

# Action on Recreational Vaping

**Vapes should be to cigarettes as methadone is to heroin, and a new 'nicotine economy' strenuously prevented.**

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## **Vapes should be to cigarettes as methadone is to heroin, a new nicotine economy should be strenuously prevented.**

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Government advice is 'if you smoke switch to vaping and if you don't smoke, don't vape'. We agree that vapes can have a role in helping smokers quit, but the outsized influence of the anti-smoking agenda of ASH (Action on Smoking and Health) and Public Health England Tobacco Control Programme, together with the lobbying efforts of [vaping industries](#), has led to the effects on non-smoking vapers, particularly children and young adults, being deliberately downplayed, with some ignored altogether.

Young people don't connect vaping with smoking so a separate prevention strategy is needed. "Vaping has nothing to do with smoking. It's a lifestyle thing, a youth thing. A vape is sort of like an accessory," explained a 22 year old male in our [scoping study](#). Their usage is often referred to as mere 'experimentation' (See Recommendation 5), but it is not. Vapes are used as a lifestyle product for recreational use by young people, because that's the purpose they have been designed for and how they have been marketed by vaping companies to children and young adults specifically. (See Recommendation 3 and page 8)

A new nicotine economy is being deliberately created under the guise of smoking cessation, with the hope that vapes and pouches can be seen as just another 'acceptable' societal addiction like alcohol or coffee - as cigarettes were. That is a real possibility if vapes are left unregulated, because this is nicotine, the most addictive substance legally available, and the reason more than half of long term smokers think they can't quit, right up until it kills them. Vapes must be treated like cigarettes and phased out alongside cigarettes as part of the government's new regulation. (see Recommendations 1 & 2)

The fear that smokers will be put off by vaping prevention communications designed for non-smokers, means nothing is being done to reinforce the 'if you don't smoke, don't vape' part of the government advice, except potentially for school children. [ASH's recommendations](#) to the government's Call to Evidence on Youth Vaping ignores vaping prevention and cessation strategies for non-smokers altogether and our concerns expressed directly were dismissed out of hand. (See Recommendation 5)

In our conversations with young people many tell us they feel dependent or addicted to their vapes and are becoming more worried about their use because of their experience of mental and physical effects and concern about long term problems. Bespoke policies and cessation help for young adults as well as children are needed as soon as possible. They should be designed with young people to ensure the message and tone is appropriate.

But what about smokers? They are dying at the rate of 79,000 a year and the cost of smoking to society estimated at £89 billion. Should they take priority? In our view, smokers are not stupid. They understand that their own needs and concerns about recreational vaping in young people are different problems requiring different solutions. They also understand the grip of nicotine, and those we spoke to are very clear they don't want young people's future health on their conscience and want the government to act now to prevent a new generation of nicotine addicts like themselves.

This perspective is the basis for the following 5 recommendations to government.

### **Recommendation 1**

## **Vapes should be to cigarettes how methadone is to heroin, and non-pharma approaches should be promoted more clearly.**

We consider that giving free vapes to smokers under the planned Swap-to-Stop campaign can be justified if they are positioned as methadone is to heroin - a useful tool for the purpose of quitting an addictive habit. Our concern is that necessary restrictions on vape flavours and packaging are being prevented so that smokers are able to freely access vapes, leaving the sector open to the continued growth of the sector in non-smokers.

If vapes are to be offered and more assertively promoted as smoking cessation tools this will require amendment to [NICE guidance](#). This should ensure that the promotion be by the NHS and government bodies only. In line with cigarette restrictions, commercial companies should be prevented from any marketing of their products directly to the public with smoking cessation or other messages.

Non-pharma approaches should be considered preferable to pharmacological treatments, but they are not. The focus on promoting only pharmacological-led approaches leaves smokers still hooked on an expensive nicotine habit, with potential new health issues from vapes in the longer term and has no options for those wanting to quit nicotine altogether.

In fact, inexplicably, they are even resisted. Recent academic studies and decades of success has shown that the EasyWay approach is “*as, if not more successful*” than nicotine replacement therapies, leaving smokers free of all addictions. In the responses to [a recommendation from NICE that Allen Carr’s EasyWay To Quit Smoking](#) now be available on the NHS, ASH, Cancer Research UK and The Department for Health and Social Care strenuously resisted this guidance with the rationale that: “*The Allen Carr method specifically excludes the use of medications and e-cigarettes so including it as a first-line intervention by definition undermines the general approach set out in the guidance that smokers should be offered a combination of behavioural and pharmacological treatment.*”

Non-pharma approaches are of course the only way to help vapers quit and should be central to NHS guidance. (See Recommendation 4)

### **Recommendation 2**

## **Vapes should be taxed and sold like cigarettes with plain packaging, limited flavours & restrict availability**

To help smokers quit and prevent recreational vaping in non-smokers, vapes should be restricted in the following ways to help ensure it is clear that vapes are a niche product for smoking cessation not a lifestyle product for recreational use:

**Position vapes in plain standardised packaging, alongside cigarettes**, and out of view in stores. This will help clearly align vapes more closely with smoking cessation and potentially help stimulate switching decisions by links directly at point of sale.

