Written evidence submitted by Japan Tobacco International (ECG0061)

Japan Tobacco International (JTI) is part of the Japan Tobacco group of companies (JT Group), and is a leading international e-cigarette and tobacco product manufacturer.

JTI has its UK headquarters in Weybridge, Surrey, and has a long-standing and significant presence in the UK. JTI has been a major player in the UK e-cigarette market since its acquisition of the E-Lites brand in 2014, and today offers a full range of vaping products to meet consumer demand, under the Logic brand.

Internationally, JTI markets heated tobacco products under the Ploom brand.

The Logic and Ploom brands are important parts of JTI’s portfolio and, as part of JTI, have access to:

- JTI’s extensive manufacturing expertise, enabling product quality standards to be further enhanced;
- The JT Group’s wider technological, research and scientific resources – including a UK R&D Centre – which facilitates compliance with future regulatory requirements, drives the development of next generation products to meet evolving consumer expectations, and delivers ever better electronic cigarette products.

The JT Group publishes its research on non-combustible products (electronic cigarettes and heated tobacco) online at www.jt-science.com; and

- JTI’s distribution network in over 120 countries.

Gallaher Limited is the registered trading company of JTI in the UK.

Executive summary

In order to provide the Committee with the widest possible range of relevant information, JTI’s submission covers nicotine and non-nicotine vaping products, heated tobacco products, snus, and other products which are available globally to consumers. There is now a rapidly emerging scientific consensus that the absence of a combustion process in these products makes them potentially less harmful choices for adult consumers.

The data around the health impact of e-cigarette products suggests that they are likely to be around 95% less harmful than smoking. The current generation of heated tobacco products are a more recent proposition, and the science is still correspondingly at an earlier stage. This early data appears positive however. Reduced toxicant exposure compared to combustibles, and an experience which more closely resembles smoking than vaping does, has the strong potential to prove attractive to smokers.

For tobacco harm reduction to work though, it is also vital that reduced risk products are actually accepted by consumers.

The UK’s current regulatory regime – a combination of the EU’s Tobacco Products Directive requirements, UK wide legislation, and regulation at a devolved national level – has some positive elements which help to establish standards of product safety. However the advertising and communication regulations are too restrictive and should be reviewed. It is also vital that
regulations are properly enforced, and thus that enforcement is properly resourced, in order to protect consumers from non-compliant products.

In light of the reduced risk potential of these products, JTI is proposing the creation of a two-tier regulatory framework – for ‘reduced exposure’ and ‘reduced risk’. The UK’s forthcoming exit from the European Union also provides an opportunity to review current bans on other potentially less harmful products, including snus.

JTI is also clear that these products should not be seen as a revenue generating proposition for the Government, as any such attempt could stall the growth and innovation in the category.
Introduction

JTI supports the effective and proportionate regulation of electronic cigarettes and tobacco products. Fundamentally, JTI believes that:

- Adults should be free to choose whether they wish to use such products and no one should use them without understanding the risks associated with doing so;

- All marketed electronic cigarettes and tobacco products should comply with all relevant regulations, such as those concerning general consumer product safety, electrical safety and consumer protection from misleading marketing claims;

- Regulation of these products should aim to keep them out of the hands of minors and to remind users of the risks associated with their use; and

- Governments and regulators should avoid excessive regulation that prevents adult consumers from choosing these products.

JTI firmly believes that open, transparent dialogue, either written or oral, with government and regulators regarding the regulation of nicotine containing products, including electronic cigarettes and heated tobacco products, will lead to better and more effective regulations. JTI therefore has a right – and an obligation – to express its point of view regarding regulation that affects its products and the industry.

As such, JTI welcomes the decision of the Science and Technology Select Committee to examine the impact of electronic cigarettes and heated tobacco products. This inquiry could be a positive step towards building a regulatory environment which truly protects consumers from unscrupulous traders, and encourages the continued growth of this innovative high tech industry in the UK.
On Health

Electronic cigarettes

E-cigarette products are those which vapourise a liquid but, critically, do not contain tobacco. The devices are also sometimes called vapes. The liquid is usually made up of a carrier liquid, normally a mixture of propylene glycol (PG) and vegetable glycerine (VG), and flavours. The liquid also usually contains nicotine, though nicotine-free liquids are commonly available.

