

### **About Cancer Research UK<sup>i</sup>**

1. Over 19,100 people in Wales were diagnosed with cancer in 2014.<sup>ii</sup> Numbers are expected to continue to rise year on year and it is estimated that the number of new cases diagnosed in Wales every year will soon reach 20,000 cases.<sup>iii</sup> An ageing population is driving this in part, but preventable risk factors such as smoking are also contributing.<sup>iv</sup>
2. Cancer Research UK is the world's leading cancer charity dedicated to saving lives through research. Together with our partners and supporters, our vision is to bring forward the day when all cancers are cured. As the largest fundraising charity in the UK, we support research into all aspects of cancer through the work of over 4,000 scientists, doctors and nurses. Cancer Research UK is the world's largest independent cancer charity dedicated to saving lives through research. In 2015/16, we spent £432 million on research across the UK, including our contribution to the Francis Crick Institute. Research is at the heart of our plan to reach our ambition of 3 in 4 people surviving cancer by 2034. We receive no funding from the Government for our research and rely on the generosity of the public. Last year we spent over £4 million in Wales on some of the UK's leading scientific and clinical research.

### **Tobacco regulations**

#### E-cigarettes:

3. Cancer Research UK is pleased that the provision to restrict the use of nicotine inhaling devices such as electronic cigarettes in enclosed and substantially enclosed public and work places, bringing the use of these devices into line with existing provisions on smoking, has been removed from the Bill.
4. According to an independent review commissioned by Public Health England and endorsed by the Royal College of Physicians, e-cigarettes are far safer than tobacco cigarettes and the overall evidence to date points to e-cigarettes actually helping people to give up smoking tobacco<sup>v,vi,vii</sup>. The authors also noted that there is insufficient evidence that e-cigarettes renormalize smoking or act as a gateway to smoking.
5. In response to concerns raised around the potential harm of second hand or third hand e-cigarette vapour to bystanders, to our knowledge there are currently no scientific studies convincingly demonstrating harm to bystanders from second or third hand vapour.

#### Proposed regulations:

6. Cancer Research UK supports the introduction of all regulations that pertain to tobacco in the revised Public Health (Wales) Bill, including:

*Re-state restrictions on smoking in enclosed and substantially enclosed public and work places, and give Welsh Ministers a regulation-making power to extend the restrictions on smoking to additional premises or vehicles*

*Place restrictions on smoking in school grounds, hospital grounds and public playgrounds*

7. Cancer Research UK supports the restriction of smoking in the places outlined by the above regulations. Every year, second-hand smoke kills thousands of people in the UK from lung

cancer, heart disease, stroke and the lung disease Chronic Obstructive Pulmonary Disease (COPD)<sup>viii</sup>. We support the intention of the legislation to aid enforcement of the current voluntary bans and provide a coherent package with which to extend the existing smoke-free requirements.

8. These provisions would also work towards the denormalisation of smoking, as there would be less opportunities for the activity of smoking to be seen by children. We support activity to further reduce children's exposure to adult smoking behaviours in their everyday lives, and therefore to make them less likely to grow up thinking that smoking is a normal or aspirational adult behaviour.
9. This is in line with the Tobacco Control Action Plan 2012<sup>ix</sup>. Action 4.4 of the Plan states "local authorities should work with all schools to encourage them to adopt smoke-free policies across their school grounds and sports grounds." Action 4.3 in the Plan states that "in recognition of the importance of the NHS taking an exemplar role in action to discourage smoking, Local Health Boards and NHS Trusts should introduce smoke-free policies throughout NHS grounds, in addition to the enclosed premises."