**They should be taxed, also like cigarettes.** The evidence from its effectiveness with cigarettes is sufficient to restrict the price, to what level should be the result of consultation with experts. The government should use a hypothecated tax, like the recent Gambling Levy, to fund vaping cessation rather than it simply going direct to the treasury for general spending.

**The ubiquitous availability and promotion of vapes on the high street contributes to the normalisation of vapes as mainstream lifestyle and recreational products instead of addictive products of concern which are valuable only for smoking cessation and must be restricted.** It is important to prevent the deliberate and enticing arrangement of vapes in shop windows in a wall of colour to deliberately catch the eye of young people. The proliferation of vape shops and visible promotion of vapes may not be the deciding factor in someone's decision to quit smoking; but, our conversations with young vapers shows, it does influence the decision to start vaping.

**Online sales must also be restricted.** Retail restrictions will result in non-smoking vapers simply moving to online retailing, as they increasingly are. This has no stigma, it is more convenient and cheaper. The government must also consider how to limit the promotion and sale of vapes online as a matter of urgency in the same way as cigarettes.

**Flavours and colours should also be restricted** to a limited number (4?) avoiding those popular with young people and associated with sweets. Flavours to be chosen should be researched with smokers of all ages, vapers who have switched from smoking and dual use smokers and vapers. They should have plain descriptions and no branding visible.

The design of multiple flavours and colours, are introduced to create social dynamics, particularly among young people. These traits encourage trading and sharing flavours, for example, linked to colours or sets of colours, encouraging users to match to clothes, sports teams, accessories, moods, days of the week. For further detail on the use of these socialising techniques see two books by Patrick Fagan (UK) and Nir Eyal (US), both coincidentally called *Hooked* or our short film [The Vaping Dilemma](#).

**Disposables should be banned, but all formats restricted.** Disposables have been the gateway format which resulted in the explosion in youth vaping in only two years, so we support the proposed ban on disposables, including on environmental grounds. However, our attendance at the recent Vape Expo at the NEC in Birmingham, shows that manufacturers are already anticipating the restriction on disposable vapes and are now designing refillable vapes and pods to mimic disposables in size, style and price.

It seems likely disposables will be replaced by pods (like Juul, recently relaunched in the UK) if all formats are not actively restricted for sale.

### **Recommendation 3**

#### **Vapes should be phased out with cigarettes**

We applaud Rishi Sunak's innovative policy which ensures anyone born on or after 1 January 2009 will never be legally sold tobacco products.

The rationale for allowing addictive e-cigarettes to be legally available is to help smokers quit. So there will be no need for them to be purchased by anyone for whom smoking is illegal, therefore vapes should also not be legally available for anyone born after 2009. In order to help smokers quit a lag of 1-2 years could be considered.

The uptake of vaping in non-smokers ([ASH 2023](#), [ONS 2023](#), [Smoking Toolkit Study 2023](#)) supported by [research on cessation](#), shows that nicotine inhaled in vapes is as addictive as in cigarettes. Significant negative physical and mental health effects are already becoming clear; we must use our knowledges of the catastrophic errors of the past to prevent further harms through inhalation of substances through vapes.



This is problematic in these ways:

1. The growing evidence of negative health effects (global meta study, [Health Impacts of Electronic Cigarettes 2022](#)) indicates that harms from the constant use of vapes are real and will only increase as usage increases. The new design of disposable and pod systems particularly has embedded near constant usage habits among many vapers. Anecdotal evidence from our scoping study suggests ex smokers and non-smokers now use vapes throughout the day with the potential for greater harm than current research suggests.
2. Our conversations with young adults about their addiction to vapes and its effect on their mental health ([Vaping Dilemma Rationale and References 2023](#)) show many already feel trapped by their dependence on vapes, with significant negative impacts on their lives and mental health.

A chemical addiction like nicotine dominates your life, makes you feel powerless, irritable, anxious, stupid. You wish you hadn't started, but feel compelled to continue. And it's expensive, another life altering impact. Many non-smoking children and young adults feel their vaping habit is affecting their mental health already. Unsurprisingly, these exactly mirror the mental health effects found with nicotine addiction from smoking reported in this report ([ASH Smoking and Mental Health 2019](#)).

3. Our conversations with representatives from ASH and Public Health England at the recent e-cigarette summit showed they were surprisingly dismissive of the mental health and addictiveness of nicotine via a vape - suggesting that they are trivial and not the same as nicotine in cigarettes. This is incorrect. Though more work is needed, the Meta study and [a very recent study testing the effectiveness of Cytisinicline for smoking and vaping cessation](#) found only a third of vapers who wanted to quit were able to abstain for 12 weeks. These quit rates are similar to those for smoking, not substantially higher as one would expect if vaping were much less dependence-forming.

This evidence amply supports the phasing out of vapes alongside cigarettes.

#### ***Recommendation 4***

### **Lifestyle marketing of vapes should be prohibited to all adults as well as children.**

Vapes are already embedded as a core part of youth (18-25) culture through open and legal the lifestyle marketing of products similar to that of non-addictive consumer products, such as fashion and tech.

Lessons from other consumer products indicate that as the market expands further, demographic segmentation and targeting is likely to occur to increase sales eg '[silver vapers](#)', [older people](#), have recently been identified as a new target.

