohibition does not make things go away. Nor is a ‘flavour’ ban likely to transform all teen vapers into abstinent angels; they have many other adult and illicit drugs available to them, many of which are far more harmful than nicotine vaping.

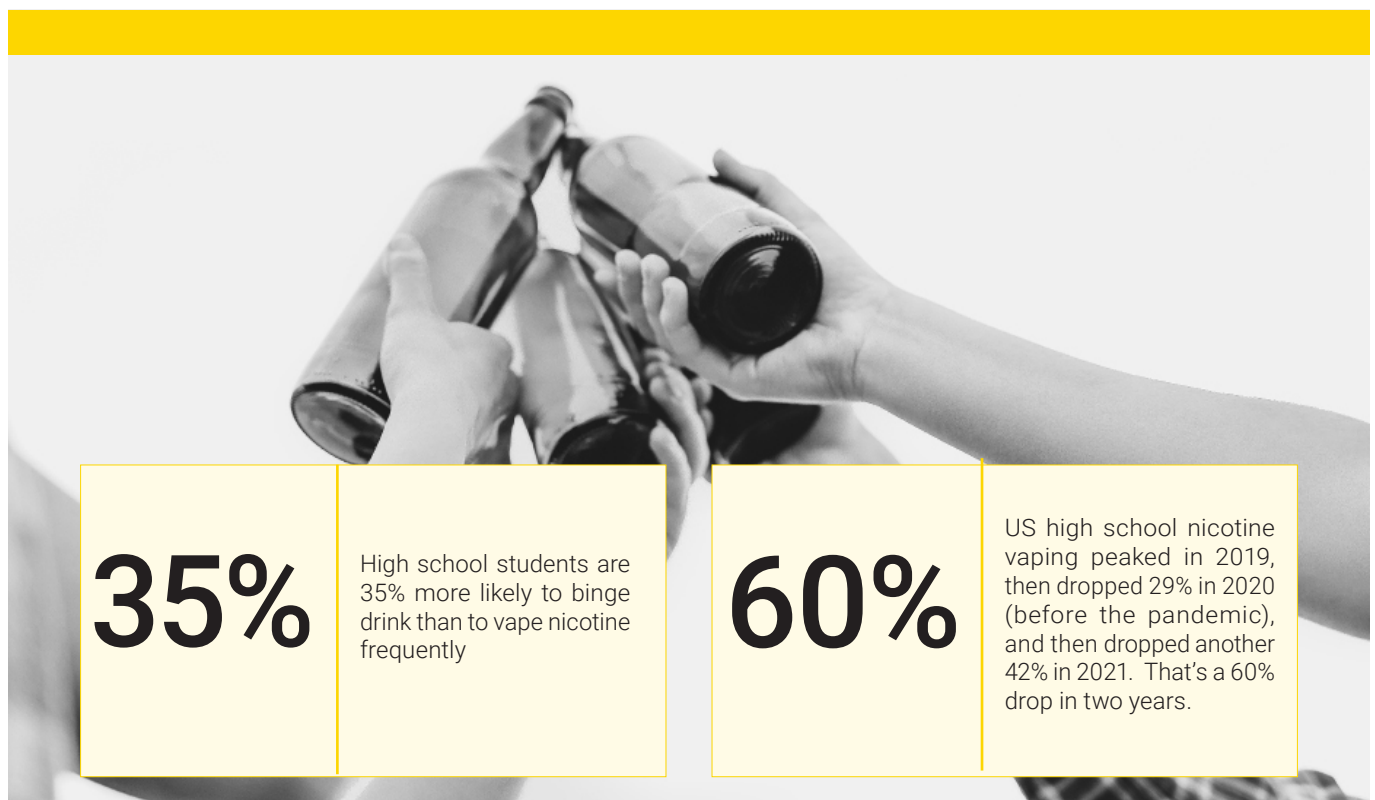
In the United States, for example, [35% more high school students binge drink than to vape nicotine frequently](#) (>20 days/month).” And the CDC reports that teen binge drinking causes 3,500 deaths and 119,000 emergency room visits every year.