*Provide for the creation of a national register of retailers of tobacco and nicotine products*

*Provide Welsh Ministers with a regulation-making power to add to the offences which contribute to a Restricted Premises Order (RPO) in Wales*

10. Cancer Research UK supports the introduction of a tobacco retailer's register in Wales, in consideration of the following points:
  - A tobacco retailers' register can reduce illegal tobacco sales to minors – through enabling easier detection and enforcement by Trading Standards Officers. The Chartered Institute of Environmental Health recognises that a positive licensing system (as proposed in this bill) provides an effective deterrent to retailers considering selling tobacco to underage customers.<sup>x,xi</sup>
  - In enabling easier identification of retailers who sell tobacco, a retail register would also enable analysis of tobacco retailer outlet density – which evidence shows has contributed to the underage purchase in 'high-risk' areas such as near schools, and which may inform further policy.<sup>xii,xiii,xiv</sup>
11. Legislation introducing a form of a tobacco retail registers' has already been introduced in Scotland<sup>xv</sup>, Northern Ireland<sup>xvi</sup> and The Republic of Ireland<sup>xvii</sup>. In Scotland, the first country to introduce such a measure, the *Tobacco Strategy for Scotland* notes the register has allowed enforcement agencies to target their activity.<sup>xviii</sup>
12. Evidence also suggests that simply providing information about the law is not effective, but sustained compliance is reliant on regular enforcement (or warning thereof)<sup>xix</sup>, underlining the importance that the measure is backed by a commitment to support compliance.
13. Cancer Research UK is currently commissioning research to evaluate the tobacco retail register in Scotland with the aim of publication in May 2017. The research will assess the impact of the retail register and produce recommendations to maximise effectiveness. We

intend the outcomes of this research to inform governments and policy makers in the UK to maximise the effectiveness of their tobacco retail register.

14. Trading Standards Officers have commented that a tobacco retailers' register would help them to identify retailers who sell tobacco now that the display ban<sup>xx</sup> is operational in small shops. Furthermore, as noted in the response to question one, the *Tobacco Strategy for Scotland* notes their register has allowed enforcement agencies to target their activity.<sup>xxi</sup>
15. Based on this information, we believe a central register of tobacco sellers, maintained by a nominated local authority, would assist in the enforcement of the display ban – providing the scheme is adequately funded and staffed, and coordinated between the nominated local authority and Trading Standards officers.
16. We would like more information regarding the fees associated with the register. In particular, we would like to know expected revenues from the retailer licence – and whether any excess revenues (after the cost of the maintaining the register had been deducted) could be used to fund tobacco control services, such as cessation services, mass media quit campaigns, and/or funding for enforcement officials to help combat the illicit tobacco trade.

*Prohibit the handing over of tobacco and/or nicotine products to a person under the age of 18*

17. The EU Tobacco Products Directive (TPD) (2014/40/EU) recognises the potential for tobacco control legislation to be undermined by cross-border distance sales, and gives a proviso for member states to prohibit cross-border distance sales of tobacco and related products<sup>xxii</sup>. Furthermore, Article 16 of the WHO Framework Convention on Tobacco Control states, “Each Party shall adopt and implement effective legislation, executive, administrative or other measures at the appropriate government level to prohibit the sales of tobacco products to persons under the age set by domestic law, national law or eighteen”.
18. We believe that more research is needed to give a clearer picture of the problem, but welcome the Welsh Government’s taking action to protect children from buying tobacco products or nicotine products over the internet.

**For more information, please contact [tobaccocontrol@cancer.org.uk](mailto:tobaccocontrol@cancer.org.uk).**

---

<sup>i</sup> Registered charity in England and Wales (1089464), Scotland (SC041666) and the Isle of Man (1103). Registered as a company limited by guarantee in England & Wales No.4325234. Registered address: Angel Building, 407 St John Street, London EC1V 4AD

<sup>ii</sup> Wales Cancer Intelligence and Surveillance Unit (2016) Cancer in Wales: 2001 – 2014. <http://tinyurl.com/zgnswth>, Last accessed 01/06/2016.

<sup>iii</sup> Based upon data from Smittenaar, C.R., Petersen, K.A., Stewart, K., Moitt, N. Cancer Incidence and Mortality Projections in the UK until 2035. (under review, British Journal of Cancer). Analyses undertaken and data supplied upon request; May 2016.

