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Dear Victoria,

**Re: Response to the Department of Health and Social Care's consultation on creating a smokefree generation and tackling youth vaping**

I write as the MP for Runnymede and Weybridge in relation to the above consultation.

I am pleased that my constituency has very low rates of smoking when compared with other areas across the country, but there is more to be done both locally and nationally. I am strongly supportive of the Government's aim to create the first smoke free generation. As a former NHS doctor, I have seen first-hand the misery and suffering caused by smoking, the cost to the NHS caused by the high levels of severe chronic illness, and I am all too aware of the tens of thousands of deaths each year that are attributable to smoking.

On vaping, while it may help people to quit smoking, there are still risks involved and it is important this market is clearly and carefully regulated to protect consumers, especially children.

We know that vapes are currently being marketed to people who would never have tried a cigarette, with reports showing huge numbers of school age children having tried or repeatedly used vaping products. I am increasingly being contacted by parents and local schools with their concerns regarding worrying upwards trends in vape use amongst children and teenagers within my constituency and beyond.

This is supported by national data which demonstrates an exponential uptick in rates of vaping. Data from the Action on Smoking and Health Youth 2022 survey of 11 to 18-year olds in England showed that current vaping prevalence (including occasional and regular vaping) is 8.6% in 2022, compared with 4% in 2021.

While the health consequences of vaping are likely to be substantially lower than smoking tobacco products, we know that vaping is not risk-free – particularly for young people. Many vape products contain nicotine, which is known to be addictive and harmful to adolescent brain development.

As with any new product, the long-term effects cannot yet be known, and I am very concerned about the impact these products could have. Worse still are the many illegal brands that do not adhere to the strict regulations around these products and potentially contain unknown quantities of harmful chemicals, and the use of vapes as method to consume illicit drugs. Even in relation to nicotine-free, licensed vape products, evidence on the effects of use is mostly limited to short and medium-term effects and studies assessing

longer term vaping are needed.

I therefore welcome the Government's consultation which, amongst other things, aims to identify a balance between helping adults to quit smoking while deterring younger people from adopting a vaping habit, with the potentially detrimental health, social, and financial consequences this entails.

### **Banning the sale of tobacco products to those born on or after 1 January 2009**

The health benefits of introducing a policy which means that those now aged 14 and under may never legally be sold cigarettes or tobacco products are incontrovertible.

I therefore strongly support the incremental increase in age restricted sales - and proxy sales - of tobacco products, cigarette papers and herbal smoking products. I also support the proposed changes to signage at the point of sale to make this change as clear as possible to the public.

In addition to the potential to save tens of thousands of lives every year, and prevent chronic, life-limiting illness for many more, over £3.5 billion per year could be saved in NHS and social care spending on treating smoking related diseases. The policy will also help to provide wider societal benefits, such as avoidance of incapacity for work due to smoking related illness and the impact of passive smoking on those sharing households with regular smokers.

Data suggests that the impact of smoking often hits the most vulnerable in our society the hardest, with NHS GP surveys from 2019 indicating that prevalence of smoking amongst adults with long-term mental health conditions was 26.8%, compared with 14.5% in the general adult population. Further, given that smoking is often more prevalent in lower income areas of the country, this policy has the potential to deliver the greatest health benefits to those populations, and will therefore contribute to the Government's levelling up agenda.

At a time when our NHS and social care services face significant challenges in the short, medium and long term, including as a result of an ageing population with more complex health needs, this policy is will drastically reduce smoking related illness in older age while also reducing the financial burden associated with treating those conditions.

Aiming the policy at those currently aged 14 and under means that most individuals in this cohort will not have started to smoke and are therefore less likely to seek to buy cigarettes illegally as a result of pre-existing addiction.

### **Tackling the rise in youth vaping**

While data suggests that most young people who have never smoked are also not currently vaping there is growing evidence that more children are taking up vaping than would otherwise have been likely to begin smoking.

I know that this is an issue of great concern to many of my constituents, especially those with children of secondary school age, as well as schools themselves which are encountering challenges with increased vaping on school premises. I wrote to the Education Secretary in September this year to highlight the increasing issue of vapes in and around schools, requesting that further guidance be issued to schools to help tackle this.

The problems arising out of youth vaping which have been reported to me include apparent vaping addiction. This is leading children to become withdrawn and losing interest in wellbeing-enhancing activities such as sports, and peer pressure being applied to the youngest children joining secondary school to try vaping. There have also been anecdotal reports of younger secondary-aged children being intimidated and pressured to vape, especially in areas where staff are not consistently present, such as toilets.