US policy makers should take particular care. Most are not yet aware that [US high school nicotine vaping peaked in 2019](#), then [dropped 29% in 2020](#) (before the pandemic), and then dropped [another 42% in 2021](#). That’s a 60% drop in two years. Fewer US teens vape now than [seven years ago, in 2014](#). So, for all the reasons outlined below, a ‘flavour’ ban may be - in every sense of the word - overkill.

The key arguments against nicotine vape ‘flavour’ prohibition outlined in this paper are as follows:

- a) Nicotine vapes are one of the best tools to help people reduce and/or quit smoking
- b) ‘Flavours’ increase the likelihood of smoking cessation with nicotine vapes
- c) ‘Flavour’ bans will cause adult vapers to relapse to smoking, which is more harmful
- d) The fear that nicotine vaping is a gateway to smoking is unfounded
- e) ‘Flavour’ bans will inevitably result in less-safe illicit, or ‘bootleg,” markets
- f) Adults have a right to choose the smoking cessation method that is right for them

These arguments are explored in more detail – supported by the literature – in the remainder of this report.



Key arguments against bans of flavoured nicotine vape products

a) Nicotine vapes are one of the best tools to help people reduce and/or quit smoking

While smoking is well known to cause harm, [nicotine does not itself cause smoking-related diseases](#). It is the exposure to the toxic chemicals released when tobacco is combusted (e.g. a lit cigarette) and the smoke from burning tobacco leaves when inhaled that causes life-threatening diseases and premature deaths.

Today, safer non-combustion nicotine products, such as nicotine vapes are available, and are [significantly less harmful than smoking](#). An [expert independent evidence review](#) published by Public Health England (PHE) concluded that e-cigarettes are at least 95% less harmful than smoking.

Nicotine vapes (“e-cigarettes”) are also proven to be [one of the most successful and efficient means for smokers to quit](#), and there is compelling evidence that e-cigarettes have [helped to decrease smoking at the population level](#).

In the U.K., e-cigarette use is increasing as smoking declines. In 2019, there were an estimated [3.6 million people vaping in Great Britain](#) compared to 7.2 million smokers in the UK in 2018. Nicotine vapes (“e-cigarettes”) are [the most popular quitting aid in the U.K.](#) and have been shown to be [nearly twice as successful in helping smokers quit](#) as traditional Nicotine Replacement Therapy.

Surveys suggest that when bought over-the-counter in shops and used outside a clinical setting, they are making an important contribution to declining smoking prevalence by [delivering tens of thousands of additional quitters annually](#). Official government surveys show at least [2.3 million U.K. smokers](#) and [4.6 million U.S. smokers](#) have quit with nicotine vapes (“e-cigarettes”), potentially saving over 3 million lives in just those two countries alone.

Our view in INNCO is driven by both evidence and our own lived-experience. We are all ex-smokers who quit with safer nicotine alternatives. We know how we quit. Almost all of us have experienced significant health improvements. We understand the complexity of transitioning away from toxic forms of tobacco, as well as the heterogeneity of the tens of millions of smokers around the world who try to quit each year. And we know, again from personal experience, that flavours play an important role in successfully quitting smoking.

b) 'Flavours' increase the likelihood of smoking cessation with nicotine vapes

'Flavours' make nicotine vapes ("e-cigarettes") more appealing to adults, and therefore make smoking cessation more likely. This is beneficial. It encourages more adult smokers to try to quit with e-cigarettes. Many adult smokers (not all) who switch to e-cigarettes start out with tobacco flavor. However, once you quit smoking your sense of smell and taste return. Many soon find tobacco flavour unpalatable, so shift to fruit, dessert or candy flavours.

[According to research on adult e-cigarette users in Canada and the US](#), a majority use non-tobacco 'flavours' as their personal preference. Ex-smokers who preferred candy or fruit flavours [found vaping more satisfying \(compared to smoking\)](#) than those using tobacco flavours, and more of them rated nicotine vaping as very/ extremely enjoyable than those using tobacco flavour.

Every smoker is different. For many of us, tobacco flavour could be a trigger to relapse. For most of us, non-tobacco flavours are essential to maintain our smoke-free status.

