

Hon Jenny Salesa
Associate Minister of Health
Parliament Buildings
Wellington

By email: J.Salesa@minsiters.govt.nz

CC: Minister of Health; Minister for Small Business; Minister for Consumer Affairs; Associate Minister of Health (Maori Health); Leader of New Zealand First; Leader of the Green Party of Aotearoa; Leader of the National Party; Leader of the Act Party.

Dear Minister

RE: Vaping and Smokefree products regulations

On behalf of the NZ Association of Convenience Stores (NZACS) Membership, which includes both Smokefree product specialists, and traditional retailers, I write to share further insights regarding recent media reports of your preferred regulatory framework for Smokefree products.

As the international and local evidence in support of Smokefree alternatives and its benefits for smokers continues to grow, including the recently launched Vaping Facts website, our membership grows increasingly concerned by your public comments.

Firstly, the suggestion of a nicotine-limit and flavour bans would prohibit several high-quality locally produced and international brands which have been [proven incredibly effective](#) at helping smokers to transition away from cigarettes. NZACS is aware of 10,000 vapers in one online community alone who frequently report on the success they have had with vaping, most notably a 70-year-old grandmother who successfully quit smoking thanks to high nicotine salt e-liquid. With an estimated 200,000 vapers now in New Zealand, moves to restrict access to the flavours that work for them would lead either to a new black-market of illicit product or worse, those vapers revert to smoking.

Many world leading tobacco harm reduction experts such as [Dr David Abrams](#), Public Health England Director of Health Improvement [John Newton](#), and locally [Dr Marewa Glover](#), surmise that if governments' were to embrace vapour and smokeless tobacco products and allow them to be widely promoted and available, smokers themselves will rapidly bring about the demise of the combustible cigarette, and the biggest tragedy would be that smokers who could quit with Smokefree alternatives, never try an e-cigarette because of safety concerns fostered by disproportionate tobacco-style regulations.

To have the greatest public health gain, it is apparent that Smokefree products need to be available and promoted to smokers throughout the country, including at the traditional retailers in remote, rural and low-income communities. As you are aware, Māori and Pacific peoples have the highest proportion of smokers, and yet many of those communities do not have easy access to specialty vape shops which are largely an urban phenomenon, or to online-shopping. These communities can be supported by easy access to Smokefree alternatives at their nearest tobacco retailer.

It makes no sense that a vape shop can sell and promote a 95% less harmful product, yet the petrol station across the road could not sell or promote these smokefree alternatives to their smoking customers. Smokers need to be far better informed, educated and then prompted to make a choice of less harmful smokefree products where they would otherwise buy cigarettes.

Preventing youth access through strict R18 sale and enforcement has been largely successful for tobacco and alcohol for decades. Our membership is confused that your proposed regulations would suggest they cannot be trusted to do so with a 95% less harmful alternative to cigarettes yet vape shops without the same track-record are gifted a monopoly to the entire \$200m per year smokefree industry.

NZACS agrees that sensible product standards should be introduced which can sanitise some of the more youth-adjacent product names and labels, however outright restrictions on flavours themselves will only serve to undermine the potential of smokefree alternatives to disrupt smoking.

In a recent survey of convenience retailers*, 88% of those surveyed would like the ability to diversify their offerings to include smokefree products for their customers who smoke which will help those stores and their communities to transition away from smoking. Convenience retailers have been the target of ongoing theft and armed assaults targeting tobacco. Smokefree products allow a transition away from selling & stocking large amounts of expensive tobacco. For some members, the ability to provide smokers with access to less harmful products is already a core part of their offer.

An alarming report out of [San Francisco](#) notes the direct effect of its ban on vaping is an increase in smoking. Meanwhile, Sweden's low smoking rate is largely attributed to a smokeless product called 'Snus', and the promotion of a 'heat-not-burn' style product in Japan has resulted in a 27% reduction in cigarette sales. Based on international evidence, it would appear that when it comes to the enormous potential of smokefree products to effectively displace cigarette smoking, the best thing a regulator can do is get out of its own way.

When the Government's own research conducted by ASH this year reports that youth use of e-cigarettes is low at 1.8%, and in fact declining, regulations should continue to strongly enforce R18 sale while allowing adults who smoke unfettered access to these less harmful alternatives.

NZACS proposes that reasonable advertising and promotion of smokefree products, at a minimum inside stores where cigarettes are sold to prompt an alternative choice, and to have most effect, continuing to allow responsible adult advertising frameworks such as that applied to alcohol. Why not give this category a chance, continue to monitor youth through surveys and then Government could reign in advertising rules if evidence suggested it was necessary.

A blanket ban on the display and promotion of smokefree products now would be a significant step in the wrong direction.

Additionally, we encourage the government to incentivize switching by eliminating high excise on all low risk products. New Zealand tax policies should support public health objectives instead of undermining the potential all smokefree products have to improve the wellbeing of smokers and our community.

We strongly urge you to reconsider plans to regulate this category of 95% less harmful alternatives to smoking in the same way as cigarettes, as that would not only severely disadvantage New Zealand retailers, but most importantly it would not help to convince smokers who are yet to try smokefree alternatives that they should give it a go, and as Public Health England state, that would be a tragedy.

NZACS would welcome the opportunity to meet with you prior to the introduction of any regulations as we feel the voice of New Zealand retailers should be heard in advance, and equally we encourage you to seek the inputs of retailers at the Select Committee stage.

Thank you kindly for your consideration of these issues.

Sincerely,



Dave Hooker
Executive Director NZACS

* Yabble Retailer survey, November 2018