



Faculty of Public Health

Of the Royal Colleges of Physicians of the United Kingdom

Working to improve the public's health

National Assembly for Wales / Cynulliad Cenedlaethol Cymru
[Health and Social Care Committee / Y Pwyllgor Iechyd a Gofal Cymdeithasol](#)

[Public Health \(Wales\) Bill / Bil Iechyd y Cyhoedd \(Cymru\)](#)

Evidence from UK Faculty of Public Health – PHB 67 / Tystiolaeth gan Cyfadran Iechyd y Cyhoedd y DU – PHB 67

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UK Faculty of Public Health response to the National Assembly for Wales consultation of the Public Health (Wales) Bill

About the UK Faculty of Public Health

The UK Faculty of Public Health (FPH) is committed to improving and protecting people's mental and physical health and wellbeing. FPH is a joint faculty of the three Royal Colleges of Public Health Physicians of the United Kingdom (London, Edinburgh and Glasgow). Our vision is for better health for all, where people are able to achieve their fullest potential for a healthy, fulfilling life through a fair and equitable society. We work to promote understanding and to drive improvements in public health policy and practice.

As the leading professional body for public health specialists in the UK, our members are trained to the highest possible standards of public health competence and practice – as set by FPH. With 3,300 members based in the UK and internationally, we work to develop knowledge and understanding, and to promote excellence in the field of public health. For more than 40 years we have been at the forefront of developing and expanding the public health workforce and profession.

Consultation response

The UK Faculty of Public Health (FPH) welcomes this opportunity to respond to the National Assembly for Wales' consultation of the Public Health (Wales) Bill. At each stage of the development of the proposed Bill, FPH has responded to each relevant consultation, including on both the Green Paper¹ and the White Paper.²

FPH strongly supports Wales' commitment to Health in All Policies and the new Future Generations Act and we are pleased to see the proposal for separate legislation on minimum unit pricing of alcohol. However, we are concerned that key prevention measures have been left out of the proposed Public

¹ UK Faculty of Public Health, Response to Welsh Government Green Paper about whether a public health bill is needed for Wales, 2013, <http://bit.ly/1O0veAx>

² UK Faculty of Public Health, <http://bit.ly/1nQwVAX>, response to the Welsh Government consultation of the Public Health White Paper, "Listening to you – Health Matters"

Health (Wales) Bill, most notably, provisions to tackle obesity including policies to develop nutritional standards and address the relative affordability of healthy food.

The broad ranging proposals set out within the White Paper consultation that preceded this latest consultation were very encouraging, including action to reduce the harms to health caused by smoking, alcohol misuse and obesity. As the Welsh Government indicated, and FPH was confident of, they provided a set of practical actions which, when combined, would have a positive impact on health and wellbeing in Wales.

FPH further reiterates and emphasises that a firm commitment to upstream legislative action to ensure health is at the heart of all national and local government policy formulation – thereby reducing health inequalities by taking action across all social and economic determinants of health – is critical. We therefore strongly advocate that a framework for health in all policies should form a central pillar of an eventual public health Bill, ensuring strong cross-sectoral collaborative links may be made and a strategic national approach adopted, supported by local initiatives.

We thus underscore the importance of the introduction of a statutory duty on Ministers to consider the health impact of all policies developed across the Welsh Government, which will be of practical utility in improving health outcomes and reducing health inequalities. This will ensure that public health is at the heart of wide ranging departmental portfolios and central to policy formulation, e.g. in relation to the economy, transport, town planning, housing and the environment, early years, mental health and wellbeing and education (including adult education).

It is regrettable that this consultation does not also build on the positive signal made within the original Green Paper, in which significant weight was given to this pioneering and progressive public policy proposal which would have the potential to make a tremendous impact on the health of the Welsh population. FPH would welcome the opportunity to discuss this issue in greater detail and offers the support of our expert membership to the Welsh Government in addressing these important concerns.

In relation to electronic cigarettes, FPH draws attention to our existing policy statement on this matter.³ FPH strongly believes that the ideal regulatory framework for electronic cigarettes should prevent initiation among youth and other non-tobacco users and protect bystanders. It should also maximise product safety and enable current smokers who would not or cannot otherwise quit to move to electronic cigarettes.

We recognise that it is difficult for a single regulatory framework to achieve all these aims. We note that regulations already agreed under the 2014 EU Tobacco Products Directive (TPD) will come into force in 2016. These stipulate that electronic cigarettes can either be regulated as medicines (and then subject to the same marketing controls as medicines) or as consumer products (and then subject to the same marketing controls as tobacco).

FPH recognises the advantages of this regulatory approach, and, in particular the marketing controls it puts on electronic cigarettes. The UK Government is permitted to implement the Tobacco Products Directive without delay and we strongly encourage it to do so. FPH is concerned about the high levels of marketing and exposure (e.g. through use in public places) that young people will be exposed to between now and 2016. As such it recommends that:

- comprehensive controls on marketing in line with the TPD should be urgently implemented
- as such, unlicensed products should be subject to the same comprehensive and binding marketing controls as tobacco products so that they cannot be marketed or advertised
- marketing controls should extend to bans on the sponsorship of sports clubs or sporting events, any events targeting young people, product placement, use of flavours designed to

³ UK Faculty of Public Health, Policy Statement on Electronic Cigarettes, July 2014, <http://bit.ly/1lz8M0i>

appeal to youth and celebrity spokespersons – no advertising or use should ‘re-normalise’ or ‘re-glamourise’ smoking and undermine smoking prevention policies

- all products, whether licenced as medicines or consumer products, should be required to carry a health warning clearly indicating the addictive nature of nicotine and detailing ingredients and their safety, and also encourage smoking cessation, with links to the NHS Smokefree website
- outlets selling electronic cigarettes should provide information on the dangers of smoking, the addictive nature of nicotine and encourage cessation
- until further information is available on effectiveness as a quit product, smokers should be informed that the most effective means of quitting is via the NHS stop smoking service
- age of sale legislation on e-cigarettes should be actively enforced
- a ban on use in public places should be introduced in order to protect bystanders
- products must be consistent in quality and deliver nicotine as effectively and safely as possible
- independent data on exclusive and ‘dual use’ by socioeconomic status should be collected
- studies must be in place to detect any small changes in youth smoking rates in a timely manner

In light of evidence showing how the tobacco industry intends to misuse its claimed interest in harm reduction, FPH stresses that full weight should be accorded to Article 5.3 of the FCTC. Developments should be closely monitored and independent data on use of electronic cigarettes by socioeconomic status should be collected.

FPH, for the reasons outlined within our policy statement on electronic cigarettes, fully supports the restriction of the use of electronic cigarettes in enclosed and substantially enclosed public and work places, bringing the use of these devices into line with existing provisions on smoking. FPH also supports the prohibition of handing over of tobacco or nicotine products to people under the age of 18, and the creation of a national register of retailers of tobacco and nicotine products (as outlined in our previous response to the White Paper).

FPH also supports the submission to this consultation made by the UK Public Health Forum.

For further information, please contact Mark Weiss, Senior Policy Officer UK Faculty of Public Health at: [REDACTED] or on [REDACTED].