

PHB 35

Bil Iechyd y Cyhoedd (Cymru)

Public Health (Wales) Bill

Ymateb gan: Fontem Ventures

Response from: Fontem Ventures

## Fontem Ventures' response to the Welsh Health and Sports Committee, Public Health (Wales) Bill

### Introduction

Fontem Ventures is dedicated to developing and growing a portfolio of consumable products, including electronic cigarettes, or e-cigarettes. A 100% subsidiary of Imperial Brands, we nevertheless operate at arm's length from our parent company and are focusing on non-tobacco opportunities only. Currently Fontem Ventures has one e-cigarette product available on the UK market: blu. We are working to deliver the most modern system of e-cigarette product on the market.

As a manufacturer that leads the industry in protecting consumer safety by setting exemplary standards in manufacturing quality and responsibility, Fontem Ventures welcomes regulation that promotes such an approach across the e-cigarette sector. The protection of children and young people is an important part of our stance on responsibility, and we consequently applaud recent regulation such as the CAP/BCAP rules on advertising and marketing which aim to limit the extent to which e-cigarette advertising can target or appeal to an under-18 audience.

These new rules constitute an exemplary set of regulations that promote a responsible approach among manufacturers, but still take into account the general consensus among the medical community in the UK that e-cigarettes offer potential public health benefits, and consequently enable manufacturers to compete (through raising awareness and understanding via marketing activity) <sup>1</sup> with the tobacco products to which they provide an alternative.

It is vital that other legislation takes into account the significant emerging evidence of the potential for e-cigarettes to provide public health benefits by acting as a

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<sup>1</sup> 1 Brown J, Beard E, Kotz D, Michie S, and West R (2014) Real-world effectiveness of e-cigarettes when used to aid smoking cessation: A cross-sectional population study. *Addiction* 109: see here for full report. 2 ASH briefing on electronic cigarettes, June 2014 E-Cigarette Factsheet, December 2013; see here for full report. 3 Bullen C, Howe C, Laugesen M et al. (2013) . Electronic cigarettes for smoking cessation: a randomised controlled trial. *The Lancet* vol. 382, (9905) 1629-1637

gateway out of smoking. Studies funded by Cancer Research UK found that people attempting to quit smoking who used e-cigarettes were approximately 60% more likely to succeed than those who used willpower alone or over-the-counter nicotine replacement therapies. The same report noted that “electronic cigarettes could “substantially improve public health because of their widespread appeal and the huge health gains associated with stopping smoking”.<sup>2</sup>

Meanwhile, in April 2014 the charity ASH published a report noting that “Electronic cigarettes are proving more attractive to smokers than NRT while providing them with a safer alternative to cigarettes”, adding that, “There is evidence that they can be effective in helping smokers quit and little evidence that they are being used by never smokers,”<sup>3</sup> while the Lancet published a report which predicted that e-cigarettes, “...have far greater reach and higher acceptability ... among smokers than NRT.”<sup>4</sup>

### Our view on the new Public Health (Wales) Bill

Fontem Ventures welcomes the changes to the newly introduced Public Health (Wales) Bill and thanks the Welsh Assembly for reducing the impact of the Public Health Bill upon the electronic vapour products (EVP) category (also known as electronic nicotine delivery systems or ENDS). The new Public Health (Wales) Bill rightly focuses on reducing the impact of tobacco on health in line with the World Health Organisation’s call that, “There is no safe limit of tobacco,” and highlights that tobacco, not nicotine, is the main concern for tobacco consumers’ health, stating that, “The tobacco epidemic is one of the biggest public health threats the world has ever faced, killing around six million people a year. More than five million of those deaths are the result of direct tobacco use”.<sup>5</sup>

### General response

Fontem Ventures was pleased that in the previous incarnation of the Public Health (Wales) Bill, the definition of tobacco was altered to ensure that new forms of tobacco consumption would not be exempted. Therefore, we would welcome a slight change to the definitions of tobacco and smoking within the Bill in Sections 2 and 47 (1 and 2) with the removal of the word “lit” before “tobacco”.