Public Health England (PHE) has estimated that using e-cigarettes is likely to be around 95% less harmful than smoking\(^1\). This estimate was supported by the Royal College of Physicians\(^2\) as well as in an assessment by Cancer Research UK\(^3\). Most recently, NHS Health Scotland have published a ‘Consensus statement on e-cigarettes’ which makes clear their view that:

“There is now agreement based on the current evidence that vaping e-cigarettes is definitely less harmful than smoking tobacco. Although most e-cigarettes contain nicotine, which is addictive, vaping carries less risk than smoking tobacco. Thus, it would be a good thing if smokers used them instead of tobacco.”

Based on these authoritative opinions, JTI believes e-cigarettes could have the potential to be Reduced-Risk Products when compared to smoking. In order to establish absolute certainty though, long-term clinical studies are required.

It is also clearly important that e-cigarettes are manufactured to high standards of safety and quality. For example, liquids with unregulated ingredients, extremely high-powered devices, or those with poorly manufactured components have been shown to produce higher levels of potentially harmful toxins. It is also vital that e-cigarettes are actually chosen by adults, which they clearly are being, as the UK now has around 2.8 million vapers\(^5\).

Heated tobacco products

In contrast to e-cigarette products, which do not contain tobacco, these products heat tobacco without combustion, in order to produce an inhalable vapour. Some of them directly heat tobacco, and some indirectly heat it. Existing direct heating products heat tobacco to between 200°C and 300°C, and indirect heating products can heat tobacco to as low as around 30°C to 50°C. This compares to the combustion in a conventional combustible tobacco product, such as a cigarette, at around 800°C.

The first JTI heated tobacco product on sale in the UK was Ploom in 2013, see Figure 1 in Appendix E. This device directly heats a specially formulated tobacco blend inside an aluminium capsule to around 200°C in order to produce vapour. Today, JTI commercialises a newer product, Ploom TECH, see Figure 2 in Appendix E, in several countries but not presently in the UK. Ploom TECH heats a simple nicotine-free and flavour-free e-liquid in the same way as a regular e-cigarette, and passes this vapour through a pod of specially blended tobacco to add nicotine and flavours. Through this indirect process Ploom TECH heats the tobacco to around 30°C.

From JT Group’s research on heated tobacco products, published on jt-science.com, it appears that temperature is a crucial factor in reducing the chemical complexity of tobacco vapour, and

\(^2\) “Nicotine without smoke: Tobacco harm reduction”, Royal College of Physicians, April 2016
\(^3\) “Nicotine, Carcinogen, and Toxin Exposure in Long-Term E-Cigarette and Nicotine Replacement Therapy Users: A Cross-sectional Study”, Cancer Research UK, March 2017
\(^4\) Consensus statement on e-cigarettes, NHS Health Scotland, September 2017
\(^5\) “As UK market grows, speed of future expansion remains unclear”, ECigIntelligence, October 2017
therefore the presence of the toxicants associated with smoking related disease. An experiment, conducted in 2017, compared the viability of human bronchial epithelial cells (in vitro) after 24 hours of exposure to smoke from a reference cigarette, vapour from a commercially available directly heated tobacco product, vapour from an indirectly heated tobacco product (Ploom TECH), and vapour from a commercially available e-cigarette.  

The data, shown in Figure 3 below, shows that cell viability was markedly improved in the heated tobacco product cases, as compared to the reference cigarette, and that the indirectly heated tobacco product performs similarly to the commercially available e-cigarette.  

![Figure 3: Cell Viability, as a percentage of a control, following exposure to a Reference Cigarette, a Directly Heated Tobacco Product, an Indirectly Heated Tobacco Product, and an E-Cigarette](image)

This data is from only one experiment among hundreds done to date, and still more research is needed before meaningful conclusions can be drawn, but as an early data point it does suggest that heated tobacco products could have the potential to be Reduced-Risk Products when compared to combustible tobacco products. Heated tobacco products and electronic cigarettes, appear to form a continuum of risk, with a variance amongst the former linked to the temperature at which they heat tobacco.

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7 Ibid. 7
On Regulation

Regulation of Reduced-Risk Products

Reduced-Risk Products (RRPs) – products which reduce the risk to users, compared to conventional smoking tobacco – could offer real benefits to consumers and to society as a whole. Consumers should be free to choose RRPs based on accurate information, which requires a thoughtfully designed regulatory environment.

