

All Party Parliamentary Group for E-Cigarettes

Minutes for meeting on 11 July 2018, Committee Room 18, House of Commons

In attendance:

Mark Pawsey MP (Acting Chair of the session)

Sir Kevin Barron MP (Chair of the APPG)

Adam Afriyie MP

Dr Lynne Dawkins – London South Bank University

Helen Taylor – Cuts Ice E-Liquid Laboratories

Damien Bove – Adact Medical

John Dunne – E-Liquid Brands

Sarah Jakes – New Nicotine Alliance

Daniel Pryor – Adam Smith Institute

Witnesses:

Session opened 10.05

Introduction by Mark Pawsey MP:

- Welcomed the witnesses and provided apologies for the absence of some APPG members due to the debate taking place in the Chamber.
- Made introductory remarks about the Tobacco Product Directive (TPD)'s impact on the vaping industry, citing the restrictions it enforces on the size of e-liquid bottles, the nicotine concentration of e-liquids, and even the on the number of drops which can be extracted from e-liquid bottles (capped at 20 drops per minute) as severe.
- He added that he was concerned about TPD's restrictions on advertising, as these seemed to prevent wider public information about vaping.
- He wondered whether the witnesses could offer insight into the effects of TPD on the vaping and wider economy, both in the short and long term.

Discussion

Helen Taylor

- Introduced herself and her role at Cuts Ice E-Liquid Laboratories.
- Wanted to add to Mark Pawsey's introduction of the topic, as a point of clarification, that part of the issue with TPD was its enforcement of a 6-month product notification process on e-liquid and vaping device manufacturers. Under TPD, industry has to notify the MHRA of their intention to bring a product to market 6 months before they do. This is a big problem for manufacturers because, by the time it comes to market, the product has likely become obsolete. Whilst the MHRA has at times waved this process, she said Brexit was an opportunity to get rid of it entirely.
- When asked by Mark Pawsey to clarify the effect this was having on manufacturers, she said the 6-month wait was disincentive to innovate, particularly for smaller businesses

who could not afford to spend time and resources on a new product that in 6 months may no longer sell.

- When the discussion turned to there being fewer young women vaping than men, she said that Ice E-Liquid Laboratories were exploring ways to appeal to more women looking to quit smoking. These included creating new, more women-oriented e-liquid flavours which, and designing sleeker, less ‘clunky’ vaping devices. Ultimately, however, she agreed that TPD’s advertising restrictions were part of the problem in reaching this demographic.

Damien Bove

- Introduced himself and his role at Adact Medical.
- He spoke about the other consequences of TPD for industry, among them the short-fills loophole. He explained what short-fills were for the benefit of the meeting – these are 0% nicotine e-liquids being manufactured and sold in 60 and 100ml bottles with the sole intention and purpose that they then be mixed with high strength, non-flavoured nicotine ‘shots’ (sold in 10ml bottles) and subsequently be used for vaping (this is colloquially known as ‘shake and vape’). Because these ‘short-fills’ contain no nicotine, they are subject to none of TPD’s requirements of notification, provision of ingredient information and testing data and bottle size limits (10ml max). He said that competitors to his business were taking advantage of this loophole, and that short-fills appealed to vapers because of their convenience and lower cost (compared to buying individual el-liquid bottles containing nicotine).
- He said there was a misconception about non-nicotine e-liquids not needing regulation, and that as a result many businesses were being undercut.
- When asked by Mark Pawsey MP whether he felt TPD was being properly enforced, he answered that before TPD was introduced, manufacturer received far more visits from regulatory authorities. Since TPD came into force, trading standards bodies no longer wanted to get involved; they felt *“it’s been dealt with now, so we don’t need to do anything.”* Their approach to vaping products was to react to complaints about products once these had been received, but they didn’t seem to be following up on these complaints with any consistency.

Daniel Pryor

- Introduced himself and his role at the Adam Smith Institute
- He said the biggest negative impact of TPD was on advertising for vaping, specifically broadcast advertising. He argued that TPD’s restrictions meant *“people are becoming less knowledgeable about the health benefits of e-cigarettes when compared to cigarettes.”*
- He spoke on the wider health issue in the UK, that Public Health England (PHE) and the National Institute for Health and Care Excellence (NICE) gave conflicting guidance on vaping in relation to smoking cessation. While NHS Stop Smoking Services had shown great success in getting UK smokers to quit, NICE’s guidelines were discouraging doctors and smoking cessation practitioners from actively recommending to smokers that they convert to vaping.
- He reiterated the observations from the [‘1 Million Years of Life’](#) report on UK tobacco policy, namely that young women were not quitting smoking for vaping at the same rate as young men, to the extent that this was costing the UK 1 million lives a year. He also

reiterated that, despite the clinical evidence to the contrary, “around half of smokers still think e-cigarettes are just as harmful as cigarettes.”

