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From the President

9 September 2016

The Ministry of Health
PO Box 5013
Wellington 6140
New Zealand

Via email: ecigarettes@moh.govt.nz

Dear Sir/Madam

Re: Policy Options for the Regulation of Electronic Cigarettes in New Zealand

The Royal Australasian College of Physicians (RACP) welcomes the opportunity to respond to the New Zealand Ministry of Health's consultation on *Policy Options for the Regulation of Electronic Cigarettes*.

The RACP represents medical specialists from across more than 40 medical specialties – including public health, thoracic and respiratory medicine, oncology and addiction medicine – to educate, innovate and advocate for excellence in health and medical care. We draw on the skills of our members to develop policies that support the delivery of high quality health services and promote a healthier society.

The RACP remains concerned about the lack of clear and robust evidence pertaining to e-cigarettes. In particular, better and more data is needed to understand their impact in a number of areas, including to the health of individuals and the population, their effectiveness as a smoking cessation aid, whether they have a gateway effect leading to non-smokers taking up vaping and then progressing to tobacco cigarettes, and whether the advent and acceptance of e-cigarettes is re-normalising smoking and potentially undermining the gains made in the last decades to reduce the prevalence of smoking in our communities.

The potential for e-cigarettes to continue supporting people's addiction, or indeed create a new generation of people addicted to nicotine and smoking behaviour, needs to be considered. The devastating impact addiction has on people's life choices, life opportunities and life chances is too often overlooked and underestimated.

We acknowledge claims that when directly compared with traditional tobacco cigarettes, e-cigarettes do not contain as many chemicals that we know to be unsafe, and therefore may not be as harmful. However, caution is advised as we do not know whether the large number and wide-ranging additives in e-cigarettes, such as flavourings, colourants and other chemicals (including carbonyls, metals and organic volatile compounds) are safe when heated and vapourised and repeatedly inhaled deep into the lungs. Concentrations of their components – both nicotine and non-nicotine elements – often vary within and between brands. It should be noted that similar claims about safer smoking were initially made with respect to filtered tobacco cigarettes, only to be realised as false decades later. In addition,

some designs of e-cigarette devices have reportedly leaked nicotine and some have exploded. Thus the safety of these products is a significant concern for the RACP. We also urge the New Zealand government to acknowledge that the potential for these products to play a role in reducing tobacco smoking, or minimising the harms of smoking, urgently needs further study and to implement and appropriately fund trials to generate the evidence needed to enable appropriate policy decisions to be made. It is vital that there be robust and independent evidence of the highest quality on this crucial public health matter. The development of the evidence base on e-cigarettes cannot be left to industry.

However, we recognise that these products are currently in use across New Zealand (and Australia) and are concerned that current regulatory measures governing e-cigarettes are unclear, inadequate and porous.

In light of this, the RACP supports amending the existing legislative controls on tobacco products to extend to e-cigarettes and prohibiting the advertising and promotion of these products and their sale and supply to minors (although we maintain that smoking is unsafe at any age).

The RACP is also supportive of the existing legislative controls in the Smoke-Free Environment Act for tobacco products being extended to e-cigarettes, as outlined in the consultation paper. Many of the aspects listed are crucial; for example, prohibiting their display in sales outlets and requiring disclosure of the product content and composition. Further detail is required on some to ensure they are effectively implemented in this context; for example, how the requirement for graphic health warnings would be effectively applied.

Taxation has been long recognised as one of the most effective public health measures to preclude the initiation of and promote the cessation of tobacco smoking. The RACP considers that taxation policy plays a critical role in any smoking reduction strategy and this should apply also to e-cigarettes. E-cigarettes should therefore be subject to New Zealand's excise tax at a rate commensurate with the associated levels of harm. We suggest that a lower rate than tobacco cigarettes might be appropriate to discourage any e-cigarettes users switching to tobacco cigarettes.

Fundamentally though, we urge the New Zealand government to seriously consider how the safety of these products can be ensured and what regulatory approach to quality control and safety standards would be effective.

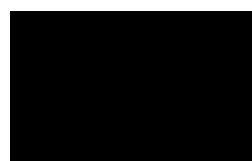
Again, the RACP appreciates the opportunity to provide input to the New Zealand Ministry of Health's consideration of this important issue. It is vital that there is close and ongoing consultation with the medical professionals who treat and support people with the significant health issues caused by smoking – from addiction problems, a range of cancers, respiratory issues, through to palliative care for those dying from the scourge of tobacco. The RACP is committed to contributing to the development of health policies that help lead New Zealand to a smoke-free future and looks forward to future consultation opportunities on this matter.

If you would like to discuss this submission further, please contact the New Zealand Policy and Advocacy Unit on policy@racp.org.nz.

Yours faithfully



Dr Catherine Yelland PSM



Dr Jonathan Christiansen
New Zealand President