We have identified the following ways that vapes are currently being marketed to young adults as a lifestyle product for recreational use, all of which should be prohibited by law:

1. Design and promotion of vapes as [stylish, beautiful consumer tech products](#).
2. Product sales and marketing of vapes in lifestyle venues - eg pubs, clubs, bars, sporting events, hairdressers, takeaways - everywhere young people congregate.
3. Influencers paid either with money or free product on [TikTok](#), [Instagram](#) and [Facebook](#), promoting vapes as a fun lifestyle product for recreational use, (including memes, hashtags etc)

4. Product merchandising and promotion of products on the Discord community (a youth centred gaming voice chat application)
5. Public vape shows such as the recent [Vape Expo at the NEC](#) featuring extensive product giveaways, live music events promoting vapes, links with gambling through a casino within the vape show pavilion and other promotional vehicles.
6. Free samples of vapes and pouches given out at major festivals, particularly targeting young people.
7. Free vapes and pouches at University freshers week events
8. Sponsorship of sports, such as [Blackburn Rovers football team](#) and sale of vapes at sporting events
9. Online retailer seasonal promotions - eg [vape advent calendars](#), Halloween giveaways.
10. Framing vaping in promotional marketing and company websites directly as something to be enjoyed on nights out; weekends, festivals, holidays, to relax, to make friends, to enjoy family time.
11. Framing vaping in promotional marketing and websites as offering psychological benefits - calming, reducing stress, increasing concentration. This is shown to be untrue and should be considered false health messaging and prohibited. (Comparisons with Smoking & Mental Health, ASH 2019)
12. Ecological messages about product recycling should be considered part of lifestyle marketing and should also be prohibited.
13. Lifestyle marketing through design of online retail websites should also be restricted. The lack of enforcement of current laws such as price promotions on-line shows that much more work is needed to police this area.

The government is rightly concerned about the availability of vapes to children. But it is young adults 18-25, the largest non-smoking users of vapes who bear the brunt of the lifestyle marketing of vape manufacturers and retailers. The lifestyle marketing of vapes to all ages should be specifically prohibited and enforced.

### ***Recommendation 5***

## **The focus on helping smokers quit ignores the issues for young non-smokers**

Non-smokers, particularly children and young adults need help to quit their vaping habit and bespoke communication to support prevention of them vaping in the first place. We understand there are currently no plans for this, except possibly in schools for children.

A new strategy to fulfil the second part of government guidance '*if you don't smoke, don't vape*', is urgently needed, particularly for young adults. This should be created with and for young people specifically and respond to the drivers of vaping, psychology of young vapers and what works for these specific age groups.

[New NHS guidance for vapers](#) (in the quit-smoking section of the site) is focused entirely on countering concerns from smokers about the safety of vapes in relation to cigarette harms. Reading it through the eyes of, say a 16 year old girl, or a 22 year old man, who vape for fun, and because everyone else is doing it, it is irrelevant. These do not reflect the impacts of vaping in their lives. These are not the questions they are asking. These are not the things they are worried about. These are not relevant to concerned non-smokers.

We are very concerned that the government and anti-smoking establishment is so focused on the Smoke-Free 2030 target and helping smokers quit that they are downplaying the dependency of non-smokers on vapes and ignoring calls for vaping prevention and cessation help designed with and for young people.

At the recent E-Cigarette Summit SocietyInside was told by Martin Dockrell Tobacco Control Lead of Public Health England that "*nicotine in vapes is not the same as nicotine in cigarettes*" suggesting that young people just think they are dependent, but they'll get over it as they get older and that "*it's not a problem that needs solving*" and by Deborah Arnott, director of ASH that by airing concerns about vaping cessation and young people '*we are focusing on the wrong problem.*'"

This is not correct. Inhaled nicotine is equally addictive when taken in a cigarette as a vape. In fact evidence about the way vapes are consumed, almost constantly throughout the day, shows they may be even more addictive than cigarettes. Furthermore, a recent study testing the effectiveness of Cytisinicline for smoking and vaping cessation found only a third of vapers who wanted to quit were able to abstain for 12 weeks. These quit rates are similar to those for smoking, not substantially higher as one would expect if vaping were much less dependence-forming.

This focus on smoking overlooks the potential harms and current needs of non-smokers, particularly children and young adults. But will also apply in time to those who swap to vapes through the government's 'Swap to Stop' campaign. No bespoke cessation support is currently being offered to any vapers under this scheme. This must change.

We recommend a multi-stakeholder approach involving young people, as well as behavioural scientists, healthcare and cessation specialists and communicators in the design of the materials. Our research shows that top down lecturing and focus on doom and gloom about harms doesn't work. We need to find out what does and apply it alongside the other measures in this recommendation as a matter of urgency.

