

Joint ASH and OHID meeting on youth vaping: Summary document

Background:

1. In July data from the 2022 [ASH Smokefree GB youth survey](#) were published showing a significant uptick in youth vaping among children under 18, particularly of disposable vapes. In response, ASH and OHID convened a meeting of key stakeholders on Monday 15th August 2022 to consider ways to improve our approach to youth vaping.
2. In addition to ASH, OHID and academic experts, participants included representatives of public health and regulatory bodies such as [ADPH](#), [ASA](#), [CTSI/ACTSO](#), [FPH](#), [MHRA](#), [NHSE](#), NW Trading Standards and regional tobacco control leads. The discussion was held under the [Chatham House rule](#).

Youth attitudes and behaviour towards vaping

3. Ann McNeill, Professor of Tobacco Addiction, King's College London [presented on youth attitudes and behaviours around vaping](#), showing that while regular vaping among non-smokers remains rare, there has been a significant uptick in vaping among children and young adults, particularly in disposables.
4. Attendees discussed the importance and need for timely data, and the value of the annual ASH Smokefree GB Youth survey of 11-18 year olds carried out since 2013, in showing the recent uptick in youth vaping among children and young adults. (NB The [Smoking Drinking and Drug Use survey for 2021](#) published in September found similar trends, but is only carried out biennially). Other surveys such as the [International Tobacco Control Youth survey](#), the annual [Health Survey for England](#) (2021 results due to be published in December) and the monthly [Smoking Toolkit study](#), only include 16+.

Enforcement projects in 2022

5. OHID officials presented on [enforcement projects](#) carried out in England in 2022 by trading standards with distributors of nicotine inhaling products. Targeted visits were made, based on intelligence, which identified a significant proportion of illegal sales either of underage sales, and/or illicit products.
6. Attendees discussed the factors driving the significant proportions of illegal sales found by the test purchasing exercise (33% of 442 test purchases by under 18s resulted in sale, 40% of test purchases by 16-year-olds resulted in sale). Suggestions made included the relative novelty of disposable e-cigarettes and lack of knowledge or confusion on the part of retailers, particularly about the differences between nicotine containing and non-nicotine containing e-cigarettes.

Regulatory tools

7. Craig Copland, Head of E-cigarettes, MHRA explained the remit of the MHRA, the current notification system, and what powers the MHRA have with respect to e-cigarettes. The [presentation](#) also showed the significant increase in new disposable products being notified in the UK and their dominance as a product category. He also explained that:
 - The MHRA is limited in its ability to use funding from notification fees and is specifically unable to fund enforcement projects.
 - The MHRA has limited powers with respect to enforcement and toxicity testing.
8. Cherie Leung, Regulatory Policy Executive, ASA, gave [a comprehensive presentation](#) setting out what is and is not allowed under current advertising regulations, particularly in relation to young people. She also explained how the ASA used AI to monitor inappropriate advertising being promoted to children.

Discussion about how improve application of regulatory and non-regulatory tools

9. The growth in the popularity of disposable e-cigarettes, and concerns about underage and illicit sales have led to calls from local authorities and schools for guidance. Some local authority trading standards teams have dedicated significant capacity to this issue, reducing their capacity to deal with other priorities, such as illegal tobacco. Concerns were raised about lack of local authority resource and capacity and the need to ensure a consistent and coherent approach to e-cigarettes and youth vaping.
10. OHID and MHRA are exploring whether to undertake further compliance work on illicit vaping products and sales. Publicising evidence of non-compliance has been successfully used to promote improved retailer awareness and compliance of other age-restricted products by local authorities and others, through trade bodies and trade and local media. This model could be applied equally well to illicit sales of e-cigarettes.
11. Attendees also identified a need for:
 - a. A clearly communicated position or statement from DHSC/OHID, setting out its support for e-cigarettes to help smokers switch away from smoking whilst acknowledging the need to minimise youth e-cigarette access and use. Better understanding is needed for the rationale for making e-cigarettes age-restricted, while also explaining the lower relative risk compared with smoking. Policy goals and routes to them are not sufficiently clear to some local partners. The upcoming Tobacco Control Plan was cited as an opportunity for Government to set this out.
 - b. Simplified communications to key stakeholders (local authorities, enforcement colleagues, retailers, small businesses, schools and colleges) of regulations, guidance and tools/resources available for address compliance breaches e.g. how to report issues to the ASA, what enforcement action should be taken at local level.
 - c. Guidance for public officials and authorities on how to ensure interactions with the vaping industry do not breach of Article 5.3 of the WHO Framework Convention on Tobacco Control.
 - d. More research to track evolving trends and impact of marketing on youth use.

12. Regulatory recommendations set out in the ASH and SPECTRUM [joint response](#) to the Post Implementation Review of the Tobacco and Related Product Regulations (TRPR) were discussed, such as the need to prohibit free distribution of e-cigarettes to under 18s. Additional regulatory concerns were identified:
- a) Lack of clear regulatory oversight of advertising at point of sale and in-store promotional materials (of particular concern with retail outlets which serve or are close to schools);
 - b) User Generated Content on social media platforms; and
 - c) Lack of powers for enforcement authorities at the borders to seize e-cigarettes on the basis of non-compliance with UK regulations. This allows illicit products to enter the country and puts further demand on local Trading Standards who are left to intercept them.
13. Since the meeting ASH has published a [briefing on youth vaping](#) for local authorities and [guidance](#) to help schools and colleges develop vaping policies. New content covering nicotine and nicotine vapes will be available from mid-September 2022 on the youth-focused [FRANK website](#). Also the 2022 ASH data on use of e-cigarettes (vapes) among adults in Great Britain have now been [published](#).

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