

IEA Briefing Paper

THE ALTERNATIVE SMOKE-FREE 2030 PLAN

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Summary

- This year, Dr Javed Khan, former CEO of Barnardo's, was commissioned by the Department of Health to draw up a plan to make England 'smoke-free' by 2030, a pledge made during Theresa May's administration.
- Khan's prohibitionist recommendations included the painting of all cigarettes brown or green, annually increasing the age at which one can buy cigarettes by one year, hiking tobacco taxes by over 30 per cent until a pack of cigarettes costs around £20, and much more.
- An alternative strategy to prohibition, a proven failure, would be to emphasise the resounding success of vaping and other tobacco-alternatives in getting people off cigarettes. As of this year, 28 per cent of smokers have never even tried an e-cigarette. Removing barriers to consumers accessing safer tobacco-alternatives is vital.
- Tackling pervasive misinformation about the risks of e-cigarettes would be an excellent start. Currently, 40 per cent of English smokers falsely believe that nicotine causes cancer and the number of smokers who wrongly think that vaping is as or more dangerous than smoking rose by 17 per cent between 2014 and 2020. Fixing this could involve the government ensuring that public health bodies are consistent in publishing reports on the benefits of vaping.
- Reforming areas of the EU imposed Tobacco Products Directive (TPD) is a further action that should be taken. Article 20 of the TPD exacts punitive regulations on e-cigarettes, covering everything from advertising to the size of refillable vape tanks. Cutting this red tape will lift powerful barriers to access.
- Increasing the availability of other low-risk tobacco alternatives such as snus, heated tobacco and nicotine pouches is also needed. All these products are currently subjected to over-zealous regulation, with snus being completely outlawed in the UK. Deregulation of these products will provide smokers will valuable low-risk alternatives.
- It is important to acknowledge that the UK has generally regulated e-cigarettes sensibly. But with a greater focus on articulating the benefits of switching to low-risk tobacco alternatives and relaxing the associated regulatory regime, smoking may truly become obsolete.

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This paper forms part of BRITAIN UNLIMITED, our blueprint for Britain in 2030 and beyond. Through a comprehensive programme of publications, podcasts, films, events and more, BRITAIN UNLIMITED will explore the opportunities for rebooting Britain in the post-Brexit, post-pandemic world.

Smoke-free 2030 and the Khan review

During the last days of the Theresa May administration in July 2019, the government issued a green paper pledging to make England 'smoke-free' by 2030. 'Smoke-free' is defined as having fewer than 5 per cent of the adult population smoking, down from 14 per cent in 2019.

In 2022, Dr Javed Khan, the former CEO of Barnardo's, was commissioned by the Department of Health to develop some policies to achieve this target. In the event, he concluded that the target was insufficient and issued a set of proposals aimed at eradicating all tobacco use by 2040. Published in June 2022, his report took the tax-and-ban approach to tobacco control to ludicrous extremes. His recommendations included the idea of painting all cigarettes green or brown, raising the age at which tobacco can be purchased by one year every year 'until no one can buy a tobacco product', banning smoking outdoors, putting health warnings on individual cigarettes, banning the depiction of tobacco use on television before 9 p.m., and immediately raising tobacco taxes by more than 30 per cent so a pack of cigarettes costs around £20 (Khan 2022).

Although Khan's review was titled 'Making Smoking Obsolete', his policy proposals focused almost entirely on supply-side interventions designed to make smoking as unappealing, expensive and inconvenient as possible. This misunderstands the nature of obsolescence. Popular products generally only become obsolete when a better alternative comes along. Cars made the horse and cart obsolete. DVDs made VHS obsolete and streaming services made DVDs obsolete. Old technology is made obsolete by new technology serving the same purpose in a cheaper or better way.

Cannabis and heroin have never become obsolete despite being subject to even tougher laws than Khan envisages. So long as demand exists, neo-prohibitionist policies will result in endemic black market activity, crime and secondary poverty without coming close to eradicating smoking.

