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Standing Committee on Health, Aged Care and Sport
Parliament of Australia
Inquiry into the Use and Marketing of
Electronic Cigarettes and Personal Vaporisers

The New Nicotine Alliance Australia is a grassroots consumer advocacy group. We are consumers of risk reduced nicotine products, mostly e-cigarettes/vaporisers. We act on behalf of ourselves and all of Australia's safer nicotine consumers, as well as potential future vapers who are still trapped in smoking. We do not receive industry funding, either from the tobacco industry or the e-cigarette industry.

We recognise that the Inquiry will receive many submissions on the scientific evidence for the public health benefits of vaping and we will not dwell on this. Instead, as a consumer focused organisation, we will focus on what we can bring to the enquiry from our unique knowledge as consumers and ex smokers. Our voice is central to this debate. We are the ones that are most affected by any proposed regulations.

Our opponents in the mainstream of Australian tobacco control fight for an ideology, but we fight for our very lives. All of us who have stopped smoking by vaping feel we could not have quit smoking any other way. Most of us tried many times with all the recommended methods and failed, again and again, no matter how expensive cigarettes became, no matter what restrictions and bans were placed on smoking.

For us, this is about life and death.

This is about seeing our children grow up. This is about staying alive and healthy for our loved ones. Without vaping, we would still be smokers, facing an early grave.

Our opponents will claim that we don't know enough yet about the long term effects of vaping. But we definitely know about the short term effects for ourselves. Smokers coughs are gone, asthma control is much better, we can climb hills and run and not get out of breath, our circulation is better. Most of us feel the same as if we had quit altogether. We are happy to gamble on a likely 95% safer option than the certainty of death and disease from cigarettes. We simply want to be able to make this choice for ourselves.

Vaping nicotine in Australia is illegal with penalties similar to what we would face if we used heroin. Faced with a choice between obeying the law and smoking or breaking the law so we can be non-smokers, we choose to be criminals and live.

Our opponents will claim we can vape legally with a doctor's prescription, but in the anti-vaping environment of Australia, very few doctors will ever dare write such a prescription. In Queensland, there is even a "dob in a vaper" hotline to encourage the prosecution of illegal vapers with fines of up to \$9,108 until they return to legal smoking. ¹

Australia's powerful vaping opponents have so far been successful at keeping nicotine vaping illegal with their lobbying to Government and the TGA, and have attempted to shut down even non-nicotine vaping. Apart from Western Australia, sales of non-nicotine vapes and e-liquid are still legal but subject to increasingly burdensome restrictions that treat them like tobacco products. They claim they are protecting us from the tobacco industry, but not one vaping product sold in Australia comes from a tobacco company.

The effects of Australian laws on vaping amount to a protection, in law, of the cigarette market. We may be starting to see the results of this in the stubborn resistance to further declines in smoking in Australia, with smoking rates staying the same in the last three years while more vape friendly places like the US and the UK see continued and steep falls in smoking over the same time. ²

Many propose that vaping should be regulated as a medicine, with individual products to be submitted to the TGA for approval. However, when one nicotine vapor product was submitted to the TGA in 2015 (ironically by a tobacco company) the application was rejected immediately, without any assessment, likely due to the extreme anti vaping political environment. ³ Understandably, no one has dared to lodge an application again, with the high costs involved, least of all any of the small independent companies with low resources that comprise the majority of the vaping industry. It seems they want to make sure that only tobacco companies should control any vaping market in Australia, if allowed at all. We vehemently disagree, and as

¹ <https://www.health.qld.gov.au/public-health/topics/atod/tobacco-laws/electronic-cigarettes>

² <http://www.aihw.gov.au/alcohol-and-other-drugs/data-sources/ndshs-2016/key-findings/>

³

<http://www.theaustralian.com.au/national-affairs/health/bat-moves-from-packaging-to-sue-tga-on-nicotine-inhalers/news-story/dfa66c401b0d0aac8ca6da1f74af63ca?nk=aff6e5736151d0f24347c1c59dcfb140-1498360276>

consumers, we want a rich and varied independent vaping industry to flourish for maximum choice and price competition.