I have been in contact with constituents and local schools to ask their views on what I and the Government can do to help them to deal with this growing problem. Several clear points have been made in response:

- the sale of fruit-flavoured and brightly coloured vapes, which are attractive to children, should be restricted;
- placing vape products in prominent locations, such as aisle-ends, in supermarkets and other stores, is increasing their visibility and appeal to younger people - this should be stopped;
- large advertisements for flavoured and colourful vape products are often placed in shop windows, attracting children to purchase them.

Taking these factors into account, I would make the following points on the consultation's specific proposals for restricting the sale of vape products:

### ***Limiting vape flavours***

I agree that the Government should restrict the flavours of vape which can be sold to tobacco, mint, and menthol only. The aim of this would be to strike a balance between reducing the appeal of the sweetest/fruit flavours to younger people while also preserving choice for adults wishing to use vapes as a tool to quit smoking.

I would also support this restriction on flavours applying to non-nicotine e-liquids due to the current paucity of evidence on the long-term health consequences of the use of these products, especially in children and adolescents.

### ***Regulating point of sale displays and product/packaging presentation***

It is important that the correct balance is reached in the marketing of vape products to retain their accessibility as an option for adults wishing to quit smoking, while also reducing their visibility and appeal to younger people.

I support 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 to preserve product choice for adults wishing to quit smoking.

I also support vapes being kept behind the counter in shops and not on display, in common with the treatment of tobacco products.

These measures would be highly effective in reducing the appeal of vapes to younger people.

However, in order to support adult smokers to consider alternative means of quitting smoking, I would encourage the Government to look at additional ways of increasing awareness of smoking cessation services.

### ***Disposable vaping products***

The consultation document rightly sets out the clear environmental impact from disposable vapes (i.e. products that are not rechargeable, that are not refillable or that are neither rechargeable nor refillable), with too many parks and open spaces now littered with these items.

Further, disposable vapes are relatively inexpensive, with the consultation document indicating that these are, on average, half the price of the cheapest reusable vapes. Lower prices make disposable vapes more appealing and attainable for younger people. This is evidenced by data which suggests that the use of disposable vaping products has increased substantially, with 52.8% of current vapers using them in 2022, compared with 7.8% in 2021.

I therefore support a ban on the sale of all disposable vapes; however, this should be supported by measures to ensure that vape products remain accessible for adults who wish to use them to quit smoking. I would therefore encourage the Government to consider the provision of reusable vape starter packs either free or on prescription, as are currently available through some stop smoking services.

## **Other issues arising out of the topics under consultation**

### ***Support for vape addiction***

As part of my recent work responding to constituent concerns regarding youth vaping, I wrote to NHS England to query what support services are available for those addicted to vaping.

NHS England's response (a copy of which is enclosed), stated that the Office for Health Inequalities and Disparities (OHID) has recently led a consultation to understand what initiatives can be undertaken to help address youth vaping. A formal response to this consultation is awaited; however, NHS England has stated that - if supported by OHID and the Department of Health and Social Care - they would consider how tobacco dependence services could be extended to include those who vape, particularly younger people.

I would encourage the Government to support NHS England in expediting this initiative in view of the alarming upwards trend in youth vaping over recent years.

### ***Enforcement measures – illegal vape products***

I agree with the consultation's statement that a strong approach to enforcement is vital if the smokefree generation and youth vaping policy is to have real impact. I would therefore support the imposition of the higher spot fine of at least £200 for underage tobacco and vape sales.

I would also encourage the Government to look at the possibility of licensing the selling of vapes in the same way as sales of tobacco are currently licensed. This has the potential to bolster the enforcement regime and increase compliance with any restrictions imposed as a result of this consultation through the threat of licenses to sell vaping products being revoked.

However, illicit vapes, which may contain higher than authorised levels of nicotine or other harmful substances, remain a problem. It is worrying that 2.1 million illicit vapes were seized across England by trading standards in 2022 to 2023. There is the clear potential for this to increase, particularly if less expensive, disposable vapes are withdrawn from sale.

I welcome the Government's announcement in April 2023 of a £3 million investment in a new illicit vapes enforcement unit led by National Trading Standards. However, support for this new enforcement agency should be kept under review and, if necessary, strengthened to tackle any increase in the illicit vape trade arising out of measures implemented as a result of this consultation.

Please do not hesitate to contact me if you require any further information regarding the issues raised in this response.

Yours ever,



**Dr Ben Spencer MP**  
**Runnymede and Weybridge**