Based on the data outlined in the previous section, JTI believes that both e-cigarettes and heated tobacco products have the potential to be RRPs. The Committee is therefore right to examine the regulatory environment around these products now, with the EU's revised Tobacco Products Directive in force and with Brexit on the horizon, in order to determine what opportunities might exist to improve it.

There is a significant difference between ‘reduced exposure’ (RE) and ‘reduced risk’ (RR) claims. An RE claim means communicating to consumers that the product or its emissions contain a significantly reduced level of Harmful and Potentially Harmful Constituents (HPHCs). An RR claim means that the product presents a lower risk to smokers than continued cigarette smoking.

JTI proposes that a two-tier regulatory framework for RRPs be established to ensure:

- a level playing field for all market operators;
- a mechanism by which companies can apply for approval to make evidence-based claims related to reduced exposure for their products (tier 1);
- a mechanism by which companies can apply for approval to make evidence-based claims related to reduced exposure and/or reduced risk for their products (tier 2);
- guidelines are clear on the labelling, marketing and advertising information that may be communicated to consumers once a reduced exposure and/or a reduced risk claim is officially granted.

Regulation of e-cigarettes

In addition to general regulations covering areas such as chemical and electrical safety, which are common to all consumer goods, the majority of regulations covering the manufacture and marketing of e-cigarette products derive from the EU’s revised Tobacco Products Directive (TPD). The nomenclature alone is unhelpful, as e-cigarette products are, by definition, not tobacco products.

The sale of e-cigarette products is regulated in each devolved nation slightly differently. The sale of such products to under-18s, and the proxy-purchasing of such products on behalf of under-18s, will soon be illegal throughout the UK – a measure which JTI strongly supports. This law is already in place in England, Wales and Scotland, and the Government of Northern Ireland is currently consulting on regulations. In Scotland retailers of e-cigarette products are required to register, free-of-charge, in order to support Trading Standards officers with their enforcement activities – again, a measure which JTI strongly supports. But this is not the case elsewhere in the UK. The Welsh Government is expected to introduce such a measure shortly, along with a register of tobacco retailers, but registration will be charged for. JTI opposes charging for such a registration scheme; it disincentives compliance, and the scheme should not be costly to administer. As far as JTI is aware, no such scheme is planned in England or Northern Ireland.

Beyond retail the implementation of the TPD in UK law effectively created a twin-track pathway for the regulation of e-cigarette products: either as medicinal products, licensed by the
Medicines and Healthcare Products Regulatory Agency (MHRA) as a smoking cessation tool, in line with other medicines, or as consumer products, regulated under the TPD. See Appendix A for a more complete comparison. However, there is only one e-cigarette product that has thus far been granted a medical licence in the UK, eVoke from British American Tobacco, but the product has never been commercialised. Given the total absence of commercially available, medicinally licenced e-cigarette products, this document will focus on the regulation of consumer products.

The TPD introduced a haphazard mixture of regulatory measures, some of which are reasonable and which JTI strongly supports, such as:

- the requirement to print ingredients on packaging;
- the requirement to provide consumers with an information leaflet with the product;
- the requirement to make devices and refills child-resistant and tamper-evident; and
- the requirement to submit a dossier of evidence regarding ingredients and emissions to regulators before placing the product on the market.

Clearly, these measures serve the legitimate purpose of consumer protection. However some features of the regulations make little sense. For example, the TPD has introduced entirely arbitrary rules on advertising of e-cigarette products.

The restriction of advertising introduced in the TPD is not beneficial for consumers. If the opportunities to promote new innovations and improved features in products is curtailed, the commercial benefits are also curtailed – i.e. if a manufacturer can’t advertise its new and improved product, it will struggle to sell it. Over time, this could come to act as a disincentive for the industry to innovate, which could reduce the pace of product improvement. It could also be a contributing factor to the slow-down in the growth of the UK e-cigarette category, which increased just 4% between 2016 and 2017, compared to 85% between 2012 and 2013.\(^8\)

**Regulation of Heated Tobacco Products**

There are currently few specific regulations governing the manufacture or marketing of heated tobacco products, although the Tobacco and Related Products Regulations 2016 (TRPR), do contain a specific category for ‘novel tobacco products’.

**Appendix D** provides an overview of some of the regulations that cover heated tobacco and combustible tobacco products, but it is clear that the regulatory picture has not yet recognised heated tobacco products as a category in their own right. Instead regulations seem to be evolving gradually. This is no surprise given that these products themselves are so new to the market.

