

**Department for Health and Social Care
Creating a smokefree generation and tackling youth
Vaping
24 November 2023**

1. The NASUWT welcomes the opportunity to contribute to the consultation on creating a smokefree generation and tackling youth vaping.
2. The NASUWT - The Teachers' Union - represents teachers and headteachers across the United Kingdom.

SPECIFIC COMMENTS

Legislating to create a smokefree generation

Do you agree or disagree that the age of sale for tobacco products should be changed so that anyone born on or after 1 January 2009 will never be legally sold (and also in Scotland, never legally purchase) tobacco products?

3. Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

4. This would seem a sensible policy if the ultimate goal is to create a smokefree generation.

Do you think that proxy sales should also be prohibited?

5. Yes

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

6. If this policy were to be introduced, it would be most appropriate for the provisions on proxy sales to reflect those that exist currently in respect of facilitating access to tobacco for those excluded from direct purchase on grounds of age.

Do you agree or disagree that all tobacco products, cigarette papers and herbal smoking products should be covered in the new legislation?

7. Agree

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

8. If the legislation is intended to create a smokefree generation, this would be more achievable if all tobacco products, cigarette papers and herbal smoking products were covered as well. Any product containing tobacco is a risk for health, particularly for children and young people. While herbal cigarettes do not contain tobacco, they still give off tar, particulates and carbon monoxide; toxins that do not have a place amongst healthy future generations.

Do you agree or disagree that warning notices in retail premises will need to be changed to read 'it is illegal to sell tobacco products to anyone born on or after 1 January 2009' when the law comes into effect?

9. Agree

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

10. This would seem sensible for the purposes of clarity.

Tackling the rise in youth vaping

Do you agree or disagree that the UK Government and devolved administrations should restrict vape flavours?

11. Agree

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

12. In an NASUWT member survey exploring vaping in schools, 85% of respondents stated they believed vaping by pupils in schools or on school premises is an issue. Members were also asked for qualitative commentary.

13. The attractiveness of vape flavours was a common theme raised by teachers. Many reported that the sweet and fruit flavourings led children to believe that vapes could not be harmful to their health. One respondent's answer encapsulated this, telling the NASUWT that: "Many pupils do not accept that vaping is a problem. They have no idea of the chemicals involved because of the 'fruity' flavours."

14. These experiences of teachers align with the findings of both UK and international studies. The ASH Smokefree GB Youth Survey, 2023, found that the most frequently used e-cigarette (vape) flavour was fruit, used by 60% of current vape users aged 11-17. The next most popular flavour ranges are those mimicking sweets including chocolate, candy energy or soft drinks, chosen by 17% of youth vapers.

15. A study in the US – the 2022 National Youth Tobacco Survey – found that 85% of youth e-cigarette users use flavoured products, with fruit, candy and desserts reported as the most popular flavours.
16. We recognise the advice of the UK Health Security Agency that e-cigarettes are substantially less harmful to consumers than smoking tobacco and, as such, they have an important role to play in reducing tobacco-related harms when they are substituted for cigarettes or other tobacco products. However, notwithstanding the value of e-cigarettes in this respect, their effectiveness in supporting smokers in transitioning away from tobacco products is not enhanced by the addition of flavourings other than those that simulate the flavour of such products. Prohibiting the sale of flavoured vape products would not, therefore, impact adversely on public health objectives in respect of adult smokers.

Which option or options do you think would be the most effective way for the UK Government and devolved administrations to implement restrictions on flavours? (You may select more than one answer)

17. Option 1: limiting how the vape is described
18. Option 2: limiting the ingredients in vapes
19. Option 3: limiting the characterising flavours (the taste and smell) of vapes

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

20. Given the evidence which shows a rising number of children and young people using vapes, attracted by the descriptions, flavours and smells, this needs to be tackled in a broad way. Reducing the appeal of vapes is surely the goal to ensure that children and young people who are thankfully not yet addicted to these nicotine devices, do not find them appealing.

21. With this in mind, the more restrictions that can be put in place to limit attractiveness of vaping, the more successful this is likely to be.

Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict vape flavours to children and young people?

22. Option A: flavours limited to tobacco only

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

23. Given there is a ban in place on menthol cigarettes, it does not make sense to simply allow for the replacement of these with menthol e-cigarettes/vapes.
24. Similarly to the current concerns over the attractive flavours of vapes particularly to young people, menthol cigarettes were banned as they were favoured by younger smokers. The evidence showed this was because the menthol modified the smell and taste of the cigarettes to mask the tobacco, which appealed to children who were addicted to nicotine but didn't like the flavour of traditional cigarettes.
25. Adding to this, prior to the ban, Action on Smoking and Health reported that young people were more likely to get addicted to menthol cigarettes as they were easier to inhale into the lungs. The flavour created a sweeter and milder smoke as the harshness was reduced.
26. The same is now true of vapes – that children and young people who start vaping as they are attracted by mint, menthol or fruit flavours may enjoy the taste while becoming quickly addicted to the product's nicotine.
27. As previously mentioned in this response, NASUWT members would welcome the limitation of vape flavours to tobacco only. This will hopefully have the desired effect of lessening the appeal and therefore addictiveness of vapes to children and young people.

Do you think there are any alternative flavour options the UK Government and devolved administrations should consider?

28. Yes

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

29. There is a potential case for allowing the sale of flavourless vapes. The evidence would suggest these would not be attractive to young people, but may be a helpful tool for those who wish to cease smoking but are opposed to the taste of tobacco-flavoured vapes.

Do you think non-nicotine e-liquid, for example shortfills, should also be included in restrictions on vape flavours?

30. Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

31. On the basis that a key aim here is to restrict harms, there may be a case for banning these liquids as well. As they do not contain nicotine, it is difficult to see how they are helpful in smoking cessation. Even when products are consumed that do not contain nicotine, there is not enough evidence to be certain that these e-liquids are entirely harmless. The NASUWT would welcome further research on this area and a commitment from the government to keep this open as a possible policy option once more is known.

Regulating point of sale displays

Which option do you think would be the most effective way to restrict vapes to children and young people?

**NASUWT
The Teachers' Union**

32. Option 1: vapes must be kept behind the counter and cannot be on display, like tobacco products

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

33. Extensive evidence which showed PoS displays have a direct impact on young people's propensity to smoke was highly influential in the ultimate ban across the UK on displaying tobacco products. It would therefore make sense to mirror this approach to vapes and e-cigarettes in a bid to reduce the amount of children and young people who are drawn into vaping by the visibility of these nicotine products.

Do you think exemptions should be made for specialist vape shops?

34. No

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

35. Specialist vape shops should only be selling products to adults who have made an active choice to visit the retailer to buy a device. There is no reason to therefore have products on display acting as a marketing tool.
36. There is a further question over the need for specialist vape shops to have products readily displayed, if vapes and e-cigarettes are truly positioned as a smoking cessation tool – which has been the Government's focus through campaigns such as Swap to Stop.

If you disagree with regulating point of sale displays, what alternative measures do you think the UK Government and devolved administrations should consider?

37. N/A

Regulating vape packaging and product presentation

Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict the way vapes can be packaged and presented to reduce youth vaping?

38. Option 3: prohibiting the use of all imagery and colouring and branding (standardised packaging) for both the vape packaging and vape device

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

39. As previously referred to in this consultation, the NASUWT carried out a survey of members to explore the issue of vaping in schools. As well as raising concern over the flavours of vapes, the survey uncovered the use of attractive packaging that is being used to draw young people to vaping. Bright colours, child-friendly characters (such as unicorns) and interesting shapes are clearly more appealing to young people than adults.
40. Compounding this, some of the packaging allows for pupils to more easily hide a vape on their person or in their belongings. A number of teachers reported vapes that are packaged as highlighters, so they can be placed in a pencil case and remain undetected. Others reported vapes presented as lipsticks or keyrings. This cannot be ignored as packaging that is primarily targeting children.
41. Prohibiting the use of anything than standardised packaging and devices will remove not only the temptation created by the attractiveness of the product, but also reduce the opportunities to disguise the device as another piece of equipment that is legitimately in school.
42. The NASUWT has publically stated that it supports the Royal College of Paediatrics and Child Health (RCPCH) recommendation that the Government should revise the Tobacco and Related Products

Regulations (TRPR) to require plain packaging of e-cigarettes and nicotine and non-nicotine e-liquids packs.

If you disagree with regulating vape packaging, what alternative measures do you think the UK Government and devolved administrations should consider?

43. N/A

Restricting the supply and sale of disposable vaping products

Do you agree or disagree that there should be restrictions on the sale and supply of disposable vapes? That is, those that are not rechargeable, not refillable or that are neither rechargeable nor refillable.

44. Agree

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

45. There is a growing body of evidence, including from members of the NASUWT, that disposable vapes are the device of choice for children and young people. They are low-cost, easy to conceal, and, as the evidence suggests, easy to obtain.

46. Furthermore, as disposable vapes do not require a large financial outlay, NASUWT members have reported that pupils do not feel any loss if and when they are confiscated. They can easily be replaced for a low-sum; something that is not true of more expensive, refillable options.

47. It is harder for schools to use confiscation as a deterrent if pupils know the contraband item can simply be rebought.

48. The NASUWT has publically stated that the Government should follow the evidence and protect all children through a legislative requirement

for plain packaging of e-cigarettes and an outright ban on the sale of disposable vapes.

49. It should also be noted that such a ban would not extend to refillable e-cigarettes which would remain available as an important tobacco-related harm reduction product.

Do you agree or disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply?

50. Agree

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

51. The NASUWT has publicly stated that the Government should follow the evidence and protect all children through a legislative requirement for plain packaging of e-cigarettes and an outright ban on the sale of disposable vapes.
52. This is based on the clear, and growing body of evidence, as well as the NASUWT research shared throughout this consultation, that disposable vapes are the product of choice for children and young people.
53. In the aforementioned survey of NASUWT members, one survey respondent summarised the general consensus of many of those sharing their views, saying: "My students tell me that they have been pressured to vape from primary school onwards. My students say they have been tempted by the bright colours and fruity flavours and they think this is wrong. Governments should be banning easy access to vapes and also banning single-use vapes which are more attractive to children and young adults."
54. There is a risk that any other solution as opposed to an outright ban on disposable vapes would not be sufficient in addressing usage amongst children that the UK is seeing, as the issue is now so widespread and embedded.

55. The NASUWT sits alongside other organisations in calling for a ban, including the LGA and the RCPCH.

Are there any other types of product or descriptions of products that you think should be included in these restrictions?

56. N/A

Do you agree or disagree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced?

57. Agree

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

58. Not less than six months would seem to be a reasonable timeframe. It is worthwhile noting that periods beyond a year appear to be the international exception rather than the rule in respect of the introduction of smoking/vaping bans and restrictions.

Dr Patrick Roach

General Secretary

For further information on the Union's response contact:

Sarah Cull

Principal Official (Education)

NASUWT

Hillscourt Education Centre

Rose Hill

Rednal

**NASUWT
The Teachers' Union**

Birmingham

B45 8RS

0121 453 6150

www.nasuwt.org.uk

nasuwt@mail.nasuwt.org.uk