<sup>iv</sup> Wales Cancer Intelligence and Surveillance Unit (2016) Cancer in Wales: 2001 – 2014. <http://tinyurl.com/zgnswth> Last accessed 01/06/2016.

<sup>v</sup> Public Health England. E-cigarettes: An evidence update. [A report commissioned by Public Health England.](#)

<sup>vi</sup> Hartmann-Boyce J, McRobbie H, Bullen C, Begh R, Stead LF, Hajek P. Electronic cigarettes for smoking cessation. Cochrane Database of Systematic Reviews 2016, Issue 9. Art. No.: CD010216. DOI: 10.1002/14651858.CD010216.pub3

<sup>vii</sup> Beard Emma, West Robert, Michie Susan, Brown Jamie. Association between electronic cigarette use and changes in quit attempts, success of quit attempts, use of smoking cessation pharmacotherapy, and use of stop smoking services in England: time series analysis of population trends BMJ 2016; 354 :i4645

<sup>viii</sup> Tobacco smoke and involuntary smoking. IARC Monographs on the evaluation of carcinogenic risks to humans. Vol 83. Lyon, France, 2004.

<sup>ix</sup> Ministry for Health and Social Services, (2012). Tobacco Control Action Plan for Wales.

- 
- <sup>x</sup> The Tobacco Advertising and Promotion (Display) (Wales) Regulations 2012 ban the display of tobacco products. These Regulations came into force in December 2012 for large shops and will come into force for small shops in April 2015.
- <sup>xi</sup> Chartered Institute of Environmental Health (2008). CIEH response to the Department of Health consultation on the future of tobacco control.
- <sup>xii</sup> Novak, S P et al (2006). Retail tobacco outlet density and youth cigarette smoking: a propensity-modeling approach. *Am J Public Health*. 2006 April; 96(4): 670–676
- <sup>xiii</sup> Scully M et al (2013). Density of tobacco retail outlets near schools and smoking behaviour among secondary school students. [Aust N Z J Public Health](#). 2013 Dec;37(6):574-8.
- <sup>xiv</sup> Leatherdale ST and Strath JM (2007). Tobacco retailer density surrounding schools and cigarette access behaviours among underage smoking students. [Ann Behav Med](#). 2007 Feb;33(1):105-11
- <sup>xv</sup> See Tobacco and Primary Medical Services (Scotland) Act 2010
- <sup>xvi</sup> See Tobacco Retailers Act (Northern Ireland) 2014
- <sup>xvii</sup> See (The Public Health (Tobacco) Act, 2002 (as amended 2009) <http://www.tobaccoregister.ie/about-the-register/about-the-register.aspx>
- <sup>xviii</sup> Scottish Government (2013. Creating a tobacco-free generation: A tobacco control strategy for Scotland.
- <sup>xix</sup> Stead LF and Lancater T (2008). Interventions for preventing tobacco sales to minors (Review). The Cochrane Collaboration.
- <sup>xx</sup> The Tobacco Advertising and Promotion (Display) (Wales) Regulations 2012 ban the display of tobacco products. These Regulations came into force in December 2012 for large shops and will come into force for small shops in April 2015.
- <sup>xxi</sup> Scottish Government (2013. Creating a tobacco-free generation: A tobacco control strategy for Scotland.
- <sup>xxii</sup> [See section \(33\) of Directive 2014/40/EU on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC: Cross-border distance sales of tobacco products could facilitate access to tobacco products that do not comply with this Directive. There is also an increased risk that young people would get access to tobacco products. Consequently, there is a risk that tobacco control legislation would be undermined. Member States should, therefore, be allowed to prohibit cross-border distance sales. Where cross-border distance sales are not prohibited, common rules on the registration of retail outlets engaging in such sales are appropriate to ensure the effectiveness of this Directive. Member States should, in accordance with Article 4\(3\) of the Treaty on European Union \(TEU\) cooperate with each other in order to facilitate the implementation of this Directive, in particular with respect to measures taken as regards cross-border distance sales of tobacco products.](#)