Only 53 per cent of British smokers say they want to quit (ONS 2020) and the real figure is likely to be lower since findings from surveys tend to be inflated by social desirability bias. But even if every smoker who *said* they wanted to quit succeeded in doing so, the smoking rate would be 7 per cent, above the government's target for 2030. It is well known that smokers find it hard to quit even when they are motivated to do so. The government's target not only requires all the smokers who want to quit to do so, but also requires many smokers who have no intention of quitting to change their mind. It is a big ask, and increasingly absurd regulations are simply not up to the job.

The alternative smoke-free 2030 plan

If cigarettes become obsolete in the coming decade, it will not be because they have been prohibited but because nicotine users will have found better alternatives. Many of these alternatives already exist and only require sensible regulation and informed consumers for them to flourish.

The UK's relatively liberal approach to vaping has already produced impressive results. There is strong evidence from the fields of both economics and epidemiology to show that e-cigarettes are an effective substitute for smoked tobacco and that policy interventions designed to make vaping less attractive to consumers increase cigarette consumption and smoking prevalence.

In Britain, where 8.3 per cent of adults now vape, the smoking rate dropped by more than a quarter between 2012 and 2019, from 20 per cent to 14 per cent (ONS 2020), whereas in the EU – where only 2 per cent of adults vape – smoking prevalence fell by just one percentage point between 2014 and 2020 (to 23 per cent) (Eurobarometer 2021). The UK now has a lower smoking rate than any EU country apart from Sweden (where another reduced risk nicotine product, snus, has acted as an effective substitute for cigarettes).

Although scare stories continue to appear in the media, no serious acute risks from vaping have been identified, and the Royal College of Physicians has concluded that the long-term risks are ‘unlikely to exceed 5% of the harm from smoking tobacco’ (RCP 2019). There is very little evidence to support the theory that vaping acts as a ‘gateway’ to smoking. Only 0.4 per cent of people who have never smoked currently vape (ONS 2020). The British Medical Association has admitted that its earlier concerns about vaping ‘renormalising’ smoking ‘have not materialised’ (BMA 2017: 10).

Vaping is not the only safer alternative to smoking. Heated tobacco products such as IQOS and Glo pose less risk to health because they do not involve combustion. Snus, a smokeless tobacco product that originated in Scandinavia, is safer still and does not cause any form of cancer. Nicotine pouches, which resemble snus, are newer products but are assumed to be virtually risk free since they contain no tobacco and consist mainly of cellulose.

The UK has made impressive progress with tobacco harm reduction, but more could be done. As of 2022, 28 per cent of smokers have never even *tried* an e-cigarette and the majority of those who have tried them have not become long-term users (ASH 2022: 1). We present below twelve simple, low-cost policies that could be introduced to reduce the smoking rate by getting smokers to switch to safer products.

Information

Consumer ignorance is a major barrier to the consumption of low-risk nicotine products. Myths about vaping causing ‘popcorn lung’ and other diseases have proliferated on social media. Scare stories regularly appear in the press. As a result, a report from Public Health England concluded in 2021 that ‘Perceptions of the harm caused by vaping compared with smoking are increasingly out of line with the evidence’ (Public Health England 2021: 17). Four out of ten smokers in England wrongly believe that nicotine causes cancer¹ and the proportion of smokers who wrongly believe that vaping is as dangerous or more dangerous than smoking rose from 36 per cent in 2014 to 53 per cent in 2020 (ibid.).

This represents a woeful failure of public health messaging which can be corrected in two ways:

1. Challenge misinformation

Public Health England’s reports on vaping were a valuable resource cited around the world. Public Health England closed in 2021 and its responsibilities for health education have been passed to the Office for Health Improvement and Disparities (OHID). The government should ensure that the OHID

¹ <https://www.gov.uk/government/news/four-in-10-smokers-incorrectly-think-nicotine-causes-cancer>

continues to publish these reports, which are written by external academics, and launch a campaign to challenge the misinformation about nicotine and reduced-risk nicotine products. It should work with the British Medical Association and the Royal College of General Practitioners to ensure that doctors are well informed about the benefits of e-cigarettes and other low-risk products.

2. Inserts in cigarette packs

Cigarette cards have not been widely used since the 1940s, although some companies used them for smokers to collect reward points into the 1990s. Since they were generally used to promote tobacco brands, they were banned on health grounds. The Standardised Packaging of Tobacco Products Regulations (2015) states that 'No insert or additional material may be attached to or included with the packaging' of tobacco products.

