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Opening Statement of Vape Business Ireland

**Hearing of the Oireachtas Joint Committee on Health on the
subject of the Public Health (Tobacco and Nicotine Inhaling
Products) Bill 2019**

1 March 2022

Mr John Dunne – Spokesperson for Vape Business Ireland

Thank you, Chair, TDs and Senators and the members of the Oireachtas Health Committee, for inviting vaping retailer and member of Vape Business Ireland (VBI), Eoin O'Boyle and I, John Dunne, spokesperson for VBI, to appear before you today on behalf of the Association. I will be sharing the time allocated to VBI with Eoin. However, firstly, we would like to acknowledge and commend the members of the Committee for the work undertaken on this important legislation at the pre-legislative scrutiny stage.

We very much welcome the opportunity to represent the interests of the 200,000 people who use vaping products around the country and the 300 plus retailers and newsagents, who each day are responsible for guiding, supporting and advising adult smokers in their communities on this less harmful alternative to help achieve a Tobacco Free Ireland

In 2013, the Department of Health set an ambitious goal of a Tobacco Free Ireland by 2025, aiming to achieve a smoking prevalence rate of 5% or lower. Despite the best efforts of many, the Health Service Executive (HSE) acknowledged in 'The State of Tobacco Control in Ireland' report (2018), that this goal will not be achieved until 2052. As you know, the Department of Health's Healthy Ireland Survey 2021 found that the smoking rate had actually increased for the first time in many years, and with a current smoking rate of 18%, we are nowhere near reaching this goal. Clearly, to get us back on the path towards achieving this goal, we need a new approach, and vaping should be a central component within that.

Vaping has a vital place in this equation. Indeed, the 2019 Healthy Ireland survey showed that compared to NRT, almost four times as many successful quit attempts were attributed to vaping. While 10% of those who successfully quit used NRT, 38% used vaping. In our written submission to this Committee, Vape Business Ireland provided samples of the expert-led evidence which shows that vaping is significantly less risky than smoking. The most important of these was the 2015 Public Health England evidence review which was carried out by experts from Kings College London and Queen's University London and showed that vaping products are around 95% less harmful than smoking. Public Health England has consistently maintained this position in its annual evidence updates, and their findings have been backed by key health experts and groups, including the Royal College of Physicians and leading anti-tobacco NGOs such as ASH Action on Smoking and Health and Cancer Research UK.

Driven by our responsible approach to vape usage and tobacco harm reduction, Vape Business Ireland particularly welcomes what we view as the most critical part of the Bill, that being the proposal to ban the sale of vaping products to persons aged under 18. This is something we have urged the Government to introduce since 2015, both to protect young people and to create a controlled environment where vaping products are available for adult Irish smokers looking to switch to a less harmful alternative. In fact, we have stringent rules in place for membership of the Association and we also have a Code of Conduct which is fully focused on prohibiting the sale of vape products to under 18s.

Eoin will elaborate on this shortly as someone who has first-hand experience of applying for membership and the standards VBI has set for the retail sector. It should be noted that we use the exact same technology as supermarkets to prevent the underage sale of alcohol, despite no official under 18s ban on vaping in place. We take our self-imposed obligations seriously and do not want young people using these products, which is why we urge the Committee to make this law as soon as possible. It should also be recognised that the licensing system in the Bill will be hugely beneficial in creating a database of responsible licensed sellers and we support appropriate sanctions for those who do not meet its requirements.

On youth access research in Ireland, the most recent study which perhaps has not yet been raised with the Committee is the WHO-supported Health Behaviour in School-Aged Children (HBSC) report released in 2021 which showed that smoking among school-aged children had plummeted from 22.6% in 1998 to 5.3% in 2018. Furthermore, the Department of Health's Healthy Ireland Survey 2021 showed that less than 1% of 'never smokers' use vaping. This is a survey done on 7,500 people aged 15+. In a recent PQ the Minister for Health confirmed this saying the number of vapers remains low and "primarily consists of current and former smokers." While the evidence does not point to a huge youth vaping problem in Ireland, we need to urgently ban underage sales, whilst ensuring adult smokers have an alternative that works.

