



Health and Social Care Committee

House of Commons London SW1A 0AA

Tel: 020 7219 6182 Email: hsccom@parliament.uk

Website: www.parliament.uk/hsccom Twitter: [@CommonsHealth](https://twitter.com/ CommonsHealth)

From Steve Brine MP

Letter by email to Victoria Atkins MP
Secretary of State for Health and Social Care

23 November 2023

Dear Victoria,

Your predecessor invited the Committee to take part in the Department's ongoing consultation on *Creating a smokefree generation and tackling youth vaping*, which will help to inform the Tobacco and Vaping Bill announced in the King's Speech on 7 November. The Committee has an ongoing interest in these topics, and we welcome both the consultation and proposed legislation.

We recently launched the next strand of our *Prevention in health and social care* inquiry, which will consider how Government policy can best prevent harm from smoking, as well as from alcohol, gambling and drugs.¹ That work is ongoing, and I look forward to keeping you informed about our findings and recommendations as the inquiry progresses.

We also held an oral evidence session on *Youth vaping* in July. A copy of the transcript from our session is available on the Committee's website.² I am writing to re-iterate our recommendations from that session. These were:

Restrictions on disposable vapes

We believe there is a need for the Government to consider much heavier restrictions on disposable vapes in particular, given evidence of their use by young people. The Government should approach the issue with caution, however, owing to the risk of unintended consequences such as increasing the supply of illegal, unregulated vapes. It must be led by evidence in its decision-making, including that from Australia and other countries where restrictions on disposable vapes have already been introduced.

Restrictions on flavours, packaging and advertising and display

We believe that the industry has not gone far enough in ensuring that advertising and packaging for its products do not appeal to a youth demographic, and it is disingenuous for it to claim otherwise. We heard mixed evidence on the role of flavoured vaping products both in helping existing smokers to quit, and in encouraging young people to vape.³

¹ Health and Social Care Committee, "[Major Prevention inquiry turns to harms caused by alcohol, drugs, gambling and tobacco](#)", 9 November

² Health and Social Care Committee, [Oral evidence: youth vaping](#)

³ ASH, [Response to OHID call for evidence on Youth Vaping](#), June 2023; Q13

We believe that the Government is capable of implementing a public health messaging and regulatory approach that both keeps vapes out of sight and out of reach of children, and that emphasises their potential value as a tool to help smokers to quit. We recommended that the Government reviews restrictions on packaging and marketing of vapes, and that, to avoid their being advertised and marketed to children, it considers bringing the restrictions in line with those that apply to tobacco products—for example, introducing plain packaging and limiting displays and advertising.

Enforcement

We identified a need for much better enforcement of the law on not selling to under 18s, and heard that trading standards should be well-placed to tackle noncompliant vendors.⁴ We were concerned, however, that trading standards is delivered by local authorities operating under substantial resource pressures, and recommended that the Government review whether trading standards has sufficient resources, and enforcement powers, to fulfil this vital role.

In response to our original letter, the then Minister for Public Health confirmed in his letter dated 16 August that the Department has funded a new £3 million vaping unit, led by National Trading Standards, to tackle illegal and underage vape sales.⁵ This is welcome, and we look forward to hearing more about the impact of the new unit. Its enforcement role would be made easier if it worked with the grain of the actions outlined above on packaging, advertising and flavouring regulation.

The cost of vaping

Vapes are much cheaper than tobacco products, in part because they are not subject to the same levels of excise duty. Industry representatives told us that this is important to ensuring that vapes are available to people with lower incomes, who are disproportionately likely to smoke tobacco. However, we heard that there is evidence that children are highly price sensitive, and that adding an excise charge would act as a deterrent. For example, the proposal to add a £5 excise charge, put forward by ASH, would make the cost of a disposable vape similar to that of a non-disposable, and still substantially cheaper (immediately and in the longer-term) than tobacco products.⁶

ASH told us that adding such a charge could further help to boost enforcement and prevent illegal products from entering the country, which is a key concern associated with restricting the availability of vapes.⁷ We heard that last year, HMRC and Border Force seized over 1 billion illegal cigarettes, but they do not have the same powers for vape products. This means that enforcement is entirely down to trading standards, who, we heard, have seen their capacity cut by 50%.⁸

It cannot be right that vapes are available for purchase for pocket money prices, making them an easy option for children to purchase, nor that they can be imported cheaply and legally on a large scale by third-party sellers. We are pleased that the consultation will consider whether increasing the price of vapes will affect the number of young people who are using them, in line with our recommendation. We recommended that the Government assesses proposals for additional taxes on disposable vapes in particular, with a specific focus on the likely impact of vape use amongst both children and lower income smokers.

⁴ Q37

⁵ [Correspondence from the Parliamentary Under Secretary of State for Primary Care and Public Health, Neil O'Brien MP on Youth Vaping](#), 16 August

⁶ ASH, [Response to OHID call for evidence on Youth Vaping](#), June 2023

⁷ Q21-22

⁸ Q12

We welcome the Government's continued interest in this topic, and urge it to act promptly on the evidence provided in response to the consultation and OHID's call for evidence on Youth vaping; both to tackle existing smoking rates, and protect the next generation from the harms caused by tobacco and vaping.

Yours sincerely,

A handwritten signature in blue ink that reads "Steve Brine". The signature is written in a cursive style with a large initial 'S'.

Steve Brine MP
Chair, Health and Social Care Committee