Dr Lynne Dawkins

- Introduced herself and her role at London South Bank University.
- She said she had observed a slowdown, if not complete halt in vaping uptake by new customers; as had been remarked by witnesses in the Science and Technology Select Committee E-Cigarette inquiry, e-liquid and vaping device sales had fallen since the introduction of TPD.
- She agreed with Daniel Pryor that TPD restrictions had contributed to increasing misinformation about the health risks of vaping, and that this was putting smokers off quitting.
- She reasoned that TPD’s restrictions on nicotine concentrations were another reason why some smokers were struggling to convert to vaping. According to a recent [Action on Smoking Health \(ASH\) survey](#), smokers trying to quit often found they did not get a strong enough ‘hit’ when vaping.
- She perceived the danger that smokers would return to smoking if they ran out of vaping supplies as equally worth considering.

John Dunne

- Introduced himself and his role at E-Liquid Brands and the UK Vaping Industry Association.
- He drew attention to the impact that lack of advertising was having on demographic groups which did not use social media; he particularly drew attention to smokers over 50, who ‘consumed’ their advertising elsewhere, namely in broadcasting, and as a result were missing out on receiving more information on vaping.
- He reminded the Group that the Government’s policy on recycling, namely to reduce the amount of plastic used in packaging, stood in complete contradiction to TPD’s requirements for e-liquid packaging and distribution. He pointed out that, restricted to distributing nicotine e-liquids in small individual bottles holding a maximum of 10ml was not only inconvenient for the consumer, but forced manufacturers to generate more plastic and non-recyclable packaging than would be necessary, or in line with the Government’s environmental policies.

Sarah Jakes

- Introduced herself and her role at the New Nicotine Alliance.
- She spoke on smoking cessation services remaining hostile to vaping, claiming that many continued to preach abstinence first and foremost. This was harmful to smokers.

Kevin Barron MP

- Introduced himself and his support of vaping as an effective means of smoking cessation.

- He agreed that smokers who wanted to quit struggled to make the conversion to vaping because the nicotine concentrations were too weak. He recommended that PHE should collaborate with industry to try to change this. He said that vaping must be firmly integrated into smoking cessation policy, and assured the Group that there was appetite in Parliament to support such an initiative.
- He insisted that messaging around vaping should focus on its medicinal value for smokers, and that any new legislation and regulation should dissociate it from tobacco products altogether. The term ‘e-cigarette’ sent misleading signals, and policy-makers and industry would do better to no longer use it.
- When asked by Adam Afriyie MP about Labour’s position on vaping, he said that the savings it could make for the NHS and the taxpayer by reducing smoking-related diseases would go down very well within the Party.

Adam Afriyie MP

- Introduced himself and contextualised his interest in vaping and smoking policy.
- He said that while “we have cracked the main core of smokers” by getting them to convert to vaping, there remained work to be done. He said it was worth pushing Government and national health bodies to review the impact of vaping on smoking cessation in the UK so far. He was concerned that while there while much high quality research had already been produced on the health benefits of vaping when compared to smoking, the Government was not yet responding to it.
- He said that while MPs who smoked or were ex-smokers would be willing to work with industry to embed vaping in smoking cessation policy, non-smoking MPs wouldn’t care.
- That said, he considered that vaping fitted in well with the Government’s broader technology and innovation agenda, citing Matt Hancock as an example of a Cabinet Secretary who would be in favour of embedding it in smoking cessation policy. After Brexit, the appeal of investing in the UK’s vaping industry ought to be particularly strong.
- He welcomed some big tobacco companies’ recognition that “the end of smoking in the UK” was near, and that they should work towards replacing cigarette sales with e-cigarette and e-liquid sales. He suggested that big tobacco would not mind if taxes on cigarettes continued to increase, as long as they could be sure that they could safely invest in a less hostile vaping market.

Session closed 11.00