The fact is that the data indicates that youth uptake for use remains low. Although any youth use is a concern when it comes to these and other products, the Healthy Ireland 2021 Survey found that regular use among young people remains in line with the national average of 4%, and it also showed that virtually no 'never smokers' are currently vaping. This is not a gateway into smoking - it is the most effective tool for helping smokers quit for good.

Part of a responsible approach to regulation and business practice alike is that it is proportionate and strikes a balance between different but sometimes compatible interests which are focused on achieving similar objectives. For this reason, VBI opposes an overly limiting ban on flavours of vaping products. It is important that we recognise that flavours play a vital role in helping adult smokers to quit in both NRT and vaping products. We fully agree with the views expressed by Department of Health officials who appeared before this Committee in November 2021 who said we have to "strike that balance" when it comes to flavours. VBI argues that we **must** get this balance right for the 200,000 people who depend on vaping products to prevent them from lapsing back into smoking and the 700,000 smokers who might be considering vaping as a tool to help them to move away from smoking. Those who have quit smoking do not always want to taste tobacco flavour, adults like flavours. Flavours are what make up things that adults consume – caffeine drinks, alcohol, foods. This is why NRT products have flavours too.

This brings us back to the beginning of my remarks - we are here to face the reality of the specifics of Irish smokers and the Irish vaping market. The facts are clear; vapers in Ireland are overwhelmingly current and ex-smokers, and the majority of them began vaping in order to quit or stay off smoking. Furthermore, backing up the Department of Health's Healthy Ireland survey year on year, the Health Research Board's Irish National Drug and Alcohol Survey 2019-2020 found that more than 95% of Ireland's vapers are former smokers or current smokers. Clearly, vaping is being used by those who it is intended for - smokers who want to quit and ex-smokers who never want to go back. Vaping works,

and that is why it is vital that we support adult smokers in making the switch, while also taking the necessary steps to ensure young people never access a product which is not intended for them.

VBI would also like to highlight that vaping has been strongly regulated by the Second EU Tobacco Products Directive since 2016 and it is important to compare like with like and focus on the experience of vaping in the UK and the EU. Vaping is largely unregulated in the United States so this is not a like-for-like comparison where products contain three times more nicotine, are unlimited in volume and where ingredients are not regulated. Drawing conclusions from studies conducted outside the European market and seeking to apply them to the Irish scenario fails to reflect the stringent EU and Irish regulatory framework controlling the manufacture and marketing of vaping products.

Under existing regulations, health warnings which advise consumers that vaping products contain nicotine are mandatory. The regulations also provide for mandatory safety and quality requirements for vaping products and refill containers, including maximum nicotine concentrations and maximum volumes for cartridges, tanks, and nicotine liquid containers. The regulations require vaping product manufacturers or importers to notify the Health Service Executive of all products that they place on the Irish market and, if a manufacturer, importer, or distributor has a reason to believe that a product is not safe, they are required by law to immediately notify the Health Service Executive.

A crucial part of helping smokers to give up smoking is advertising and awareness raising. Vaping product advertisements are subject to heavily controlled EU regulation under the aforementioned Directive. In Ireland, the rules outlined within the Advertising Standards Authority for Ireland's Code of Standards for Advertising and Marketing Communications in Ireland include strict rules on the marketing of vaping products to consumers, including to those who are under the age of 18. Furthermore, no medium can be used to advertise vaping products if more than 25% of its audience is under 18 years of age.

I would also like to take this opportunity to outline the experience of Estonia as a case-study of a country that got it wrong when it implemented a ban on vaping flavours. By limiting choice, the country adversely impacted smoking cessation rates and a black market of unregulated and unsafe products prospered. In response to this dramatic shift, Estonia has softened its regulations to allow for more flavours for adults looking for a less harmful alternative to smoking.