**Available for comment are Joe Woof, (aged 22) or Hilary Sutcliffe, Director of SocietyInside, the co-authors of this recommendation. Call on +44 7799 625064, or email [hilary@societyinside.com](mailto:hilary@societyinside.com)**

**Following below:**

**Vapes are just the newest #AddictionEconomy product - here's how that happens.**

**The detail of our recommendations to the government consultation on smoking and vaping are structured below in relation to the questions asked.**

## **Vapes are just the newest #AddictionEconomy product here's how that happens.**

Vapes are simply the latest of many addictive products which have been allowed to flourish for the benefit of companies at the expense of the rest of us. Cigarettes, alcohol, gambling, ultra-processed foods, social media and computer games - all use deliberate addictive techniques in their product design, marketing and social manipulation not just to entice us, but to addict us. Often with the help of government. Welcome to the #AddictionEconomy!

It seems almost inevitable that vapes are going to be a new hot product for the young, not the niche aid to help smokers quit that the government and many health charities hope, because 5 key elements of the Addiction Economy are clear to see:

### **14. Addictive product formulation and seductive presentation**

Vapes combine a highly addictive ingredient (nicotine); lots of seemingly innocent fruity flavours; product development created for discrete and constant use, and sleek design which riffs off sexy consumer tech with multiple colours to promote social sharing.

### **15. Lifestyle marketing**

Mainstream product marketing strategies positioning products as fun lifestyle accessories through promotion and giveaways at the heart of vape promo, and turbo-charged by social media influencers. (For the 12 of the most well used, see our Recommendation 4).

### **3. Ubiquitous availability and competitive pricing**

These work best when the product is easy to buy - and vapes are ubiquitous. They are in every corner shop, supermarket, bar, club, even hairdressers and take-aways. And the online market-place is vast. Cut-throat competition results in a race to the bottom on price. It also builds a many-tentacled economic ecosystem with regulations lobbied against not just by manufacturers, but convenience stores, wholesalers and free-market think tanks.

### **4. Commercial drivers**

Nicotine companies are looking to grow the market for vapes, they've promised their shareholders they will replace lost revenue as smoking declines. As the memorable WHO campaign suggests, *"if your product killed 8 million people each year, you'd also target a new generation"*. Opportunistic disposable vape companies like China's iMiracle (Elfbar/ Lost Mary), who now dominate the UK market, ignore ethical concerns all together, targeting children directly and work on the same 'move fast and break things' strategy as the tech companies they seem to be trying to emulate.

### **5. Undermining regulation through divide and rule**

The divide and rule strategy the industry is using here is a co-ordinated effort to pretend to promote the role of vapes as a smoking cessation device (without every actually promoting them for that purpose) and so prevent their restriction. It brings tobacco companies in an unlikely alliance with ASH and Public Health England, but their end game is very different. But, as intended, it muddies the water of public health communication, leads to a polarised debate comparing a new addictive product with the biggest cause of preventable death in the world resulting in no policy action on vape prevention or helping vapers quit. (This is preventable. More detail in Recommendation 4)

## **What to do? Take all these things away.**



**The detail of our recommendations to the government consultation on smoking and vaping are structured below in relation to the questions asked.**

## ***Creating a smokefree generation and tackling youth vaping:***

*Question 1: Do you agree or disagree that the age of sale for tobacco products should be changed so that anyone born on or after 1 January 2009 will never be legally sold (and also in Scotland, never legally purchase) tobacco products?*

**Our Response: Agree. We think this is an important progressive policy and the government should be congratulated.**

**We also recommend that the term ‘tobacco products’ should be replaced with ‘nicotine products’ and e-cigarettes (vapes), pouches and snus be subject to a similar phase-out approach with a lag of 1-2 years and financial support for smoking and vaping cessation increased.**

If the rationale for making e-cigarettes legally available is to help smokers quit, there will be no need for them to be purchased by anyone for whom smoking is illegal. Therefore vapes should also not be legally available for anyone born after 2009.

Without including vapes in this strategy the government will ensure that the nicotine market will simply shift from cigarettes to vapes. This is problematic in three ways:

1. The growing evidence of negative health effects (meta study [Health Impacts of Electronic Cigarettes 2022](#)) indicates that harms from the constant use of vapes will only increase as usage increases. The new design of disposable and pod systems particularly has embedded near constant usage habits among many vapers. Anecdotal evidence from our scoping study suggests ex smokers and non-smokers now use vapes throughout the day with the potential for greater harm than current research suggests.
2. Our conversations with young adults about their addiction to vapes and its effect on their mental health ([Vaping Dilemma Rationale and References 2023](#)) show many already feel trapped by their dependence on vapes, with significant negative impacts on their lives and mental health. Unsurprisingly, these exactly mirror the mental health effects found with nicotine addiction from smoking reported here in the report ([ASH Smoking and Mental Health 2019](#)).
3. Our conversations with policy makers and smoking specialists at the recent e-cigarette summit were dismissive of the mental health and addictiveness of nicotine via a vape suggesting that they are trivial and not the same as nicotine in cigarettes. This is incorrect. Though more work is needed, [a study testing the effectiveness of Cytisinicline for smoking and vaping cessation](#) found only a third of vapers who wanted to quit were able to abstain for 12 weeks. These quit rates are similar to those for smoking, not substantially higher as one would expect if vaping were much less dependence-forming.
4. Another nicotine economy based on vapes, pouches and snus is being created within UK society. This is not accidental, and it is not about smoking.

