

CAP Consultation on E-Cigarette Advertising – Response from the University of Edinburgh’s Group for Research on Inequalities and Tobacco (GRIT)

16th October 2017

This response is submitted by GRIT. GRIT is an inter-disciplinary research group, which includes members from the three Colleges at the University of Edinburgh. GRIT’s mission is to promote research in tobacco control in order to develop understanding of the determinants of smoking uptake and cessation and, in particular, inequalities in these determinants (<https://www.ed.ac.uk/usher/tobacco-control-inequalities>). Our response in general supports the views expressed in the ASH Scotland submission to this consultation.

Question 1 Do you agree with CAP and BCAP’s proposal to remove the prohibition on health claims from unlicensed nicotine-containing e-cigarettes? If not please explain why. Please also provide any relevant evidence not already taken into account by CAP and BCAP in making this proposal.

No, we do not agree that the prohibition on making health claims should be removed. Removing this prohibition would permit an unacceptable degree of latitude for commercial entities, including the tobacco industry. We do not believe that commercial advertisers are best placed to carry health messages to the public.

There is already scope for companies to refer to potential benefits of e-cigarettes as an alternative to tobacco. Companies can refer to evidence suggesting that using e-cigarettes without tobacco is less harmful than using conventional cigarettes, as highlighted in the recently published Scottish Consensus Statement on E-cigarettes (1). This statement was published by NHS Health Scotland in conjunction with, and with the support of, a range of key Scottish stakeholders.

Allowing companies to make health claims about e-cigarettes is inappropriate, given there is no evidence of a net health benefit from using e-cigarettes. E-cigarettes are less harmful than lit tobacco, but this does not make them healthy for consumers. In addition, current evidence on the dual use of e-cigarettes and smoked tobacco indicates that this does not reduce the health risks compared to smoking only tobacco (1).

Question 2 Do you agree with CAP and BCAP’s proposed changes to the wording of the rules, as set out above? If not please explain why

No. We believe there could be a place in advertising for the specific statement that e-cigarettes are less harmful than tobacco, as endorsed by the Scottish Consensus Statement (1). However, removing any prohibition on health claims is too wide and likely to have unintended consequences.

We would accept a continued prohibition with an exemption for an approved form of words to make a claim about the relative harm of e-cigarettes compared to lit tobacco. This wording should relate clearly to replacing all tobacco use with e-cigarette use, as highlighted in the Scottish Consensus Statement (1).

Question 3 *Do you agree with CAP's proposal to add qualifying text to the introductory text of the e-cigarette section of its Code as set out above? If not please explain why.*

No, we do not agree with this proposal. This would allow tobacco companies and related third parties to run advertising in the form of public health messaging. Previous tobacco industry-run public health campaigns, which have occurred in countries including the US, have failed to reduce smoking prevalence (and may even be counter-productive) while advancing industry interests (2, 3).

Involving the tobacco industry in public health messaging, even incidentally, could breach the UK's responsibilities under Article 5.3 of the Framework Convention on Tobacco Control. This states that "in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law". Permitting public health advertising by tobacco companies would not protect public health policies from attack by the industry.

Question 4 *Do you agree with the wording proposed? If not, please explain why and provide your suggestions as to how it should be amended.*

No, we do not agree (see previous comments).

Question 5 *Do you have any other information or evidence that you think might be relevant to CAP's consideration of its regulation of public health advertisements which refer to e-cigarettes?*

Tobacco companies have used statements and estimates of relative harm made in a UK context to promote their agenda and products in other nations with less stringent controls.

E-cigarettes became the common term for first generation devices, and there are now four generations of devices in use – the market is fluid and changing.

Two recently published longitudinal British studies found that young never smokers were more likely to experiment with tobacco cigarettes if they had tried an e-cigarette (4, 5). This evidence reinforces concerns about protecting young people from using e-cigarettes.

References

- (1) NHS Health Scotland (2017). Consensus statement on e-cigarettes. Edinburgh. [accessed 2017 Oct 14]. Available from: http://www.healthscotland.scot/media/1576/e-cigarettes-consensus-statement_sep-2017.pdf
- (2) Landman A, Ling PM, Glantz SA (2002). Tobacco industry youth smoking prevention programs: protecting the industry and hurting tobacco control. *Am J Public Health*, 92:917–30.

- (3) Wakefield M, Terry-McElrath Y, Emery S, Saffer H, Chaloupka FJ, Szczypka G, et al (2006) Effect of televised, tobacco company-funded smoking prevention advertising on youth smoking-related beliefs, intentions, and behavior. *Am J Public Health*, 96:2154–60.
- (4) Best C, Haseen F, Currie D, Ozakinci G, MacKintosh AM, Stead M, Eadie D, MacGregor A, Pearce J, Amos A, Frank JW, Haw S (2017) Relationship between trying an electronic cigarette and subsequent cigarette experimentation in Scottish adolescents: a cohort study. *Tobacco Control*. DOI: [10.1136/tobaccocontrol-2017-053691](https://doi.org/10.1136/tobaccocontrol-2017-053691)
- (5) Conner M, Grogan S, Simms-Ellis R, Flett K, Sykes-Muskett B, Cowap L, Lawton R, Armitage CJ, Meads D, Torgerson C, West R, Siddiqi K (2017) Do electronic cigarettes increase cigarette smoking in UK adolescents? Evidence from a 12-month prospective study. *Tobacco Control*. DOI: [10.1136/tobaccocontrol-2016-053539](https://doi.org/10.1136/tobaccocontrol-2016-053539)