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IMO Submission to the Department of Health Consultation on Further Regulation of Tobacco and Nicotine Inhaling Products

While it is recognised that non-combustible tobacco products and nicotine inhaling products are less harmful than traditional tobacco products, they are not without risk.

The levels of toxicants can vary enormously depending on the brand and model, and can sometimes reach higher levels than in tobacco smoke.^{1 2} Nicotine, the major component is highly addictive, and in children and adolescents can lead to long-term negative impacts on brain development, as well as addiction.^{3 4 5} Nicotine addiction associated with increased risk of cardiovascular diseases, and adverse effects on foetal development in pregnancy.⁶ In the US nicotine products containing Vitamin E acetate were associated with severe lung injury including death, however the contribution over other toxicants has not been excluded.⁷

These products are often promoted as smoking cessation aids, however, there is limited evidence to support their use as a smoking cessation device and they should not be marketed as such.⁸

Of particular concern is the upsurge in use of “ecigarettes” by young people with evidence demonstrating that novel tobacco and nicotine products serve as a gateway for young people to conventional cigarette smoking³ and that the product design, flavours, marketing, and perception of safety and acceptability have increased the appeal, particularly to young people.⁹

¹ Visser W, et al. The health risks of using e-cigarettes. National Institute for Public Health and the Environment, 2015.

² Hayek, P. et al., ‘Electronic cigarettes: review of use, content, safety, effects on smokers and potential for harm and benefit’ in *Addiction*, 109(11), November 2014

³ World Health Organisation (2022). Questions and answers - <https://www.who.int/news-room/questions-and-answers/item/tobacco-e-cigarettes>

⁴ McGrath-Morrow SA, Gorzkowski J, Groner JA, Rule AM, Wilson K, Tanski SE, Collaco JM, Klein JD. The Effects of Nicotine on Development. *Pediatrics*. 2020 Mar;145(3):e20191346. doi: 10.1542/peds.2019-1346. Epub 2020 Feb 11. PMID: 32047098; PMCID: PMC7049940.

⁵ Swan GE, Lessov-Schlaggar CN. The effects of tobacco smoke and nicotine on cognition and the brain. *Neuropsychol Rev*. 2007 Sep;17(3):259-73. doi: 10.1007/s11065-007-9035-9. Epub 2007 Aug 10. PMID: 17690985.

⁶ The Health Consequences of Smoking—50 Years of Progress. National Center for Chronic Disease Prevention and Health Promotion (US), Office on Smoking and Health, 2014.

⁷ WHO- Tobacco: e-cigarettes, questions and answers <https://www.who.int/news-room/questions-and-answers/item/tobacco-e-cigarettes>

⁸ Wallace, AM, Foronjy RE, Electronic cigarettes: not evidence-based cessation *Transl Lung Cancer Res*. 2019 May; 8(Suppl 1): S7–S10. doi: 10.21037/tlcr.2019.03.08

⁹ Electronic cigarette use in youths. *Forum of International Respiratory Societies*, 2018.

The IMO is of the view that given the associated harm, non-combustible tobacco products and nicotine inhaling products should be subject to the same regulatory controls as conventional cigarettes and tobacco products, with additional measures to restrict the attractiveness of these products to children and adolescents.

Point of Sale Display

Q. Which option do you think would be the most effective way to regulate the advertising and display of nicotine inhaling products in shops?

- Nicotine inhaling products must be behind the counter and not be on display or advertised, like the current restrictions on tobacco products
- Nicotine inhaling products must be kept behind the counter but can be on display
- I think there is a different way to regulate the display of nicotine inhaling products in shops
- I disagree with any regulation of the display of nicotine inhaling products in shops

Appearance of Nicotine inhaling products

Q. Which option(s) do you think would be the most effective way to regulate the appearance of nicotine inhaling products and packaging?

- Prohibit the use of animations, cartoons and child friendly images
- Prohibit the use of colours
- Prohibit the use of branding/logos
- I do not think the appearance of nicotine inhaling products should be regulated
- I think there is a different way to regulate the appearance of nicotine inhaling products

In addition to plain packaging, E-cigarettes and nicotine inhaling products should carry mandatory health warnings. Ingredients should be listed - including nicotine content. E-cigarettes and nicotine inhaling products should not be labelled as a smoking cessation product.

Nicotine Inhaling Product Flavours

Q. Which option(s) do you think would be the most effective way to regulate nicotine inhaling product flavours?

- Prohibit chocolate, dessert, sweet or candy flavours
- Prohibit energy drink or soft drink flavours
- Prohibit fruit flavours
- Prohibit menthol/mint flavours
- Prohibit tobacco flavours
- Prohibit tobacco menthol flavours
- Prohibit vanilla flavours
- Prohibit other flavours
- Don't know
- I think there is a different way to regulate flavours
- I do not think there should be any restrictions of flavours

Q. If flavour restrictions were introduced, should specialist retailers (shops that only sell vapes) be allowed to sell a different range of flavours than general retailers (for example supermarkets)?

No, ALL retailers should be subject to the same regulatory controls.

Q. How would your proposed approach impact the appeal of nicotine inhaling products to children?

A ban on flavours, plain packaging and health warnings combined will limit the appeal of nicotine inhaling products to young people.

Q. How would your proposed approach impact the appeal of nicotine inhaling products to adult smokers?

Prohibiting flavours of nicotine inhaling products could also reduce its attractiveness to adults.

Flavour Descriptions

Q. Do you think that flavour descriptions affect the appeal of nicotine inhaling products to children?

Yes, there is clear evidence that the flavour descriptions appeal to young people.¹⁰

Q. Do you think flavour descriptions should be regulated?

As above, flavoured nicotine inhaling products should be prohibited.

Vaping Restrictions

Q. Do you think that the current laws on smoking should be extended to vaping?

Yes – Studies have shown that exposure to second hand nicotine inhaling products has a harmful effect on health^{11 12} Nicotine inhaling products should be subject to the same regulatory controls as conventional cigarettes and tobacco products.

Smoking in outdoor dining areas

Q. Do you think smoking should be banned in outdoor dining areas?

Yes, the harm relating to second hand smoke are well documented. Even in outdoor dining areas, close proximity to smokers can expose individuals to second hand smoke. Building on the success of the ban on smoking in indoor workplaces¹³, the smoking ban should be extended to outdoor dining areas.

Proxy Sales

Q. Do you think that proxy sales of tobacco products and nicotine inhaling products should be prohibited?

Yes - Nicotine inhaling products should be subject to the same regulatory controls as conventional cigarettes and tobacco products.

Raising the legal age of sale for tobacco

Q. Do you think that the current age of sale for tobacco products should be increased?

The Department of Health should examine evidence and options in relation to raising the legal age for the sale of tobacco products.

¹⁰ Electronic cigarette use in youths. Forum of International Respiratory Societies, 2018.

¹¹ Exposure to aerosols from smoking-proxy electronic inhaling systems. World Health Organization (WHO), 2016.

¹² Visser W, et al. The Health Risks of Electronic Cigarette Use to Bystanders. International Journal of Environmental Research and Public Health 2019

¹³ Fong GT, Hyland A, Borland R, et al, Reductions in tobacco smoke pollution and increases in support for smoke-free public places following the implementation of comprehensive smoke-free workplace legislation in the Republic of Ireland: findings from the ITC Ireland/UK Survey. . *Tobacco Control* 2006;15:iii51-iii58.