# MRC/CSO Social and Public Health Sciences Unit Consultation Response

## Title of consultation
E-cigarettes: health claims and public health advertisements

## Name of the consulting body
Committee of Advertising Practice (CAP) and Broadcast Committee of Advertising Practice (BCAP)

## Link to consultation
https://www.asa.org.uk/asset/710B7146-7B3C-4047-95C3E89268FAAE4A.5D38D4B3-0F1C-440D-A0B8894BF588C41D/

## Why did the MRC/CSO Social and Public Health Sciences Unit contribute to this consultation?
The MRC/CSO Social and Public Health Sciences Unit at the University of Glasgow is an interdisciplinary group of sociologists, anthropologists, psychologists, epidemiologists, geographers, political scientists, public health physicians, statisticians, information scientists, trial managers and others. The Unit receives core-funding from the Medical Research Council and the Scottish Government Chief Scientist Office, as well as grant funding for specific projects from a range of sources. We conduct research to understand the determinants of population health and health inequalities, and to develop and test interventions to improve health and reduce inequalities, using a wide variety of methods including qualitative research, the collection, linkage and analysis of social survey and routinely collected data, evidence synthesis, randomised controlled trials and natural experimental studies. This response has been informed by our research on social and public health broadly, and on and e-cigarettes regulation specifically. This consultation fits with the Unit’s aim of working with decision makers to identify interventions and policies that can have an effective and sustained impact on population health and wellbeing.

## Our consultation response

### Question 1
Do you agree with CAP and BCAP’s proposal to remove the prohibition on health claims from unlicensed nicotine-containing e-cigarettes? If not please explain why. Please also provide any relevant evidence not already taken into account by CAP and BCAP in making this proposal.

No, we have concerns that the proposal to remove the prohibition on health claims from unlicensed nicotine-containing e-cigarettes would present new risks around communication about e-cigarettes and present commercial interests such as the tobacco industry, who are involved in the e-cigarette industry, opportunities to make health claims to the public. The tobacco industry’s interests are in direct conflict with public health interests, and the evidence base on the harms associated with e-cigarettes is incomplete at present. Whilst there is strong evidence that e-cigarettes are less harmful than tobacco cigarettes, any claims about health should not be presented to the public by the tobacco industry in any of its guises. We do not believe that such commercial advertisers are best placed to carry health messages to the public.

### Question 2
Do you agree with CAP and BCAP’s proposed changes to the wording of the rules, as set out...
Question 3
Do you agree with CAP’s proposal to add qualifying text to the introductory text of the e-cigarette section of its Code as set out above? If not please explain why.
No. Our current research into e-cigarette companies (Hilton, Ikegwuonu, Smith, Weishaar for submission late 2017) suggests that tobacco companies and e-cigarette companies are heavily inter-related, and any opportunities for them to run advertising and marketing campaigns and messaging about public health therefore should be avoided as likely to be counter-productive to the aims of public health. Article 5.3 of the Framework Convention on Tobacco Control has been an important landmark in protecting public health and this proposed change could breach its effectiveness. This should be avoided.

Question 4
Do you agree with the wording proposed? If not, please explain why and provide your suggestions as to how it should be amended.
No. We think that the wording is ambiguous and suggest that ‘health’ should be changed to ‘health harms’, and ‘safety themes’ should be changed to ‘risks’. We propose the following wording:
These rules are not intended to inhibit responsible marketing communications that are intended to counter tobacco use or tell consumers about smoking-related health harms and/or risks. Those marketing communications may refer to e-cigarettes generally, but should not be likely to promote a particular product or brand.

Question 5
Do you have any other information or evidence that you think might be relevant to CAP’s consideration of its regulation of public health advertisements which refer to e-cigarettes?
It is our view that the regulation of e-cigarette advertising should facilitate their potential contribution to harm reduction from tobacco at an individual level. The regulation should minimise risks at a population level, particularly the risk of non-smokers beginning to use e-cigarettes or current smokers dual using for extended periods. Thus, we suggest that any form of advertising and promotion of e-cigarettes should never be targeted at young people or adult non-smokers, and e-cigarette use should not be promoted as a positive health and lifestyle choice.
Our research leads us to be very wary of the growing involvement of transnational tobacco companies in the e-cigarette market, given those companies’ history of using various tactics to resist smoke-free policy, and their likely inclination to subvert advertising rules to further their own interests at the cost of public health. As such, we favour a precautionary approach to regulating the marketing of e-cigarettes that take into account this history of resistance. It is of note that in our recently published research with teenagers on regulation of e-cigarettes, young people favoured a precautionary approach to regulation and advertising to prevent young non-smokers being attracted to vaping (1). Given the fact that e-cigarettes are a fast changing market with new generation products holding some appeal to young people, we believe that a precautionous
approach is in the best interests of public health.


When was the response submitted?
16th October 2017

Find out more about our research in this area
https://www.gla.ac.uk/researchinstitutes/healthwellbeing/research/mrcsociaalandpublichealthsciencesunit/programmes/policy/

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