

CONSULTATION QUESTIONS

Age restriction for e-cigarettes

1. Should the minimum age of sale for e-cigarette devices, refills (e-liquids) be set at 18?

Yes ☒ No ☐

2. Should age of sale regulations apply to:

a. only e-cigarette devices and refills (e-liquids) that contain nicotine or are capable of containing nicotine, or

b. all devices / refills (e-liquids) regardless of whether they contain or are capable of containing nicotine?

a ☐ b ☒

3. Whom should the offence apply to:

a. the retailer selling the e-cigarette

a ☐

b. the young person attempting to purchase the e-cigarette

b ☐

c. both

c ☒

4. Should sales of e -cigarettes devices and refills (e-liquids) from self-service vending machines be banned?

Yes ☒ No ☐

5. Should a restriction be in place for other e-cigarette accessories?

Yes ☐ No ☒

6. If you answered “ yes” to question 5, which products should have restrictions applied to them?

Comments

Proxy purchase for e-cigarettes

7. Should the Scottish Government introduce legislation to make it an offence to proxy purchase e-cigarettes?

Yes ☒ No ☐

Domestic advertising and promotion of e-cigarettes

8. Should young people and adult non-smokers be protected from any form of advertising and promotion of e-cigarettes?

Yes ☐ No ☒

9. In addition to the regulations that will be introduced by the Tobacco Products Directive do you believe that the Scottish Government should take further steps to regulate domestic advertising and promotion of e-cigarettes?

Yes ☐ No ☒

10. If you believe that regulations are required, what types of domestic advertising and promotion should be regulated?

- | | |
|--|----------------------------|
| a. Bill boards | a ☐ |
| b. Leafleting | b ☐ |
| c. Brand-stretching (the process of using an existing brand name for new products or services that may not seem related) | c ☐ |
| d. Free distribution (marketing a product by giving it away free) | d ☐ |
| e. Nominal pricing (marketing a product by selling at a low price) | e ☐ |
| f. Point of sale advertising (advertising for products and services at the places where they were bought) | f ☐ |
| g. Events sponsorship with a domestic setting | g ☐ |

11. If you believe that domestic advertising and promotion should be regulated, what, if any, exemptions should apply?

Advertising of e-cigarettes should be promoted to encourage long term tobacco smokers to switch to a much healthier alternative? Legislation should only be introduced to protect children? Adults should be permitted to form their own judgement based on freely available research?

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12. Are you aware of any information or evidence that you think the Scottish Government should consider in relation to regulating domestic advertising in relation to impacts on children and adults (including smokers and non-smokers)?

Please see my comments to 13 below and the links in 20 below.

13. Are you aware of any information or evidence that you think the Scottish Government should consider in relation to regulating domestic advertising in relation to impacts on business, including retailers, distributors and manufacturers?

I was an habitual tobacco smoker for 40 years having started tobacco use at the age of 10 in 1970. I have tried all NRT products including Champix as recommended by the NHS without success. In fact Champix resulted in severe nervous effects resulting in depression and the loss of my job. I now find that many others have experienced similar problems using Champix leading in some cases to suicide and others to pancreatic cancer. While ecigarettes have been around for 10 years I only discovered them 5 years ago because of their limited advertising. Within 2 weeks of trying ecigarettes I had given up tobacco and have not craved a tobacco cigarette since. In fact I now detest the smell of tobacco. Ecigarettes keep me away from tobacco resulting in significant health benefits. Advertising should be promoted. Had advertising been in place 10 years earlier I would have ceased tobacco usage 10 years earlier and at 10 years now can look forward to a longer and much better quality life.

Inclusion of electronic cigarettes on the Scottish Tobacco Retailer Register

14. Do you agree that retailers selling e-cigarettes and refills should be required to register on the Scottish Tobacco Retailers Register?

Yes ☐ No ☒

15. Do you agree that the offences and penalties should reflect those already in place for the Scottish Tobacco Retailers Register?

