

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 Gower Enterprises Limited – PHB 59 / Tystiolaeth gan Gower Enterprises Limited – PHB 59

Dear Sir/Madam,

*We write from Gower Enterprises Limited, electronic cigarette vendors with several shops both in Wales and England, in response to your invitation to contribute to the Inquiry regarding electronic cigarette use in Wales.*

*As recognised by Public Health England in their peer reviewed report released earlier this month, it is essential to recognise the enormous potential for harm reduction of e-cigarettes. The PHE report has identified the danger to public health should electronic cigarettes be treated as being as harmful as tobacco. Many ex-smokers have found e-cigarettes the best way they can avoid the harm associated with tobacco smoking - to impose restrictions is damaging to public health.*

*This fact has now been widely accepted by Public health bodies, including The Royal College of Physicians, Cancer Research UK, ASH, The British Heart Foundation, Tenovus, British Lung Foundation, the UK Nudge Group - and now Public Health England who have come out strongly in support of e-cigarettes - and many others have opposed this ban.*

*The emotional response of those who are anti-nicotine should not influence the long term health of individual users, who are trying to take responsibility for their own improved health.*

*According to the Action on Smoking and Health fact sheet, “Use of electronic cigarettes (vapourisers) among adults in Great Britain” the UK now has an estimated 2.6 million e-cigarette vapers. Approximately 1.1 m are ex-smokers, and 1.4m are current smokers using e-cigarettes to reduce their use of tobacco. As has been emphasised in several reports, use by never smokers remains negligible, and there is no evidence whatsoever of electronic cigarettes being used as a gateway to children taking up smoking.*

The proposed ban would inevitably lead to a significant number of users of e cigarettes reverting to smoking tobacco, and being subject to peer pressure by association with tobacco smokers forced upon them. The proposed restrictive ban on the use of e-cigarettes in enclosed public and workplaces will force e-cigarette users outside, to be surrounded by harmful tobacco smoke and temptation to revert.” We answer the points raised in Annex A below:

- **Do you agree that the use of e-cigarettes should be banned in enclosed public and work places in Wales, as is currently the case for smoking tobacco?**

No. This is contrary to public health requirements, for the reasons stated above. We know from our long association with e-cigarette users, meeting many daily in our 7 shops in Wales that people benefit hugely from switching to electronic cigarettes both in improved health and finances. We make no claims in our shops or on our website as to these benefits, but are told by our customers on a daily basis of the benefits they have found.

As stated in the PHE England report, “EC should not routinely be treated in the same way as smoking” electronic cigarettes are a benefit to public health. To deny the Welsh public the right to take responsibility for their health is a shocking proposal.

No scientific evidence has been found that vaping in public spaces is harmful to bystanders, rather there is a substantial body of evidence refuting this claim.

This proposed ban would have negative public health impact by preventing those who have made the switch to relapse, and could prevent new e cigarette users from making the switch. The PHE report also stated that e cigs are 95% less harmful than tobacco products.

ASH Wales comment:

“.. There is currently no clear evidence to suggest that including electronic cigarettes under the Smokefree Premises regulations would benefit the health of the public in a similar way to the “smoking ban”. Indeed it may even have a negative impact upon current smokers who may otherwise have attempted to quit or harm reduce, potentially damaging rather than enhancing public health.”

ASH UK agree with these sentiments.

“there is little evidence of any harmful effects from exposure to the vapour from electronic cigarettes among non-users. Therefore there is currently no justification of a ban on the use of electronic cigarettes in public places on health grounds. Before taking steps to inhibit personal choice, legislators should be sure that any proposed measure would not lead to unintended consequences.

The dramatic rise in sales of electronic cigarettes in recent years has led some people to fear that their user in public places could undermine compliance with the smokefree law. However to date we have seen no evidence to support this hypothesis.”