**Question 2: Proxy sales refer to a person at or over the legal age of sale purchasing a product on behalf of someone under the legal age of sale. Proxy sales are prohibited under existing tobacco age of sale legislation. In this context, prohibiting proxy sales would mean that anyone born before 1 January 2009 would be prohibited from purchasing tobacco products on behalf of anyone born on or after 1 January 2009.**

**Our response:** Agree.

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**Question 3: Do you agree or disagree that all tobacco products, cigarette papers and herbal smoking products should be covered in the new legislation?**

**Our response:** Agree. **The scope should also be changed from ‘all tobacco products’ to ‘all nicotine products’** and extended to products including nicotine vapes, nicotine in any oral, inhaled, ingested or other format which may be designed in the future. Nicotine is known to be one of the most addictive substances, to do otherwise through the omission of other nicotine products in this policy is a dereliction of the government’s stated commitments to support the health and mental health of society and in particular young people.

The rationale for omitting vapes is because of its relevance as a smoking cessation product. If vapes were made available and promoted to smokers as a cessation product, rather than marketed as a general recreational product as currently, there would be no need to omit vapes from the legislation.

The addictive nature of nicotine and the dangers of regular inhalation of non-medical substances are the rationale for our view. The Lancet Commission on Pollution and Health reports that pollution, primarily air pollution, is the largest environmental cause of death in the world today, almost three times more deaths than from AIDS, TB and Malaria combined and 15 times more than from all wars and other forms of violence. Smoking is in fact the second largest cause of preventable death after air pollution.. Smoking and air pollution together are responsible for over 16 million deaths globally per year.

The lesson from these global catastrophes is that inhaling something other than fresh air into the lungs should be strenuously prevented.

Evidence from smoking shows that nicotine addiction can be triggered after just one cigarette. A [study testing the effectiveness of Cytisinicline for smoking and vaping cessation](#) found only a third of vapers who wanted to quit were able to abstain for 12 weeks. These quit rates are similar to those for smoking, not substantially higher as one would expect if vaping were much less dependence-forming.

The global meta study ([Health Impacts of Electronic Cigarettes 2022](#)) and our own qualitative scoping study among young adults ([Vaping Dilemma 2023 references and rationale](#)) shows that addiction to vapes follows the same pattern, stimulated by Deliberate Addictive Techniques or DAT’s (*SocietyInside, Addiction Economy unpublished research 2023*) through lifestyle marketing and ubiquitous availability targeting young adults and children

It also embeds acceptance of the portable inhaled format as a social norm for other recreational products which should also be prevented. [For example, cannabis, crack, heroin and fentanyl](#) are increasingly being consumed through a vaporizer, which combined with a simple flavouring, provides a potent, portable, discreet and pleasantly flavoured, way to consume dangerous, addictive and illegal drugs.

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**Question 4: Do you agree or disagree that warning notices in retail premises will need to be changed to read ‘it is illegal to sell tobacco products to anyone born on or after 1 January 2009’ when the law comes into effect?**

**Our response:** Agree. Notification is not enforcement. A strategy and detailed plan for the implementation and enforcement of this plan should be published and consulted upon urgently, prior to the law being passed.

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**Question: Do you agree or disagree that the UK Government and devolved administrations should restrict vape flavours?**

**Our response:** Agree. Vape flavours should be restricted to a small number (4-6) with plain descriptions which are proven favourites with smokers avoiding those popular with young people and associated with sweets. Flavours to be chosen should be researched with smokers of all ages, vapers who have switched from smoking and dual use smokers.

**Why colours work to addict:** The design of multiple flavours and colours, often 32+ per brand for vapes, are introduced to create social dynamics, particularly among young people, and aim to embed product usage through social interactions.

Vape companies design these traits to encourage trading and sharing flavours, for example, linked to colours or sets of colours, encouraging users to match to clothes, sports teams, accessories, moods, days of the week. Advertising and lifestyle marketing using these flavours and colours further embed norms of product usage in social settings. For further detail on the use of these socialising techniques see two books by Patrick Fagan (UK) and Nir Eyal (US), both coincidentally called *Hooked* or a summary in our short film [The Vaping Dilemma](#).

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**Question 5: Which option or options do you think would be the most effective way for the UK Government & devolved administrations to implement restrictions on flavours?**

**Option 1: limiting how the vape is described**

**Option 2: limiting the ingredients in vapes**

**Option 3: limiting the characterising flavours (the taste and smell) of vapes**

**Don't know**

**Our response:** All these options are essential to ensuring vapes are used only as smoking cessation aids and are not appealing to young adults or children and marketed as recreational products. **This should include additional guidance prohibiting the lifestyle marketing of vapes to all ages, including those using flavours and colours.**

**Limiting how vapes are described,** both on pack and in all marketing should include restriction on how flavours are described - eg in plain terms, tobacco, mint, orange.

**Enforcing the limit of the ingredients in vapes** to only approved ingredients will help prevent negative health effects from the many unknown and untested ingredients already in legal vapes, with up to allegedly 10,000+ flavours currently available legally which may be approved for ingestion but not inhalation.

The burden of proof should be on the company to demonstrate safety before product approval. Full toxicology testing of these ingredients must be submitted and licensed and ingredients not considered safe for inhalation should not be approved and a watchlist made available to consumers and trading standards officers. The Food Standards Agency provides a useful model of how relationships with consumers enhances effective regulation.