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<sup>2</sup> Brown, J., Beard, E., Kotz, D., Michie, S. and West, R. (2014), Real-world effectiveness of e-cigarettes when used to aid smoking cessation: a cross-sectional population study. *Addiction*, 109: 1531–1540. doi:10.1111/add.12623

<sup>3</sup> ASH briefing, February 2016: “Electronic cigarettes (also known as vapourisers)” [http://ash.org.uk/files/documents/ASH\\_715.pdf](http://ash.org.uk/files/documents/ASH_715.pdf)

<sup>4</sup> Bullen, Christopher, Howe, Colin, Laugesen, Murray, McRobbie, Hayden, Parag, Varsha, Williman, Jonathan, Walker, Natalie, “Electronic cigarettes for smoking cessation: a randomized controlled trial,” *The Lancet*, September 7, 2013

<sup>5</sup> <http://www.who.int/mediacentre/factsheets/fs339/en/>

If the aim of the Bill is to help reduce the health impact of tobacco and the carcinogens it contains, then it is right to ensure all forms of tobacco, not just traditional “lit” tobacco, are covered.

### Response to Terms of Reference

- 1) *re-state restrictions on smoking in enclosed and substantially enclosed public and work places, and give Welsh Ministers a regulation-making power to extend the restrictions on smoking to additional premises or vehicles;*

and

- 2) *place restrictions on smoking in school grounds, hospital grounds and public playgrounds;*

Fontem Ventures was pleased that in the previous incarnation of the Public Health (Wales) Bill, the definition of tobacco was altered to ensure that new forms of tobacco consumption would not be exempted. Therefore, we would welcome a slight change to the definitions of tobacco and smoking within the Bill in Sections 2 and 47 (1 and 2) with the removal of the word “lit” before “tobacco”.

If the aim of the Bill is to help reduce the health impact of tobacco and the harmful compounds it contains, then it is right to ensure all forms of tobacco, not just traditional “lit” tobacco is covered.

Thus, Fontem Ventures asks the Committee to remove the word “lit” so that the definitions of tobacco and smoking capture all potential tobacco products, not just current conventional tobacco products.

- 3) *provide for the creation of a national register of retailers of tobacco and nicotine products;*

Responding to the first Public Health (Wales) Bill in the last sitting of the Welsh Assembly, Fontem Ventures argued for a split register to further disassociate the wider market of nicotine products from products based on tobacco alone.

However, Fontem Ventures accepts that it is easier and more cost effective for convenience stores and suppliers of e-cigarettes to “dual-register” alongside tobacco. Therefore, whilst wanting to continue to push for a differentiation between the two categories, we support a register for sellers of e-cigarettes.

By registering those who sell our products to consumers, the Welsh Assembly will be helping to add another level of checks and balances to ensure the products that make it to market meet international standards within the EU TPD and are not sold to under 18s.

Fontem Ventures would ask that “tobacco” in 47 (30) be redefined to reduce the emphasis on smoke and instead focus on the inclusion of tobacco as the core ingredient of the product. There is a clear distinction between e-cigarettes and tobacco, with Public Health England stating that e-cigarettes are 95% less harmful than tobacco products.

Therefore, the definition should focus on the inclusion of tobacco, not the smoking of tobacco.

*4) prohibit the handing over of tobacco and/or nicotine products to a person under the age of 18;*

A core ethos of Fontem Ventures is that the products we create are for the adult market. Therefore we support the move to prohibit the handing over and sale of all nicotine products, including both tobacco products and e-cigarettes, to under-18s.

## Conclusion

Fontem Ventures welcomes the new Public Health (Wales) Bill and its content. As a manufacturer with a sole focus on e-cigarette products which do not contain tobacco, we are therefore in direct competition with the tobacco market. The Bill sees, as the majority of academics and health professionals do, that tobacco rather than nicotine is the threat to consumer health. Therefore, it is imperative that the definition of tobacco be changed in subsequent stages of the Bill to ensure that all products that include tobacco are covered by legislation.

Fontem Ventures welcomes the Bill making it an offence to sell or hand tobacco and e-cigarettes to under eighteens. This is a core principle at Fontem Ventures and one we wholeheartedly support.