ASH UK again:

“..If there was a ban on using these devices in all enclosed public places, users could be less inclined to use them, which could result in more of them reverting back to smoking. Prohibition would also increase the likelihood that vapers and smokers would effectively be required to share the same spaces. This not only potentially undermines quit attempts, but would also expose users of electronic cigarettes to secondhand smoke”

- **What are your views on extending restrictions on smoking and e-cigarettes to some non-enclosed spaces (examples might include hospital grounds and children's playgrounds)?**

We do not take a position on tobacco, as this is not something we can comment on. Since there is no evidence to support a ban on electronic cigarettes in enclosed space we can see no reason for a ban in non-enclosed areas. We believe that it should be at the discretion of the proprietor of any business/shop/bar whether he/she chooses to permit e-cigarette use. Many businesses are pleased to allow this, removing the need for frequent cigarette breaks away from the work station.

- **Do you believe the provisions in the Bill will achieve a balance between the potential benefits to smokers wishing to quit with any potential disbenefits related to the use of e-cigarettes.**

No, to achieve maximum health advantage and improvement the product should appear to smokers. Being able to use these in places where smoking is banned adds value, and encourages the use of the product, where the alternative might be to go outside and use a tobacco cigarette.

Reducing the appeal of e-cigarettes, reducing the usage of them will have a detrimental effect on public health. The proposed ban is based on unsupported claims, and the disbenefits could clearly cost lives of those deterred from making the change.

- **Do you have any views on whether the use of e-cigarettes renormalises smoking behaviours in smoke-free areas, and whether, given their appearance in replicating cigarettes, inadvertently promote smoking**

The presumption that people are too ignorant to distinguish between tobacco and e-cigarettes is rather insulting to common intelligence. More and more the models now do not resemble tobacco cigarettes in any way, and the absence of smoke, ash and smell emphasises the difference.

As Public Health England emphasised, there is a false belief that the harm is the same for tobacco and electronic cigarettes. This belief is now clearly disproven, and it is important that the public is fully informed. The benefit of the tobacco harm reduction potential should be broadcast, and the life-saving potential of the product should be made clearly and widely known. To limit and restrict the use on no scientific basis seems to be totally against the obligation of the Welsh Government to protect and improve the health of its citizens, since the product has now been shown to be beneficial and effective in enabling smokers to make the change. .

- **Do you have any views on whether restricting the use of e-cigarettes in current smoke-free areas will aid managers of premises to enforce the current non-smoking regime?**

In Wales, compliance does not appear to be an issue. Additional vigilance on prohibiting e cigarettes would be time consuming .

- **Do you have any views on the level of fines to be imposed on a person guilty of offences under this Part?**

No. this is not our area of expertise.

- **Do you agree with the proposal to establish a national register of retailers of tobacco and nicotine products?**

Yes. will this include NRT products?

- **Do you believe the establishment of a register will help protect under 18s from accessing tobacco and nicotine products?**

We have implemented a ban on under 18's since 2008. This will be a benefit.

- **Do you believe a strengthened Restricted Premises Order regime with a national register will aid local authorities in enforcing tobacco and nicotine offences?**

We have no statistics on the performance under the current regime,.

- **What are your views on creating a new offence for knowingly handing over tobacco and nicotine products to a person under 18, which is the legal age of sale in Wales?**

The key word here is "knowingly". We have had instances of teachers and parents requesting purchase of electronic cigarettes for young people in their care, who are presently using tobacco cigarettes. . This is always refused where we are made aware.

We believe that such an offence would be justified, although if in future a medicinal e cigarette is licenced this should be available to already smoking teens.

- **Do you believe the proposals relating to tobacco and nicotine products contained in the Bill will contribute to improving public health in Wales.**

Emphatically NO. We refer you to the Public Health (Wales) Bill's Explanatory Memorandum to calculate the harm in Quality Adjusted Life Years. There is absolutely no evidence to support any deterrent to use of electronic cigarettes as opposed to tobacco. As shown in this report, if only 5% of non-smoking vapers return to smoking tobacco, between 1646 and 5334 QALY's would be lost, at an estimated value of between £99, and £260m.

If as few as an extra 1% of smokers decline to take up e-cigarettes instead of tobacco, between 5042 and 13272 QALY's would be lost at a value of between £303 and £796m.

Public Health Wales and the Welsh Government cannot, and must not, ignore the peer reviewed report from Public Health England.

**PHE again:**

**“Encouraging smokers who cannot or do not want to stop smoking to switch to EC could be adopted as one of the key strategies to reduce smoking related disease and death”**