Vapes which are not licensed should be removed from shelves immediately. Regulators and enforcement should be funded proportionate to this task and ongoing research on effectiveness of different strategies funded.

**Limiting the characterising flavours (taste and smell) of vapes.** There is evidence that the full sensory experience of vaping may enhance usage among young people. ([A Review of the Use and Appeal of Flavored Electronic Cigarettes, NCBI 2019](#) and others) The fact that studies suggest this is less strong among adults may be simply because the current flavour profiles, often mimicking sugary sweets, are targeted at young people and not them.

We support the use of vapes as a short term measure for smoking cessation and therefore recommend that tastes and smell aligned to a small number of flavours popular with smokers should be permitted.

**Question 6: *Do you think non-nicotine e-liquid, for example shortfills, should also be included in restrictions on vape flavours?***

**Our response:** Yes. Non-nicotine liquids such as shortfills should be restricted because:

1. The current primary use of shortfills is to mix with concentrated nicotine to create custom flavours and strengths of E-liquid at a lower price. Not including them in the restrictions will simply promote the creation of home-made nicotine vapes containing e-liquids that can be mixed to any strength.

This will lead to more addictive vape liquid which is less safe, harder to regulate and will further encourage the black market.

2. [The Nicotine Vaping Evidence Review 2022](#) noted there was not enough evidence to conclude that non-nicotine vapes were an effective way to quit smoking, but that the effects of inhaling nicotine were the main driver of their success as a smoking cessation aid. If non-nicotine vapes were not included in the restrictions, this would leave a simple loophole for the sake of an ineffective route to helping smokers quit.
2. In addition, the widespread acceptance of vapes embed acceptance of the portable inhaled format as a social norm for the design of other recreational products. [For example, cannabis, crack, heroin and fentanyl](#) are increasingly being consumed through a vaporizer, which combined with a simple flavouring, provides a potent, portable, discreet and pleasantly flavoured, way to consume dangerous illegal drugs. Restrictions on all devices facilitating inhaled substances should be put in place as soon as possible.



**Question 7: Which option do you think would be the most effective way to restrict vapes to children and young people?**

*Option 1: vapes must be kept behind the counter and cannot be on display, like tobacco products*

*Option 2: vapes must be kept behind the counter but can be on display*

**Our response:** Option 1. Positioning vapes alongside cigarettes will help to ensure all addictive nicotine products are treated like tobacco products. This will align vapes more closely with smoking cessation and potentially help stimulate and could be used to facilitate switching decisions and embed vapes as an alternative to smoking directly at point of sale.

This is likely not to be a barrier to smokers who are used to this mode of purchase and may link vapes with cigarettes more effectively in their minds through this approach - supported by appropriate communication. It will also help reduce the likelihood of vapes being seen as lifestyle products for recreational use by children, young adults and other non-smokers.

Option 1 will similarly prevent the deliberate and enticing arrangement of vapes in shop windows in a wall of colour to deliberately catch the eye of young people. The proliferation of vape shops and small shops visibly promoting vapes, often with large window displays may not be the deciding factor in someone's decision to quit smoking; but, our conversations with young vapers shows, it does influence the decision of someone to start vaping. The ubiquitous availability and promotion of vapes on the high street contributes to the normalisation of vapes as mainstream lifestyle and recreational products instead of addictive products of concern.

**Online sales must also be restricted.** Retail restrictions will result in non-smoking vapers simply moving to online retailing, as they increasingly are. This has no stigma, it is more convenient and cheaper. The government must also consider how to limit the promotion and sale of vapes online as a matter of urgency.

**Question 8: Do you think exemptions should be made for specialist vape shops?**

**Our response:** No.

**Question 9: Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict the way vapes can be packaged and presented to reduce youth vaping?**

*Option 1: prohibiting the use of cartoons, characters, animals, inanimate objects, and other child friendly imagery, on both the vape packaging and vape device. This would still allow for colouring and tailored brand design*

*Option 2: prohibiting the use of all imagery and colouring on both the vape packaging and vape device but still allow branding such as logos and names*

*Option 3: prohibiting the use of all imagery and colouring and branding (standardised packaging) for both the vape packaging and vape device*

**Our response:** Option 3 will be the most effective. The packaging limitations for smoking demonstrate that standardised packaging is effective in limiting usage and therefore should be mandated also for vapes to prevent lifestyle marketing for recreational use.. Logos should not be allowed (they will simply be redesigned with a lifestyle styling embedded) but names and plain description of flavours chosen to appeal to smokers allowed.

**Question 10:** *Do you agree or disagree that there should be restrictions on the sale and supply of disposable vapes? That is, those that are not rechargeable, not refillable or that are neither rechargeable nor refillable.*

**Our response:** We agree that sales of disposable vapes should be unavailable for sale. However, refillable and pod vapes are now almost as simple and cheap as disposables. These formats should also be restricted by standardised packaging, availability only behind the counter and restriction of all lifestyle marketing and promotion off and on-line made illegal..