In our view the commercialisation, such as manufacture and marketing, of products in this category should be regulated similarly to e-cigarettes. Firstly because these non-combustible products offer potentially lower risk to smokers, and second, because both product categories are in the early stages of evolution, and a more liberal regulatory environment could help foster further innovation and grow consumer acceptability.

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\(^8\) "Use of electronic cigarettes (vapourisers) among adults in Great Britain", Action on Smoking and Health, May 2017
Regulation of Other Products

As more and more innovations in nicotine delivery come to market to meet the demands of smokers, it is likely that a spectrum of products, offering different risk factors from medically licenced patches and gum at the extreme low end, to smoking tobacco at the other, will become available.

![Figure 5: Snus is a smokeless ground tobacco product, shown here in single serve pouches](image)

A notable existing alternative to smoking tobacco is snus – a smokeless, ground tobacco product (usually in single-serve pouches) which is placed in the mouth in order to deliver nicotine to the user – see Figure 5 above. Snus is subject to an EU-wide ban, except in Sweden, where it was deemed so culturally significant as to warrant an exemption. The evidence that snus offers consumers a reduced-risk choice is overwhelming. In fact, Public Health England said the following in its 2014 report on e-cigarettes:

> The experience of the availability of snus in Sweden provides a unique natural experiment in the impact of a socially accepted, non-medical, affordable and easily accessible reduced harm product on the prevalence of tobacco smoking…

> Although over recent decades the prevalence of any tobacco use has changed little in Sweden, the prevalence of smoking in Sweden, which has fallen from 30% in the 1980s to 13% today, is now the lowest in Europe. This in part reflects the effect of existing smokers switching to snus, and partly the effect of new tobacco users initiating snus use but not smoking. One result is that Sweden now has an extremely low and decreasing lung cancer mortality rate…

Overall, research shows that the Swedish experience corresponds to rates of smoking related deaths amongst Swedish men that are significantly lower than in other Western European countries.

What Next

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10 Ramström L M, “Low mortality attributable to tobacco among men in Sweden compared with other European countries: an analysis of WHO data”
The Department of Health acknowledges in its recently updated Tobacco Control Plan for England, *Towards a Smokefree Generation*, that:

*Over the course of this Tobacco Control Plan, 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.*

It is clear then that the UK Government is alive to the possibility of creating an evidence-based regulatory regime for heated tobacco and e-cigarette products which is fit for purpose. Such a scheme should adopt the following principles:

1. **Heated tobacco and e-cigarette products are likely to pose a lower risk to users than combustible tobacco products so, to maximise consumer benefit, they should not be regulated in the same way.**

A consequence of the introduction of the TPD, is that the Government seems to have based its regulation of e-cigarette products on that for tobacco products. This is confusing, and thus damaging to public understanding. JTI is in favour of separate regulation for these products with appropriate mechanisms for obtaining reduced exposure and/or reduced risk claims.

Some of the regulations introduced by the TPD are having a positive effect on consumer safety. However, the situation now and in 2014, when TPD was agreed by EU Member States, is very different. There are many new products available, consumer behaviour has changed, and more scientific evidence is available. Therefore, the Government should work urgently to ensure a flexible yet robust regulatory regime.

2. **The Government should continue to disseminate independently verified scientific information to the general public, and it should be an explicit objective of regulation to foster a successful UK market for products with the potential to offer smokers a reduced risk.**

Public Health England (PHE) has provided independently verified information about the relative risk of vaping compared to smoking. They are rightly regarded as international leaders for this. PHE should continue to monitor and evaluate evidence as it emerges, including long-term clinical data, about the use of e-cigarette and heated tobacco products and should continue to share its findings.

In contrast to the data on e-cigarettes and heated tobacco products, the effects of snus consumption are well documented at the population level, and over the long term. If the UK’s exit from the EU allows the UK to deviate sufficiently from EU legislation, the Government should permit the sale of snus in the UK as a proven tobacco harm-reduction choice for smokers.

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3. **Advertising and promotion rules should reflect the lower harm potential of such products. Regulations should explicitly allow manufacturers and retailers to share substantiated information about the health impact of vaping in their advertising.**

The Government should liberalise the advertising regime for these products, reflecting their lower risk of harm, in order to provide smokers with the clear information needed to make an informed choice.