Continuing to look at this issue through an EU-wide lens, I would also like to highlight current and future developments. Just last month, the European Parliament supported a Beating Cancer Report which calls for harm reduction and the explicit recognition of electronic cigarettes as a product that allows users to progressively quit smoking, and thus should be regulated differently to cigarettes. Separately, work on amending the EU Tobacco Products Directive is expected to advance soon. VBI would argue that Irish legislators should not pre-empt this process and should instead wait for the outcome of this work before making decisions which could potentially limit the options for smokers looking for an alternative.

As the EU moves toward recognition of the value of vaping products in tobacco harm reduction, we have already seen support for vaping as a less harmful alternative to smoking from major public health authorities and health bodies across the UK and worldwide. Looking at the UK, ASH UK, Cancer

Research UK, and the British Heart Foundation have looked at the evidence and taken a clear position identifying and advocating vaping as a harm reduction tool. Indeed, in June 2021, the National Institute for Health and Care Excellence (NICE), which advises healthcare professionals in the UK, updated their guidance to GPs on smoking cessation. NICE find that “combined with behavioural support, the option of either a combination of short- and long-acting NRT or nicotine-containing e-cigarettes are more likely to result in people successfully stopping smoking” and recommend that GPs should provide patients with guidance about e-cigarettes as a smoking cessation tool.

The Cochrane Review of electronic cigarettes for smoking cessation found that nicotine containing e-cigarettes are 70% more effective in supporting smokers to successfully quit than NRT. This backs up the aforementioned evidence from successive Healthy Ireland reports which showed that vaping has been far more effective than NRT in helping smokers to quit. Smoking rates fall as the rate of vaping increases: one example of this is seen in the European Commission’s Eurobarometer findings which showed that Ireland’s smoking rate was 5% below the European average, while Ireland’s vaping rate was 5% above the European average. Already, vaping is making a difference, and with the right approach it could help far more smokers to quit.

We have a real-life example of how this can be achieved by looking at the UK. The British health authorities have parsed the evidence and they have been both ambitious and decisive in how vaping can help smokers quit. The NHS is working on proposals that could see England be the first country in the world to prescribe medically licensed vaping products to help reduce smoking rates. The continuous downward trajectory of smoking rates in the UK is in no small part testament to the pragmatic approach taken towards vaping and understanding the integral role vaping products can play in delivering on their tobacco reduction strategy, and we are seeing a similarly progressive approach being adopted in other countries such as New Zealand, where vaping is a crucial part of the country’s plans to dramatically decrease their smoking rates. We firmly contend that the adoption of a similar approach and treatment of vaping as a harm reduction solution would have a significant impact in helping Ireland reach its Tobacco Free Ireland objectives.

In the context of this Bill, we must not continue to ignore the credible evidence supporting vaping as a less harmful alternative to smoking. While it is essential that we do everything we can to prevent youth access to vaping products, we must also ensure that we find a balance in protecting the 200,000 vapers right across Ireland from relapsing. We must also ensure that all options remain open and accessible to those adult smokers who are currently trying to move away from smoking.

Now I will hand over to Eoin who will give you his front-line perspective on how businesses like his are helping adult smokers with less harmful alternatives across the country. Thank you for your time and I look forward to our discussion.

Mr Eoin O'Boyle – Member of Vape Business Ireland

Good morning Chair, Deputies and Senators. My name is Eoin O'Boyle, I run a small, independent vape shop, OB Vape in Southgate Shopping Centre, Co Meath. I set up my business three years ago after working for another vape shop where I was inspired by the transformative power of vaping in the lives of smokers who had failed to quit by other means. I am enormously grateful for the opportunity to outline to you my experience in providing vaping as a smoking cessation tool and to make the case for why Ireland needs to take a supportive and proportionate regulatory stance on vaping so that all the advances in smoking cessation are not undone.

As a retailer, I am committed to providing a bespoke 'quit smoking service' for adult smokers who have failed to do so while utilising the methods currently recommended by Irish health authorities. When a new customer walks into my retail shop, I conduct a thirty-to-forty-minute initial consultation with them, during which I find out about their smoking habits and accordingly I tailor my advice and recommendations to them. The choice and selection of starter kits for those making the switch from smoking to vaping is important - the addiction to smoking is different for every smoker and my on-the-ground experience means I can match the product to the smoker seeking to quit.