Disposables have been the gateway format which resulted in the explosion in youth vaping but have not been as popular with smokers. Vaping has always been available to youth, but the barriers of cost, availability, hassle to use, size and lack of discreteness has generally been enough to make the spontaneous purchasing of vapes, for reasons other than for quitting smoking, seem impractical and uncool. Disposable vapes removed these barriers. Our conversations with young vapers showed disposables were the gateway to them buying vapes spontaneously, on nights out with friends, to fit in, when feeling sad, just wanting to see what vaping like, as a treat. They should be unavailable for sale to prevent this gateway behaviour.

**Refillables and pods are now as simple and cheap as disposables** Our research among young people and attendance at the recent Vape Expo at the NEC in Birmingham, shows that manufacturers are already anticipating the restriction on disposable vapes and are now designing refillable vapes and pods to mimic disposables in size and style. New UK entrants such as Juul 2 use the pod format, with a plain black design, the same format which led to them being the US market leader, until FDA forcibly removed it from US shelves for “playing a disproportionate role in the rise of youth vaping” (Robert M. Califf FDA Commissioner). Disposables will be replaced by pods if they are not actively restricted for sale.

**They are also competitive in price.** Not only do the price of some refillables match their brands disposable counterparts, but new ‘Pod system’ refillables allow for greatly increased quantities of nicotine to be consumed. Firstly because pod refills can cost as little as £1.85 and come in packs of 40, with the same content as a disposable, and secondly because the pod system removes many of the stopping cues that limit people's consumption of nicotine similar to a disposable. Stopping cues might include having to go down to the shop to buy another disposable, or manually refilling a tank.

Our conversations with young people shows their constant use of disposables and pods leads to more constant nicotine consumption, and less ability to keep track of how much they have consumed, which leads to greater consumption.

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**Question 11:** *Do you agree or disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply?*

**Our response:** Yes. We do think this should take the form of prohibiting sale and supply.

**Restrictions, including plain packaging and availability only alongside cigarettes should also apply to pods and refillables.** Steps to restrict the design and sale of refillables and pods which in our view will quickly replace disposables with young people, should also be put in place immediately. This should include a limit on their flavours, colours, packaging, point of sale and lifestyle marketing.

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**Question 12: Are there any other types of product or descriptions of products that you think should be included in these restrictions?**

**Our response: Yes.** The lifestyle marketing of vapes to all ages, but particularly to children and young adults on and offline should be specifically prohibited and enforced.

Vapes are already embedded as a core part of youth (18-25) culture through the deployment of lifestyle marketing approaches similar to that of non-addictive consumer products, such as fashion and tech. The limitations proposed will not prevent new, sophisticated, equally well-targeted marketing designed to appeal to young adults and other non-smoking demographics - eg 'silver vapers', older people, have recently been identified as a new target. Lessons from other consumer products indicate that as the market expands further, demographic segmentation and targeting is likely to occur to increase sales.

We have identified the following ways that vapes are currently being marketed to young adults as a lifestyle product for recreational use all of which should be prohibited:

1. Product sales and marketing vapes in lifestyle venues - eg pubs, clubs, hairdressers, takeaways
2. Influencers paid either with money or free product on TikTok, Instagram and Facebook, promoting vapes as a fun lifestyle product for recreational use, (including memes, hashtags etc)
3. Product merchandising and promotion of Elf bar products on the Discord community (a youth centred gaming voice chat application)
4. Public vape shows such as the recent Vape Expo at the NEC featuring extensive product giveaways, live music events promoting vapes, links with gambling through a casino within the vape show pavilion and other promotional vehicles.
5. Free samples of vapes and pouches given out at major festivals, particularly targeting young people (eg Reading)
6. Free vapes and pouches at University freshers week events
7. Sponsorship of football teams and sale of vapes at sporting events
8. Online seasonal event promotions - halloween giveaways, advent calendars
9. Framing vaping in promotional marketing and company websites directly as something to be enjoyed on nights out; weekends, festivals, holidays, to relax, to make friends, to enjoy family time.
10. Framing vaping in promotional marketing and websites as offering psychological benefits - calming, reducing stress, increasing concentration. This is shown to be untrue and should be considered false health messaging and prohibited. (Comparisons with Smoking & Mental Health, ASH 2019)
11. Ecological messages about product recycling should be considered part of lifestyle marketing and should also be prohibited.
12. Lifestyle marketing through design of online retail websites with price promotions which are already illegal.

The lifestyle marketing of vapes to all ages, but particularly to young adults should be specifically prohibited and enforced.

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**Question 13: Do you agree or disagree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced? Our response:** Not known.

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**Question 14: Are there other measures that would be required, alongside restrictions on supply and sale of disposable vapes, to ensure the policy is effective in improving environmental outcomes?**

**Our response:** If disposables are removed from sale the sale of pods and refillables will increase, which also have a significant environmental footprint. Enforcement of the WEEE regulation should be enforced for all vapes.

The tobacco industry condemnation of disposable vapes is a response to the Chinese manufacturers of disposable vapes which have flooded the market, taking market share from their own pods and refillables. This should be seen for what it is and the environmental footprint of all vapes treated equally.