Medicalisation

Even if it were possible to have a medicalised vaping device and e-liquid legally available, medicalisation of products is the destruction of all the reasons why vaping works.

Most smokers switching to vaping do not see themselves as sick. They do not need a “medicine”. They simply want to continue doing what they want, and to avoid the health risks of doing so. A perfectly safe but bland medical e-cig that no one wants to use is useless.

Our opponents will say that almost every smoker wants to quit, and that there are many approved options to help people quit, and that Australia does not need e-cigarettes as our smoking rate is low. But those quit methods have dismal long term success rates.

It appears with the stalling in our quit rates that we do indeed need something new, and we are getting down to a hard core of smokers that either gain so much benefit and enjoyment out of smoking or else are so deeply addicted that we do need this disruptive technology.

Just as smokers say they want to quit, many people say they'd like to lose weight. But they usually don't. Overweight people like to eat, and smokers like to smoke. In weight loss, it is usually more effective to suggest replacing something like soft drinks with various teas or other low calorie options rather than to just tell people to quit eating or drinking anything enjoyable whatsoever.

There are other solutions to smoking besides total abstinence. Sweden provides us a proof of concept of the Public Health benefits of replacing harmful tobacco products by far safer snus, an oral, smokeless tobacco product. Sweden enjoys by far the lowest rates of tobacco related death and disease in Europe ⁴ with a daily smoking rate of 5%, far below that of Australia's at 12.2%.

The NNA AU recommends that all reasonable low risk substitutes for smoking such as smokeless tobacco and heat not burn technologies should also be available and cheaper than cigarettes. Just as we would not refuse reasonable low calorie options to dieters, we should maximise the low risk nicotine options for smokers to switch.

The Pleasure Principle: Why Vaping Works

Addiction alone is not enough to explain why so many smokers continue in a behaviour that is so well known to be deadly, increasingly expensive and is highly stigmatised in society. Almost all

⁴ Ramström, Lars, Ron Borland, and Tom Wikmans. "Patterns of smoking and snus use in Sweden: Implications for public health." *International journal of environmental research and public health* 13.11 (2016): 1110.

smokers have given up for long enough in the past for the hold of addiction to be broken, but most smokers get tempted back to smoking time and time again. Why? Because we enjoyed it. We gained pleasure from it.

Vaping works because it recognises and acknowledges that people gain pleasure from smoking, and replaces it with something not only far safer, but more pleasurable. It was developed by smokers, for smokers, according to what WE want, and under our control.

Flavours are of the utmost importance to make vaping as pleasurable as possible to allow us to replace the pleasures of smoking with the pleasures of vaping. It works because of choice. One person's favourite flavor will be disgusting to someone else and vice versa. It also helps to distance the sensations of smoking from vaping. Studies have shown that being able to choose from a wide range of flavors helps vapers quit smoking.⁵

Bans on flavors will also inadvertently favor the new unflavored "Heat not Burn" products being developed by tobacco companies. They simulate the smoking experience more closely than vaping, and although they are a valuable product for those who have trouble switching to vapor products, they are estimated to be 90% safer rather than the at least 95% safer vapor products.

Seeking to restrict safer options is like telling dieters that they are allowed carrots, but not spinach. Maximising safer options is the way to maximise the gateways out of smoking.

Regulations

The most important thing to us is that we should have as much choice as possible. It is hard to think of a single regulation in the world that has benefitted us as consumers, most regulations have limited our choice and therefore perversely increase the relative attractiveness of smoking. There is a huge variety in vaping products and liquids, and this is beneficial to us because it increases the chance that each of us will find something that works best as a substitute for smoking. Vaping does not exactly replace smoking, and there is no e-juice that tastes like smoke, so we hear time and again of vapers trying many different combinations of equipment and e-juice until something works to be good enough to entirely replace smoking. If you talk to a hundred vapers, you will find a hundred different combinations of vape devices and e-liquids.