I find that when smokers initially switch to vaping, they will typically use tobacco flavour. However, as their taste buds recover and as they move away from smoking completely, they often do not want to continue using tobacco flavour and tend to seek alternative options such as fruit or mint. In the context of any debate around flavours, it is important to acknowledge and understand that adult former smokers need flavours and that their preferences change over time. This need for flavoured options also helps to explain why flavoured Nicorette lozenges are so popular for those who go down the NRT route, just as it explains why our health authorities provide information about flavoured NRT products. For people looking to get off tobacco, flavours matter enormously. One example of this importance was shown in a major Europe-wide study recently conducted by the European Tobacco Harm Reduction Advocates group which found that 94.6% of current vapers use non-tobacco flavours.

Indeed, you will have noticed during a previous session here that the Department of Health official acknowledged that "flavours may be useful" in helping smokers to quit. We welcome that acknowledgement, but with the greatest of respect, those like myself who work in this sector and speak to vapers every day know that there is no doubt that flavours are a crucial part of what helps smokers to quit.

In that same spirit, let me briefly acquaint you with a customer of mine who is in her 30s and smoked cigarettes for seventeen years. She found that despite multiple attempts she could not quit smoking until she engaged with my service. She told me that the experience that my business offered made her feel cared for and that we understood her addiction and worked continuously with her to help her quit. She has not smoked for three years at this point, and is much healthier and more active. She goes to CrossFit classes where she has the same heart rate as those who never smoked. She is now more energised and invests more in her overall health and well-being. This story plus thousands more underlines the importance of having vaping available as a flexible smoking cessation tool, including the role of flavours.

Allow me to stress that nobody under the age of 18 should ever vape. I am, as are all my fellow members of VBI, fully committed to ensuring that vaping remains a smoking cessation and harm reduction tool for adults only. This means that collectively, we adopt a blanket opposition to the sale and marketing of vaping products to those under 18. In that context, VBI members and I personally subscribe to our Code of Conduct and agree that advertisement of vaping products should not involve flavour names or descriptions that are associated with youth culture. Flavours are an important incentive for adult smokers seeking to quit, but any attempt to exclusively target children through enticing advertisements is something to which VBI members are strongly opposed.

We also, even in the absence of such legislation, are committed to verifying the ages of our customers and selling only to those over 18. VBI members commit to proper age verification training for all their staff. In my shop, we check ID for everyone who crosses the threshold of the premises and appears to be under the age of 25 and we ask anyone under the age of 18 to leave - I do not want any minors browsing my products, let alone buying any of them. In my case, approximately 20% of my sales are conducted online, and these sales are overwhelmingly to existing local customers. Even so, I am exploring with my VBI colleagues the adoption of age verification mechanisms for online sales that our counterparts in the UK have recently rolled out. We are committed to driving the best standards in our business practices and the right regulatory framework will support us in our efforts, and we want to work with all stakeholders to make the underage sales ban a success, and to ensure that nobody under the age of 18 ever accesses these products

In conclusion, I would stress that there is a balance of risks for me as a trader just as there is for the committee in deciding on this piece of legislation. I am not always in a position as a small retailer to get exactly what I want in a global and digital marketplace - proportionate regulation will be a valuable tool in my negotiations with suppliers in seeking to make sure that my products not only meet the needs of my adult customers but are also branded as such. VBI members are keen to work with legislators to inform them of the sector's experience and to help them get the balance of response right.

Regulation and supportive government policy can help responsible Irish vape shops in aiding smokers to quit, while also helping to ensure that young people do not access a product which is not meant for them - but regulation also must not be excessive which would keep smokers smoking, facing proven health risks and unfortunately facing premature death. Our organisation is proud of the role which small vaping retailers such as mine play every day in helping smokers to transition to far less harmful products, and with the right approach from Government, we can play an even larger role in helping to make a 'Tobacco Free Ireland' a reality.

Thank you very much for this opportunity to speak with you and I look forward to answering any questions you may have.

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