Yes ☐ No ☒

16. If you answered 'no', to question 15, what offences and penalties should be applied?

E-Cigarettes do not contain tobacco are 95% safer than tobacco cigarettes and as such should not be associated with tobacco. They should be actively promoted to adult smokers as less harmful alternatives to tobacco. The NHS recommended Champix with terrible results after a short period of time. E-cigarettes have been adopted by many millions of habitual tobacco users over a ten year period with only positive experiences to health. The only negativity comes from those idealists in power that have no concern for the health of long term tobacco users acting on misinformation and ignoring the wealth of positive research being undertaken around the world.

E-cigarettes – use in enclosed public spaces

17. Do you believe that the Scottish Government should take action on the use of e-cigarettes in enclosed public spaces?

Yes ☐ No ☒

18. If you answered 'yes' to Question 17, what action do you think the Scottish Government should take and what are your reasons for this?

Please see the comments above and below.

19. If you answered, 'no' to Question 17, please give reasons for your answer.

The emissions from e-cigarettes have been proven to be harmless water vapour. Any restriction will be an idealistic desire to restrict human rights and personal freedom and will undoubtedly become subject to legal challenge just as the EU Directive is currently being challenged

20. Are you aware of any evidence, relevant to the use of e-cigarettes in enclosed spaces, that you think the Scottish Government should consider?

There is a wealth of research evidence available eg <http://www.e-cigarette-research.com/web/index.php> <http://www.acsh.org>

<http://www.clivebates.com> https://www.youtube.com/watch?v=SVSO_BGHHjM There is much more unfortunately too many health professionals and politicians with their own idealistic views are either disregarding or are unaware of the ever growing positive health risk reduction evidence that ecigarettes are significantly less risky than tobacco The drive seems to be towards banning ecigarettes while permitting tobacco to continue The stable door is open peoples health is improving legislation banning ecigarettes will only drive their use underground to black markets which will undoubtedly be detrimental to public health

Smoking in cars carrying children aged under 18

21. Do you agree that it should be an offence for an adult to smoke in a vehicle carrying someone under the age of 18?

Yes ☐ No ☒

22. Do you agree that the offence should only apply to adults aged 18 and over?

Yes ☐ No ☒

23. If you answered 'no' to Question 22, to whom should the offence apply?

The offence should only apply to tobacco cigarettes and not ecigarettes

24. Do you agree that Police Scotland should enforce this measure?

Yes ☒ No ☐

25. If you answered 'no' to Question 24, who should be responsible for enforcing this measure?

Comments

26. Do you agree that there should be an exemption for vehicles which are also people's homes?

Yes ☒ No ☐

27. If you think there are other categories of vehicle which should be exempted, please specify these?

Comments

28. If you believe that a defence should be permitted, what would a reasonable defence be?

ecigarette??vapour??is??harmless

Smoke-free (tobacco) NHS grounds

29. Should national legislation be introduced to make it an offence to smoke or allow smoking on NHS grounds?

Yes ☒ No ☐

30. If you support national legislation to make it an offence to smoke on NHS grounds, where should this apply?

a. All NHS grounds (including NHS offices, dentists, GP practices) a ☒

b. Only hospital grounds b ☐

c. Only within a designated perimeter around NHS buildings c ☐

d Other suggestions, including reasons, in the box below

Restrictions??should??apply??only??to??tobacco??cigarettes??and??not??harmless??ecigarettes

31. If you support national legislation, what exemptions, if any, should apply (for example, grounds of mental health facilities and / or facilities where there are long-stay patients)

E-cigarettes should be exempt as they pose a significantly lower health risk

32. If you support national legislation, who should enforce it?

The??courts

33. If you support national legislation, what should the penalty be for non-compliance?

Education in the health benefits of e-cigarettes.

34. If you do not support national legislation, what non-legislative measures could be taken to support enforcement of, and compliance with, the existing smoke-free grounds policies?