Adults who have used vaping to quit smoking say that non-tobacco 'flavours' are a decisive factor in preventing them from returning to smoking. And those who use 'flavoured' e-liquids to try to quit are [230% more likely to quit successfully](#) than those who use tobacco-flavour. During a consultation on the proposed 'flavour' ban in the Netherlands, [74% of respondents explicitly mentioned how beneficial 'flavoured' vapes had been in quitting smoking.](#)



c) 'Flavour' bans will cause adult vapers to relapse to smoking, which is more harmful

The push to ban 'flavours' is driven by a legitimate desire to protect teens. However, most of those affected by such bans are adults, not teens.

In the USA, for example, adult current use of e-cigarettes is [4.5%](#). That's 11.5 million adults (4.5% of 257 million). [US high school "current use" is 11.3%](#), so 1.7 million (11.3% of 15 million). But this is comparing apples and oranges. Teen "current use" is past 30-day ever-use (\geq once/month), while adult current use is daily or "some days" (usually interpreted as regular use).

If adult current use is more comparable to teen frequent use (>20 days/month), which is [4.9%](#) (0.7 million), then 94% of US "regular users" are adults, not teens. Even accepting the two strangely different definitions of "current use," seven adults will be affected and potentially harmed by a 'flavour' ban for every teen who may (or may not) change use.

Because every smoker is different, restricting flavour options will cause many to return to smoking tobacco. A [recent peer-reviewed study](#) of adult vapers in Canada, England and the USA found that 17% may return to smoking if 'flavours' are banned where they live. According to [one recent report assessing the impact of the proposed 'flavour' ban](#) in the Netherlands, it could force a quarter of a million former smokers to take up the habit once again.

Incredibly, [Canada's own assessment of the country's proposed ban on 'flavours'](#)

acknowledges that this would likely cause many adults to return to smoking. In its report, Health Canada stated that some consumers aged 20 years and over who currently use 'flavoured' vaping products would not substitute the flavours they prefer with tobacco- or mint-flavoured vapes, and would instead turn to using combustible cigarettes.

The harmful impact of 'flavour' bans may not be restricted to adults. A [recent peer-reviewed study](#) found that high school smoking increased significantly in San Francisco high schools after the city banned e-cigarette 'flavours' in 2018, while teen smoking continued to decline in other school districts where 'flavour' bans had not been imposed. This should be a cautionary tale for anyone who assumes that 'flavour' bans protect teens.



d) The fear that nicotine vaping is a gateway to smoking is unfounded

The key reasons usually cited for nicotine vape ‘flavour’ bans are the assumption that “flavours” are an industry plot to lure teens, and that if only tobacco flavour remains, fewer teens will vape, and then subsequently smoke. It is assumed that teen vaping is a gateway to smoking (which is, obviously, harmful).

The first assumption suggests that tobacco flavour is a sort of “teen repellent.” In contrast, the second assumption implies that ‘flavoured’ vapes are a gateway to smelly, stinky, deadly tobacco cigarettes. These two assumptions are mutually contradictory.

Setting aside that logic problem, evidence strongly suggests that teen vaping is not a gateway to smoking. Both US teen and young adult smoking rates have plummeted over the past 10 years, falling far faster than smoking declines in older age groups. According to the CDC’s National Youth Tobacco Survey, [US high school smoking rates have dropped three times faster than historical trends over the past ten years](#). If these devices were a gateway to smoking, we would see that by now.