JTI suggests that a useful starting point would be the Committee on Advertising Practice (CAP) and Broadcast Committee on Advertising Practice (BCAP) codes, as they stood prior to the implementation of the TPD. Pre-TPD versions of the rules from the relevant Chapter 22 from the CAP code and Chapter 33 from the BCAP code are below in Appendix B and Appendix C, respectively.

The Advertising Standards Authority is currently consulting on a modification of the CAP and BCAP codes to permit manufacturers and retailers to make substantiated health claims about their products. It is vital that consumers are empowered in this way to make an informed choice about whether or not to vape, so this work must go ahead, and any positive changes should be rolled over into the post-Brexit advertising regime.

4. **Regulations must be robustly enforced with adequate resources for those charged with enforcement.**

This category is in its early stage of evolution with multiple products and producers. This variety is vital to foster competitiveness and innovation. However, clear and robust standards of product safety and reliability are essential. And such standards must be properly enforced to ensure compliance, to protect both consumers and legitimate businesses who obey the rules from unscrupulous actors.
On Finance

Economic Impact

The exact economic impact of the UK’s e-cigarette industry is difficult to quantify. The industry data specialists ECigIntelligence estimate the UK industry is likely to be worth around £625 million in 2017. This is a 56% increase, up from £400 million, compared to 2014, although they estimate that the number of vapers has only increased by 27%, from 2.2 million to 2.8 million, over the same period\(^{12}\) – see Figure 6 below. This suggests that individual vapers are spending more now than in 2014. This could be a reflection of the move towards more advanced devices or the increasing proportion of vapers who completely abstain from tobacco use, or it could be the costs of compliance with new regulations being passed on to consumers.

![Figure 6: UK market size and vaping population, from ECigIntelligence\(^ {13}\)](image)

As consumers, vapers are supporting a considerable retail supply-chain – with around 2,000 specialist vape stores in addition to the thousands of traditional retail outlets (supermarkets, convenience stores etc) which also sell e-cigarettes\(^ {14}\). As well as bricks and mortar retailers, many vapers purchase equipment and refills online.

Data from the KTNS Omnibus survey (see Figure 7 below) shows that specialist vape stores have recently overtaken traditional retail outlets to become the most popular place for vapers to purchase devices and refills.

\(^{12}\) Ibid. 5  
\(^{13}\) Ibid. 5  
\(^{14}\) JTI estimate
The economic contribution of these businesses is hard to measure, although it is likely to be significant. Almost all e-cigarettes are manufactured abroad, mostly in China, and merely retailed in the UK by importers and distributors, but many e-liquids are manufactured domestically by UK based firms – meaning that most of their value will remain in the UK economy.

Also relevant is the positive contribution of laboratories which are based in the UK, dedicated to compliance, testing, and the research and development of both e-cigarette and heated tobacco products. For example, in 2017, JTI opened a £2 million R&D laboratory at its Weybridge site, with a full time staff of 14, who make up part of the JT Group’s global R&D network.

**Current Status of Excise for E-cigarettes**

Unlike tobacco products, e-cigarette products in the UK are not subject to excise. The only direct tax paid by consumers is VAT. JTI does not support the introduction of excise for e-cigarette products. In addition to acting as a disincentive to consumers, the nature of the products themselves has made enforcement very challenging in jurisdictions where it has been introduced. For example, both Portugal and the US state of Kansas have had to reduce their excise rates on e-cigarette products in order to combat non-compliance. Clearly, non-compliance undermines consumer safety and puts law-abiding manufacturers at a considerable disadvantage.

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15 KTNS Omnibus Q3 2017
Current Status of Excise for Heated Tobacco Products

As tobacco products, such products are subject to excise. The UK’s tobacco excise structure does not currently separate heated-tobacco products from more conventional combustibles, but this is the subject of an ongoing HM Treasury consultation

The current excise system classifies tobacco products as either Cigarettes, Hand-Rolling Tobacco, Cigars, Chewing Tobacco, or Other Tobacco Products – each with a different rate of excise. Heated tobacco products, provided they do not meet the criteria for any of the other classifications, are taxed as Other Tobacco Products at a rate of £119.13 per kilogram of tobacco.