The current proliferation of ecological messages about recycling of disposable and non-disposable vapes, (particularly on buses, websites and in-store), are, from the lack of verified evidence on company websites of their success, simply greenwashing, of and categorised as lifestyle marketing and so be prohibited.

Independent statistics on company recycling by local councils should be published.

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**Question 15: Do you have any evidence that the UK Government and devolved administrations should consider related to the harms or use of non-nicotine vapes?**

**Our response:** Non-nicotine vapes pose concern for four reasons:

- The current primary use of non-nicotine e-liquids through shortfills is to mix with concentrated nicotine to create custom flavours and strengths of E-liquid at a cheaper price. By not including them in the restrictions you simply promote the creation of home-made nicotine containing e-liquids that can be mixed to any nicotine strength. This will lead to more addictive vape liquid which is less safe, harder to regulate and will further encourage the black market.
- Article 20(5) separates the advertisement on refillable vapes intended for non-nicotine e-liquid. If this distinction continues to be made then it opens for the door for advertising of vapes 'designed' for non-nicotine E-liquids, which in reality will simply be vehicles for nicotine e-liquid.
- [The Nicotine Vaping Evidence Review 2022](#) noted there was not enough evidence to conclude that non-nicotine vapes were an effective way to quit smoking, but that the effects of vaping nicotine was the main driver of their success as a smoking cessation aid.. So if these were not included in the restrictions, this would leave a simple loophole around the proposed regulations for the sake of a less effective route to helping smokers quit.
- We believe that restrictions on all devices facilitating inhaled substances should be put in place as soon as possible. They embed acceptance of the portable inhaled format as a social norm for the design of other recreational products. [For example, cannabis, crack, heroin and fentanyl](#) are increasingly being consumed through a vaporizer, which combined with a simple flavouring, provides a potent, portable, discreet and pleasantly flavoured, way to consume dangerous illegal drugs



The lesson from the global catastrophes of smoking and air pollution is that inhaling something other than fresh air into the lungs should be strenuously prevented.

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**Question 16: Do you think the UK Government and devolved administrations should regulate non-nicotine vapes under a similar regulatory framework as nicotine vapes?**

**Our Response:** We do, see response to previous question.

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**Question: Do you have any evidence that the UK Government and devolved administrations should consider the harms or use of other consumer nicotine products such as nicotine pouches?**

**Our response:** Nicotine pouches like Nordic Spirit are marketed in the UK as consumer products for recreational use for example with recent large on tube advertisements at Oxford Circus, buses and via company websites. Pouches should be subject to the same restrictions as other nicotine products which sustain addiction.

Evidence from [The World Health Organisation Study Group on Tobacco Product Regulation 2022](#) (p70) are that “*nicotine pouches contain sufficient nicotine to sustain addiction*’ and that they contravene the WHO Framework on Tobacco Control, because they have attractive product characteristics such as flavours. It shows that they are not proven tools for cessation but could be a gateway to use of other nicotine products. No advertising and lifestyle marketing should be permitted off or online.

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**Question: Do you think the UK Government and devolved administrations should regulate other consumer nicotine products such as nicotine pouches under a similar regulatory framework as nicotine vapes?**

**Our Response:** Yes.

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**Question: Do you think that an increase in the price of vapes would reduce the number of young people who vape?**

**Our Response:** Yes. The evidence from its effectiveness with cigarettes is sufficient to restrict the price. However the government should explore options for how this price increase is used. A hypothecated tax, like the recent Gambling Levy, should be implemented to fund vaping cessation rather than it simply going direct to the treasury.

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**Question: Do you think that fixed penalty notices should be issued for breaches of age of sale legislation for tobacco products and vapes?**

*Powers to issue fixed penalty notices would provide an alternative means for local authorities to enforce age of sale legislation for tobacco products and vapes in addition to existing penalties.*

**Our response.** Yes.

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**Question:** *What level of fixed penalty notice should be given for an underage tobacco sale? £100, £200, other*

**Our response.** Don't know. Trading standards bodies should provide an evidence based assessment of the effectiveness of penalties and the focus should ensure effective enforcement. Levels of child vaping show that existing measures are not making an appreciable difference and age verification online easy to bypass.

It is our view that vapes of all types should be restricted by the implementation of standardised packaging and available only behind the counter in all retail outlets. This will further limit the enticement of children through ubiquitous promotion in shop windows. For example, West Croydon High Street has 28 shops selling vapes within 1km, many using multi-coloured window displays of a large variety of vapes at the same time Google maps says "there are 0 vape shops nearby". The ubiquitous availability of vapes in this way normalises them in the minds of children and young people as an acceptable consumer product.

Secondly purchasing vapes online is already very easy and if the policy does work and options become more limited on the high street, then young people will turn to the digital marketplace. How will these restrictions be policed online?

## Contact us

If you would like to speak to us about these recommendations, our perspectives on recreational vaping, the government regulation, or our short film [The Vaping Dilemma](#) contact us on: [Hilary@societyinside.com](mailto:Hilary@societyinside.com) or [Joe@societyinside.com](mailto:Joe@societyinside.com) For urgent enquiries contact Hilary on +44 (0) 7799 625064. For ongoing information about our work see our website [www.recreationalvaping.org](http://www.recreationalvaping.org)