This now looks like a missed opportunity. Inserts could be used as a way to promote lower-risk products directly to smokers. There is substantial consumer ignorance to overcome. According to a survey by ASH (2022: 18) only 44 per cent of adults in England are aware of nicotine pouches and only 14 per cent are aware of heated tobacco. Regulated marketing of these products, along with e-cigarettes, should be permitted on cigarette cards.

EU regulation

In the 2017 Tobacco Control Plan for England, the government specifically mentioned the EU Tobacco Products Directive (TPD) as set of regulations in need of review.

.. the government will review where the UK's exit from the EU offers us opportunities to re-appraise current regulation to ensure this continues to protect the nation's health. We will look to identify where we can sensibly deregulate without harming public health or where EU regulations limit our ability to deal with tobacco.

In particular, the government will assess recent legislation such as the Tobacco Products Directive, including as it applies to e-cigarettes, and consider where the UK's exit provides opportunity to alter the legislative provisions to provide for improved health outcomes within the UK context. (Department of Health 2017: 27)

Article 20 of the TPD contains a range of unnecessary and damaging regulations of e-cigarettes. A majority of British MEPs voted against them in the European Parliament and there is now the opportunity for productive reform in the following areas:

3. Warnings/leaflets

Under the TPD, e-cigarette products must be sold with a warning on the packaging and with a leaflet in the box informing the buyer about 'possible adverse effects' and information about 'addictiveness and toxicity'. The front and back of the box must show a warning about the 'highly addictive' nature of nicotine covering at least 30 per cent of the surface area. Although intended for bottles of e-cigarette fluid, the legislation is so badly worded that atomisers and empty vape devices have to be sold with a warning that falsely states: 'This product contains nicotine which is a highly addictive substance'.

The leaflets are unnecessary and the warnings are excessive. According to a study by Cox et al. (2018), the EU's health warnings on e-cigarette products make smokers less willing to purchase them. Relevant information, such as advising people to keep the bottle out of reach of children, could be placed on the label.

4. Bottle sizes

The TPD imposes a limit on the size of vape juice bottles of just 10ml. The justification for this is unknown, although it might be to reduce risk if the fluid is drunk. If so, it is not a policy that has been applied to fluids which pose a much greater risk if swallowed, such as bleach and rubbing alcohol (which, like vape juice, have to be sold in child-proof containers by law). The practical consequence of this regulation has been the over-production of single-use plastics, inconvenience to vapers and higher costs to producers which are inevitably passed on to consumers.

5. Tank sizes

The TPD imposes a limit on the size of tanks (the part of refillable e-cigarettes that stores the vape juice) of 2ml. This limit serves no purpose and merely inconveniences consumers who have to fill up their devices more often and carry bottles of vape juice around with them. It should be abolished.

6. Nicotine strength

The TPD imposes a limit on the nicotine content of vape juice of 20mg/ml, i.e., a concentration of no more than 2 per cent nicotine. The limit was designed to allow e-cigarettes to deliver a similar amount of nicotine as a combustible cigarette, but EU authorities misunderstood the scientific evidence and set a level which is far below this in practice.² Before the TPD came into effect, around a fifth of vapers consumed e-cigarette fluid that contained more than 20mg/ml (Dawkins et al. 2013). Some smokers find that lower-strength juice does not provide sufficient 'kick' for them to want to switch permanently. If there must be a limit on nicotine content, it should be around 50mg/ml.

7. Advertising

The TPD bans e-cigarette advertising in all media that can cross borders. This includes not only the internet, television and radio but also newspapers and magazines. E-cigarette advertising is still permitted in some media, such as billboards and at the point of sale, but by restricting commercial speech so heavily, the TPD stifles competition and puts out a signal that vaping is as bad as smoking. A study by Dave et al. (2019) found that restrictions on e-cigarette advertising lead to fewer smokers quitting cigarettes. The current restrictions should be significantly relaxed and e-cigarette advertising rules should focus on content rather than medium, as with alcohol.