Given its current small size, it is too early in the development of the UK’s heated tobacco product market to determine meaningfully what impact it is likely to have on the public finances. At this stage, and bearing in mind their potential to reduce risk, it is vital that the market is allowed to develop driven by consumer demand. For this reason JTI supports the creation of a separate excise tax category, designed to capture all heated tobacco products, at a lower rate of duty than for combustible tobacco. This reflects the non-combustible nature of such products, and their potential to be reduced-risk compared to combustibles.

Possible Implications for Public Finances

The most recent tobacco control plan for England estimates that the annual cost of treating smoking-related illness in England is £2.5 billion. However, UK smokers paid around £11.6 billion in direct taxes (excise and VAT) in 2016.

Therefore it is clear that the Government’s objective in setting the rate of tobacco taxation is only loosely linked to the externality cost of treating smoking-related illness. Instead, it has long been the Government’s objective to reduce smoking through annual increases in taxation. Introducing an excise on e-cigarette products would therefore act as a major disincentive, in direct opposition to the Government’s stated objectives to reduce the number of smokers.

17 Ibid. 11
18 HMRC data (excise) and JTI estimates (VAT)
Conclusion

JTI welcomes the Committee’s timely decision to review the evidence around the health impact of e-cigarette and heated tobacco products, as well as the regulatory environment in which these products exist, and the economic and fiscal impact they may have.

The scientific data suggests that these products are less harmful than traditional cigarettes. Since it is a fast evolving category there must be an open and evidence based discussion among scientists, the Government and the business community.

The UK is today recognised as a global leader for taking a positive approach to harm-reduction. This Inquiry represents a real opportunity to maximise the potential that these products offer, and thus to maintain the UK’s position of global leadership.

December 2017
### Appendix A

**Summary of the ‘twin-track’ regulatory system for e-cigarette products**

<table>
<thead>
<tr>
<th></th>
<th>Medicinal e-cigarette</th>
<th>Consumer e-cigarette</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory Approval</td>
<td>Licenced by the MHRA</td>
<td>Submission of a dossier to the MHRA six months before placing on sale</td>
</tr>
<tr>
<td></td>
<td>Likely to cost £millions</td>
<td>Dossier preparation likely to cost £thousands</td>
</tr>
<tr>
<td></td>
<td>Licence likely to take years of work to achieve</td>
<td>Dossier likely to take months to prepare, plus 6 month standstill before launch</td>
</tr>
<tr>
<td>Minimum Age of Sale</td>
<td>None</td>
<td>18 (NI regulations not yet in place)</td>
</tr>
<tr>
<td>Taxation</td>
<td>VAT at 5%</td>
<td>VAT at 20%</td>
</tr>
<tr>
<td>Product Requirements</td>
<td>Subject to licence</td>
<td>Maximum nicotine strength of 20mg/ml</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum device tank size of 2ml</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum refill container size 10ml (nicotine containing)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Devices and refills must be child-resistant and tamper-evident</td>
</tr>
<tr>
<td>Packaging Requirements</td>
<td>Subject to licence, as per other medicines</td>
<td>Packaging to carry a 30% text health warning on the front and back surfaces: “This product contains nicotine which is a highly addictive substance”</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ingredients listed on pack</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Information leaflet inside</td>
</tr>
<tr>
<td>Promotion Restrictions</td>
<td>Can be advertised across all media, subject to the same restrictions as any other medicine</td>
<td>Broadcast (TV, radio etc), print (magazine, newspaper etc), and digital (online, email, social medial etc) advertising ban</td>
</tr>
</tbody>
</table>
Appendix B

Rules from the pre-TPD CAP Code, Chapter 22: E-Cigarettes

22.1 Marketing communications for e-cigarettes must be socially responsible.

22.2 Marketing communications must contain nothing which promotes any design, imagery or logo style that might reasonably be associated in the audience’s mind with a tobacco brand.

22.3 Marketing communications must contain nothing which promotes the use of a tobacco product or shows the use of a tobacco product in a positive light. This rule is not intended to prevent cigarette-like products being shown.

22.4 Marketing communications must make clear that the product is an e-cigarette and not a tobacco product.

22.5 Marketing communications must not contain health or medicinal claims unless the product is authorised for those purposes by the MHRA. E-cigarettes may be presented as an alternative to tobacco but marketers must do nothing to undermine the message that quitting tobacco use is the best option for health.