Instead of trying to make vaping less attractive, we should be allowing innovation to increase the options, so that one day there is an easy option for every smoker to switch, and alternatives are so good that smoking simply becomes obsolete. But many ideas for regulation will stop this, and keep people smoking, because the regulators rarely listen to smokers and vapers. As an example, restrictions on nicotine concentration seem like a good idea. However, many smokers do not want to switch to the current effective vaping products because they are too large. Some

⁵ Farsalinos, Konstantinos E., et al. "Impact of flavour variability on electronic cigarette use experience: an internet survey." *International journal of environmental research and public health* 10.12 (2013): 7272-7282.

very small very easy to use devices have been recently developed that are also satisfying enough to replace smoking. But in order for them to work with their reduced vapor production, they compensate for this with high nicotine concentrations in the order of 50-60 mg/ml. Because they also have low volume of e-liquid, in self contained systems, they are also quite safe. But rules like the TPD in Europe, limiting nicotine strength to 20mg/ml. ban these and keep people in smoking who might be able to switch otherwise.

Restrictions of e-liquid to 100mg/ml nicotine (10%) within low volume enclosed capsule systems would seem a reasonable level to allow maximum innovation in this market. Regulators could consider a lower level of nicotine for retail sale of bottles of e-liquid for refilling, but no less than 36mg/ml (50mg/ml would be preferred). Volume restriction of low strength nicotine bottles and tanks as regulated under Europe's TPD is nonsensical; this increases the waste of packaging and increases the difficulties of refilling, increasing the chance people will find it too hard to switch to a safer alternative.

We need light touch regulations that increase safety without negatively impacting ease of consumer use. There are good examples of regulation for safety available from the UK and France.^{6 7} Importantly, these have been produced in co-operation with industry and consumers. These represent comprehensive, meaningful evidence-based standards done properly by independent scientists without political influence.

Most of Australia's State Governments have enacted legislation to treat vaping without nicotine the same as tobacco products with restrictions on sale and use, not allowing products to be displayed or demonstrated, and expanding smoke free laws to apply to vaping. These laws are unethical and harmful to consumers and should be abolished. Consumers need to be able to hold and try devices and e-liquids they are considering buying, and to be shown their safe and effective use by the store owner. The pro-smoking message being sent by the current laws is that vaping is the same as smoking, and because vaping is more difficult, you should stick with smoking.

The Ordinary Person

Our opponents have recently found that a tobacco company's small email list of subscribers have been sent advice to submit to this Inquiry. We know that many consumer submissions were sent prior to this email and so cannot be in any way influenced by this. We know our wide social media networks comprise tens of thousands of vapers. This is much larger than this tobacco companies email subscriber base. We know our grassroots campaign #YourStoryCounts has garnered hundreds of submissions completely independant of this email. We are very concerned that our opponents will try to use the existence of this email from a tobacco company

⁶ <http://shop.bsigroup.com/ProductDetail/?pid=00000000030303130>

⁷ <http://www.afnor.org/en/news/vaping-afnor-publishes-method-characterizing-emissions/>

to discredit by association the many genuine stories that you have received from people that are hurting.

We have tried many times to engage with people in public health who see vaping as a threat rather than an opportunity, but most of them refuse to listen to us, fairly debate us or to even meet with us so we can understand their concerns. In 2014 I was personally cut from the programme at Australia's first Tobacco Harm Reduction Forum due to controversy over the content of what I was going to say as a consumer. Our opponents seem fixed in the idea that they are fighting an industry, when they are actually fighting against ordinary people who could not give up smoking any other way. They seem to want to silence us. Even the industry as it exists in Australia comprises almost entirely of multiple small businesses of 2 or 3 enthusiastic vapers helping people to quit smoking one by one rather than transnational corporations.

We urge the Committee to take these real stories from real people into consideration when formulating recommendations for regulation. We urge the Committee to recommend evidence based light touch regulations to save many thousands, if not millions of lives.

Thank you for allowing our voice to be heard.

Please allow us to remain non smokers.

Kind regards,

Dr Attila Danko:

For- The New Nicotine Alliance, Australia.