

29 April 2019

Hon Jenny Salesa MP
Associate Minister of Health
Parliament Buildings
Private Bag 18888
Wellington 6160

Email: j.salesa@ministers.govt.nz

Dear Minister,

RE: VAPING AND SMOKELESS TOBACCO PRODUCT LEGISLATION

Executive Summary

- NZACS believes potential restrictions of vaping products to specialist retailers such as pharmacy and or vape shops will create an unfair commercial retail sector and one that disadvantages the convenience organised retail channel.
- Any such restrictions are detrimental to public health objectives in that all retailers who look to diversify and replace their existing tobacco product range should be able to offer their customers reduced-harm and alternative vaping and smokeless tobacco products.
- Retailers that currently sell tobacco products present a key consumer touch-point to share knowledge, insights and advice about safer products.

Widespread Product Availability Key to Delivering Public Health Gains

The New Zealand Association of Convenience Stores (NZACS) is supportive of Government moves to amend the Smokefree Environments Act 1990 (SFEA) in order to give smokers more confidence in the quality of vaping and smokeless tobacco products.

We endorse your comments that the Government is 'supporting New Zealanders to be healthier by helping smokers switch to safer products'¹.

We are also very supportive of Cabinet's decision that nicotine e-cigarettes should be lawfully available for sale and supply, with appropriate controls.

The convenience store retail sector has faced significant challenges over the past few years, not the least being the continued incidence of aggravated robberies and assaults on staff where tobacco products have been a key target.

¹ <https://www.beehive.govt.nz/release/vaping-and-smokeless-tobacco-products-be-regulated>

We wrote to you in April 2018 expressing our concerns about this issue and subsequently welcomed the Government's efforts at fighting this crime-wave, including the subsidising of 'fog-cannon' systems for retailers.

The concern about retailer security has led to many retailers looking at ways to diversify away from tobacco products. Many see vaping and smokeless tobacco products as a way to achieve this, as well as offering their customers a safer product. It is therefore troubling that the Government would then seek to restrict access to these harm-reduction products by limiting their sale to just R18 vape and or specialist shops.

This approach will result in smokers who are seeking to quit with the assistance of vaping and reduced-risk products, suddenly being in a position of being extremely limited in where they can purchase products that they are using to help them quit. Furthermore, this approach would see smokers outside of the main metropolitan centres, having next to no-where to purchase these products.

There is also the problem of the limited opening hours of these specialist stores, which tend to be open from 9.00am through to 5.30pm. If these vaping and or alternative smokeless tobacco products are not readily available outside of these hours, customers may revert back to more harmful combustible tobacco products.

This situation would also amount to a de-facto ban for the traditional convenience retail sector which is commercially unfair to retailers, but more importantly grossly unfair to New Zealanders who live in remote, rural or lower-income communities who don't have easy access to these 'specialist stores'.

The latest research by Australian and New Zealand researchers at the University of Melbourne, and published in *Epidemiology*, states 'easier access to e-cigarettes containing nicotine is highly likely to lead to health gains and cost savings in the health sector'. One of its authors, Professor Tony Blakely said that "...our study points to cautious liberalisation of access to e-cigarettes as the best way forward".²

NZACS retail members are a part of local communities and we believe they can play a constructive and helpful part in providing their customers with alternative products other than tobacco products.

NZACS is concerned that the Government has been slow in providing a clear regulatory framework for vaping products. This has led to significant market and retailer confusion.

Furthermore, retailer feedback to NZACS indicates a majority of retailers feel applying existing tobacco regulations to vaping products is not appropriate. This feedback also shows clear

² <http://www.scoop.co.nz/stories/GE1903/S00036/e-cigarettes-may-have-health-benefits.htm>

support for the ability of retailers to communicate freely with their customers and to have the ability to have product information displayed in-store.

While the retailing sector in New Zealand continues to be dynamic, one thing remains the same; convenience for New Zealanders is the key.

NZACS would certainly welcome more prioritisation of this policy as we believe it would greatly assist the retail sector as well as supporting the Smokefree 2025 goal.

NZACS respectfully seeks further consultation on this issue with officials as the Bill comes before Parliament and before the Health Select Committee.

Yours sincerely,



Dave Hooker
Executive Director, NZACS

New Zealand Association of Convenience Stores

NZACS is a not-for-profit trade association that represents the interests of the convenience retailing industry. Its members include leading service stations and convenience stores, together with manufacturers of fast-moving consumer goods who supply these retailers.

By way of a quick understanding of the country's convenience store sector;

- More than 4,500 convenience stores around New Zealand with a combined turnover of more than \$4.9 billion per year (independent dairies account for around 3,800 of these stores, with the balance being under organised service station/convenience banners).
- 35% of New Zealanders shop for drinks or snacks at Oil and Convenience Stores every week – that's more than 1.6 million people.
- The top product categories for the sector include tobacco, fresh coffee, gift cards and energy drinks.