22.6 Marketers must not use health professionals to endorse electronic cigarettes.

22.7 Marketing communications must state clearly if the product contains nicotine. They may include factual information about other product ingredients.

22.8 Marketing communications must not encourage non-smokers or non-nicotine-users to use e-cigarettes.

22.9 Marketing communications must not be likely to appeal particularly to people under 18, especially by reflecting or being associated with youth culture. They should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18. People shown using e-cigarettes or playing a significant role should not be shown behaving in an adolescent or juvenile manner.

22.10 People shown using e-cigarettes or playing a significant role must neither be, nor seem to be, under 25. People under 25 may be shown in an incidental role but must be obviously not using e-cigarettes.

22.11 Marketing communications must not be directed at people under 18 through the selection of media or the context in which they appear. No medium should be used to advertise e-cigarettes if more than 25% of its audience is under 18 years of age.
Appendix C

Pre-TPD rules from the BCAP Code, Chapter 33: E-Cigarettes

33.1 Advertisements for e-cigarettes must be socially responsible.

33.2 Advertisements must contain nothing which promotes any design, imagery or logo style that might reasonably be associated in the audience’s mind with a tobacco brand.

33.3 Advertisements must contain nothing which promotes the use of a tobacco product or shows the use of a tobacco product in a positive light. This rule is not intended to prevent cigarette-like products being shown.

33.4 Advertisements must make clear that the product is an e-cigarette and not a tobacco product.

33.5 Advertisements must not contain health or medicinal claims unless the product is authorised for those purposes by the MHRA. E-cigarettes may be presented as an alternative to tobacco but marketers must do nothing to undermine the message that quitting tobacco use is the best option for health.

33.6 Advertisements must not use health professionals to endorse electronic cigarettes.

33.7 Advertisements must state clearly if the product contains nicotine. They may include factual information about other product ingredients.

33.8 Advertisements must not encourage non-smokers or non-nicotine-users to use e-cigarettes.

33.9 Advertisements must not be likely to appeal particularly to people under 18, especially by reflecting or being associated with youth culture. They should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18. People shown using e-cigarettes or playing a significant role should not be shown behaving in an adolescent or juvenile manner.

33.10 People shown using e-cigarettes or playing a significant role must neither be, nor seem to be, under 25. People under 25 may be shown in an incidental role but must be obviously not using e-cigarettes.

33.11 Radio Central Copy Clearance – Radio broadcasters must ensure advertisements for e-cigarettes are centrally cleared.
Appendix D

Summary comparison between regulation of conventional tobacco products (cigarettes) and T-Vapour consumables

<table>
<thead>
<tr>
<th></th>
<th>Cigarettes</th>
<th>Heated Tobacco Products</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ingredients</strong></td>
<td>Certain ingredients such as taurine and caffeine are banned</td>
<td>Identical treatment to cigarettes</td>
<td>Regulations derived from the TPD, enacted in UK law by the TPRP</td>
</tr>
<tr>
<td><strong>Point of Sale Display</strong></td>
<td>Display in store is forbidden</td>
<td>Identical treatment to cigarettes</td>
<td>Regulations are slightly different in Scotland to England, Wales and Northern Ireland, but the regulations apply to all tobacco products</td>
</tr>
<tr>
<td><strong>Packaging</strong></td>
<td>Standardised packaging, with pictorial warnings covering the front and back 65% of pack, and text warnings covering 50% of each side surface</td>
<td>Text warnings covering 30% of the front and back surfaces of the pack</td>
<td>The Standardised Packaging of Tobacco Products Regulations (2015) apply predominantly to cigarettes and hand-rolling tobacco</td>
</tr>
<tr>
<td><strong>Indoor Use</strong></td>
<td>Banned in indoor public places and in vehicles carrying children</td>
<td>Permitted</td>
<td></td>
</tr>
<tr>
<td><strong>Flavourings</strong></td>
<td>Characterising flavourings banned, including Menthol from 2020 onwards</td>
<td>Permitted</td>
<td>Regulations derived from the TPD, enacted by TRPR – flavour ban applies to cigarettes and hand-rolling tobacco</td>
</tr>
</tbody>
</table>
Appendix E

Ploom and Ploom TECH devices

**Figure 1:** The first Ploom device directly heated a capsule of tobacco

**Figure 2:** The Ploom TECH device indirectly heats a nicotine-free e-liquid which passes through tobacco contained in a capsule