Other low-risk alternatives

There is more to tobacco harm reduction than vaping. There are currently three other promising products.

8. Snus

The EEC banned snus across the common market in 1992, although Sweden negotiated an exemption when it joined the EU in 1995. In response to growing epidemiological evidence showing

² <http://ecigarette-research.org/research/index.php/whats-new/whatsnew-2014/147-misinterpreted-research>

the very low risk profile of snus, the EU took the highly unusual step of removing the cancer warning from Swedish snus in 2003, and yet the ban remains in place. Now that Britain is out of the EU, the government should legalise snus by repealing the Oral Snuff (Safety) Regulations Act (1989) and the Tobacco for Oral Use (Safety) Regulations (1992). Switzerland has already done this, reversing its ban on snus (which it had imposed to align with EU regulations) in 2019 citing the low level of risk associated with the product following a court case.

9. Heated tobacco

Heated tobacco products (otherwise known as ‘heat not burn’ products) emit aerosol particles rather than smoke and therefore produce fewer ‘harmful and potentially harmful compounds’ than cigarettes, with reductions of 50 per cent for some chemicals rising to more than 90 per cent for others, according to the Committee on Toxicity (2017). However, the evidence for this comes mainly from research commissioned by the manufacturers and this has allowed critics to cast doubt on the findings. The government should commission its own research into heated tobacco products, as it did with e-cigarettes. If this research confirms that there are substantial health benefits from switching to these products, heated tobacco should be exempt from the Tobacco Advertising and Promotion Act (2002) and be regulated differently from cigarettes.

10. Nicotine pouches

Nicotine pouches are essentially tobacco-free snus and are believed to have an extremely low risk profile since they contain no tobacco and involve no combustion (Azzopardi et al. 2021). Since they do not contain tobacco, they can legally be sold to children. Self-regulation largely prevents this in practice, but it is a loophole that should be closed. The government should also commission the OHID to carry out research into the relative risks of nicotine pouches and smoking, as it has done with vaping.

Do no harm

11. Don’t do anything stupid

As of 2021, thirteen EU countries had an excise tax on e-cigarette fluid. This is a mistake. The economic evidence is clear that taxes on vaping lead to more smoking (e.g., Pesko et al. 2020). A few EU countries also have restrictions on the range of flavours available and there is currently a global campaign funded by the billionaire Michael Bloomberg aimed at encouraging governments to ban all e-cigarette flavours apart from tobacco flavour. This should be resisted. Flavours are a fundamental part of vaping’s appeal to smokers. Goldenson et al. (2019: 106) concluded that:

observational and qualitative studies suggest that flavoured e-cigarettes may aid adult smokers in smoking reduction and cessation efforts. Former smokers cite the wide variety of available flavourings and superior taste of e-cigarettes as factors that aid smoking cessation, and note that restricting the availability of flavourings would make the vaping less enjoyable and reduce the appeal of e-cigarettes.

A study by Yang et al. (2020) found that the ban on e-cigarette flavours in San Francisco led to increased smoking prevalence among 18–24-year-olds.

Cigarettes and e-cigarettes are direct substitutes. As a general rule, anything that makes vaping less appealing will make smoking relatively more appealing.

12. Introduce an innovation principle

One way to avoid reckless over-regulation of low-risk nicotine products is to introduce an innovation principle as a counterweight to the frequently misapplied precautionary principle. As outlined in Hewson and Snowdon (2022: 22), such a principle could be stated as:

New or innovative technologies should not be held to a higher standard of safety than existing ones where the level of risk is comparable, other than to the extent that they can be shown plausibly to exacerbate the risks from the existing technologies, otherwise their potential to deliver benefits will be lost.

Conclusion

It should be remembered, though it is ignored in the Khan review, that smokers enjoy smoking. If they can derive a similar amount of enjoyment from using safer nicotine products as they derive from smoking, encouraging them to switch to such products will produce a net gain in societal wellbeing.

Notwithstanding the constraints of EU membership, the UK has generally regulated e-cigarettes in a responsible manner, achieving public health objectives while respecting personal freedom. But public understanding of the relative risks of vaping has gone backwards in recent years and there is more to be done. The obvious place to start is with unnecessary EU legislation. Six of the twelve recommendations listed above involve EU Directives.