In the United Kingdom, which actively promotes nicotine vape (“e-cigarette”) use for adult smokers, [only 0.8% of teen never smokers are current e-cigarette users](#). Numerous US studies have found adolescent e-cigarette use is not associated with subsequent smoking and/or may even divert teens away from smoking. Here are just a few examples:

- [Is Adolescent E-Cigarette Use Associated with Subsequent Smoking? A New Look](#)
- [Trends in Nicotine Product Use Among US Adolescents, 1999-2020](#)
- [Re-exploring the early relationship between teenage cigarette and e-cigarette use using price and tax changes](#)
- [Has increased youth e-cigarette use in the USA, between 2014 and 2020, changed conventional smoking behaviours, future intentions to smoke and perceived smoking harms?](#)
- [The relationship between electronic cigarette use and conventional cigarette smoking is largely attributable to shared risk factors](#)

While teens should not vape nicotine, [there is evidence that those who do vape would have smoked in the “pre-vaping era.”](#) And a recent paper by [15 past-Presidents of the Society for Research on Nicotine and Tobacco](#), published in the American Journal of Public Health, notes that “US survey data demonstrate that smoking among young people has declined at its fastest rate ever during vaping’s ascendancy.” Teen vaping is not a gateway to smoking.

e) 'Flavour' bans will inevitably result in less-safe illicit, or 'bootleg,' markets

Prohibitions may look simple on paper, but are more difficult to deliver in reality than age-checks at point-of-sale and consumer protection legislation. It has been shown repeatedly that prohibitionist policies lead to illicit markets.

Bhutan, a small Himalayan country, completely banned cigarettes in 2004, making it illegal to use and sell cigarettes and other tobacco products. Ten years later, [the 2014 WHO fact sheet on Bhutan shows that 33% of male population still smokes](#). This is due to the emergence of a thriving illicit market, driven in large part

by Bhutanese youth, who are now smoking at higher rates than youth in most other countries in the region.

Blanket bans do not work. Rather than achieving a public health goal, banned products are pushed underground into unregulated and uncontrolled illicit markets of much lower quality products. Demand leads to increases in crime. Illicit markets deprive governments of tax revenue. A blanket ban on 'flavoured' nicotine vapes will lead to the same outcome, while also denying adults who smoke the most effective means to quit.

f) Adults have a right to choose the smoking cessation method that is right for them

If flavours add to the appeal of a lower harm alternative to toxic forms of tobacco, then that should be fully supported. A 'prohibitionist approach' stigmatizes people who use nicotine and eliminates opportunities to change harmful behaviours. Every smoker has the right to choose their own path to better health.

By removing 'flavoured' e-cigarettes – a significantly reduced harm alternative to smoking – from the market, countries deprive individuals of their right to informed choice of safer options. Literally: A violation of human rights.



Conclusion

Harm reduction to improve public health is not a new concept: needle exchange programs and methadone substitution for people who use drugs; masks to prevent the spread of COVID-19, condoms to reduce the spread of sexually transmitted diseases, including for youth, and the use of seatbelts, bicycle and motorcycle helmets. All of these are consumer harm reduction products. And one key factor in most of these harm reduction innovations has been the involvement of ‘users,’ listening to their voices and taking their needs into consideration.

Tobacco control does not need to reinvent the wheel. Harm reduction alternatives are numerous, and can dramatically reduce, and ultimately end, the use of deadly combustible tobacco products. What is needed now, and sadly missing so far, is a broad-based consultation with People Who Use Safer Nicotine to inform a progressive tobacco control field about “what works” for people who smoke, and what is needed to prevent relapse.



About INNCO



International Network of Nicotine Consumer Organisations (INNCO) is a non-profit alliance of 37 volunteer-led Member Organisations all over the world. We support the rights of 98 million adults who use safer nicotine to avoid toxic forms of tobacco. INNCO is funded by individual contributions from thousands of ex-smokers, and by a grant from the Foundation for a Smoke-Free World (FSFW). The FSFW is a US nonprofit 501(c)(3) private foundation with a mission to end smoking in this generation. INNCO is independent. Our mission, purpose and goals are driven by our Member Organisations and focus on promoting Tobacco Harm Reduction (THR) – a public health policy that respects individual autonomy, empowers consumers to make safer choices, and offers pragmatic solutions to combating use of high-risk forms of tobacco. Our member organisations are led by unpaid volunteers (ex-smokers) who, as a condition of membership, agree not to accept funding or direction from industry.

More information can be found by visiting:

www.innco.org.

Tobacco Harm Reduction is a public health policy that respects individual autonomy, empowers consumers to make safer choices, and offers pragmatic solutions to combating use of high-risk forms of tobacco.



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