Promote and encourage the use of smokefree e-cigarettes

Smoke-free (tobacco) children and family areas

35. Do you think more action needs to be taken to make children's outdoor areas tobacco free?

Yes ☒ No ☐

36. If you answered 'yes' to Question 35, what action do you think is required:

a. Further voluntary measures at a local level to increase the number of smoke-free areas a ☐

b. Introducing national legislation that defines smoke-free areas across Scotland b ☐

c. That the Scottish Government ensures sufficient local powers to allow decisions at a local level as to what grounds should be smoke-free c ☐

d. Other actions. Please specify in the box below

Advertising and promotion of smokefree e-cigarettes

37. If you think action is required to make children's outdoor areas tobacco-free, what outdoor areas should that apply to?

Comments

Age verification policy 'Challenge 25' for the sale of tobacco and electronic cigarettes

38. Do you agree that retailers selling e-cigarettes, refills and tobacco should be required by law to challenge the age of anyone they believe to be under the age of 25?

Yes ☒ No ☐

39. Do you agree that the penalties should be the same as those which are already in place for selling tobacco to someone under the age of 18?

Yes ☒ No ☐

Unauthorised sales by under 18 year olds for tobacco and electronic cigarettes

40. Do you agree that young people under the age of 18 should be prohibited from selling tobacco and non-medical e-cigarettes and refills unless authorised by an adult?

Yes ☒ No ☐

41. Who should be able to authorise an under 18 year old to make the sale, for example, the person who has registered the premises, manager or another adult working in the store?

An adult

42. Do you agree with the anticipated offence, in regard to:

a. the penalty a ☐

b. the enforcement arrangements b ☐

Equality Considerations

43. What issues or opportunities do the proposed changes raise for people with protected characteristics (age; disability; gender reassignment; race; religion or belief; sex; pregnancy and maternity; and sexual orientation)?

Any move to restrict e-cigarettes use by long term habitual tobacco smokers like myself will result in the early death of millions who

for nicotine will be forced to return to tobacco which is not being subjected to the same draconian legislation by the EU Legislation that results in the early death of millions cannot be right and will result in legal challenge Ecigarettes should be promoted

44. If the proposed measures are likely to have a substantial negative implication for equality, how might this be minimised or avoided?

Adoption of the EU TPD restrictions on ecigarettes will drive the majority of people who have converted to ecigarettes effectively having given up tobacco cigarettes back to tobacco cigarettes

45. Do you have any other comments on or suggestions relevant to the proposals in regard to equality considerations?

Adoption of the EU TPD restrictions on ecigarettes will drive the majority of people who have converted to ecigarettes effectively having given up tobacco cigarettes back to tobacco cigarettes

Business and Regulatory Impacts Considerations

46. What is your assessment of the likely financial implications, or other impacts (if any), of the introduction of each of these proposals on you or your organisation?

The adoption of the EU TPD restrictions will force me back to tobacco cigarettes resulting in an early death and a financial penalty in excess of £?

per annum

47. What (if any) other significant financial implications are likely to arise?

The majority of SME ecigarette vendors will be forced out of business with negative effects on employment and economic recovery

48. What lead-in time should be allowed prior to implementation of these measures and how should the public be informed?

49. Do you have any other comments on or suggestions relevant to the proposals in regard to business and regulatory impacts?

Adoption of EU TPD restrictions on e-cigarettes will drive the majority of the million e-cigarette users up from million months ago back to tobacco. This is contrary to the WHO FCTC objectives. The WHO FCTC and the EU commission have been working behind closed doors in a non-transparent way developing ideological regulatory restrictions in total disregard of health research findings which continue to grow in proving the significant harm reduction benefits of e-cigarettes over tobacco cigarettes.

As a party to the World Health Organization's Framework Convention on Tobacco Control (FCTC), Scotland has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. We will still carefully consider all consultation responses from the tobacco industry and from those with links to the tobacco industry and include them in the published summary of consultation responses.

I am a private individual who has for in excess of years now quit a year tobacco cigarette habit by switching to e-cigarettes. I am realising significant health benefits as a result. I have no direct or indirect links to nor do I receive funding from the tobacco industry. In fact I participate in crowd funding of research into the health benefits of e-cigarettes compared to tobacco cigarettes. The findings of which is contrary to the health statements based on no research and being used as a base for EU TPD e-cigarette regulatory restrictions which are now subject to legal challenge.