In 2018, the House of Commons Select Committee on Science and Technology criticised the legal nicotine limits on e-cigarettes, the EU's advertising ban and restrictions on tank size. It called for a review of these 'regulatory anomalies' and the government agreed with all seven of its recommendations (DHSC 2018). The Tobacco and Related Products Regulations (2016) is the statutory instrument which transposed the Tobacco Products Directive into law. It should be repealed and replaced with evidence-based regulation.

The other priority is to give the public accurate information about the relative risks of novel nicotine products and the (very low) risks of nicotine itself. With better education and a regulatory system that fosters innovation, smoking may one day become genuinely obsolete.

References

Action on Smoking and Health (ASH) (2022) Use of e-cigarettes (vapes) among adults in Great Britain. August. <https://ash.org.uk/wp-content/uploads/2022/08/Use-of-e-cigarettes-vapes-among-adults-in-Great-Britain-2022.pdf>

Azzopardi, D., Liu, C. and Murphy, J. (2021) Chemical characterization of tobacco-free 'modern' oral nicotine pouches and their position on the toxicant and risk continuums. *Drug and Chemical Toxicology*. 45(5): 2246-54.

British Medical Association (BMA) (2017) E-cigarettes: Balancing risks and opportunities. <https://www.bma.org.uk/media/2083/e-cigarettes-position-paper-v3.pdf>

Committee on Toxicity (2017) Statement on the toxicological evaluation of novel heat-not-burn tobacco products. COT 2017/04. December. https://cot.food.gov.uk/sites/default/files/heat_not_burn_tobacco_statement.pdf

Cox, S., Frings, D., Ahmed, R. and Dawkins, L. (2018) Messages matter: The Tobacco Products Directive nicotine addiction health warning versus an alternative relative risk message on smokers' willingness to use and purchase an electronic cigarette. *Addictive Behaviour Reports* 8: 136-9.

Dave, D., Dench, D., Grossman, M., Kenkel, D. and Saffer, H. (2019) Does e-cigarette advertising encourage adult smokers to quit? *Journal of Health Economics* 68: 102227.

Dawkins, L., Turner, J., Roberts, A. and Soar, K. (2013) 'Vaping' profiles and preferences: an online survey of electronic cigarette users. *Addiction* 108(6): 1115–25.

Department of Health (2017) Towards a Smokefree Generation: A Tobacco Control Plan for England. July.

Department of Health and Social Care (DHSC) (2018) The Government Response to the Science and Technology Committee's Seventh Report of the Session 2017-19 on E-cigarettes. December.

Eurobarometer (2021) Attitudes of Europeans towards tobacco and electronic cigarettes. Special Eurobarometer 506.

Goldenson, N., Leventhal, A., Simpson, K. and Barrington-Trimis, J. (2019) A Review of the Use and Appeal of Flavoured Electronic Cigarettes. *Current Addiction Reports* 6(2): 98–113.

Hewson, V. and Snowdon, C. (2022) Vaper Trails: New nicotine products and the innovation principle. London: Institute of Economic Affairs.

Khan, J. (2022) The Khan review: Making smoking obsolete. 9 June.

Office for National Statistics (ONS) (2020) Adult smoking habits in the UK: 2019. July.

Pesko, M., Courtemanche, C. and MacLean, J. (2020) The effects of traditional cigarette and e-cigarette tax rates on adult tobacco product use. *Journal of Risk and Uncertainty* 60: 229–258.

Public Health England (2021) Vaping in England: an evidence update including vaping for smoking cessation. February.

Royal College of Physicians (RCP) (2019) RCP advice on vaping following reported cases of deaths and lung disease in the US. 25 October. <https://www.rcplondon.ac.uk/projects/outputs/rcp-advice-vaping-following-reported-cases-deaths-and-lung-disease-us>

Yang, Y., Lindblom, E. N., Salloum, R. G., & Ward, K. D. (2020). The impact of a comprehensive tobacco product flavour ban in San Francisco among young adults. *Addictive Behaviours Reports* 11: 100273.