

Policy Briefing:
**The Future of Vaping
Policy to Support a
Smokefree Britain**
2024



Overview

By halting the controversial Tobacco and Vapes Bill, the snap General Election has created a golden opportunity for the new Government to carefully consider its approach to any future vaping legislation and the impact it will have on the nation's smokefree ambitions.

Smoking remains one of the 'biggest causes of death and illness in the UK', needlessly claiming around 76,000 lives every year. It is the root cause of one in four of the nation's cancer deaths and 70% of lung cancer cases. All in all, it is estimated that smoking costs the NHS around £2.4 billion per year - put bluntly:

Cigarettes are the only product on sale which will kill you if used correctly
- Former Public Health Minister, Neil O'Brien MP

The government previously set out ambitious plans to make England smokefree by 2030 – but a recent report from Cancer Research UK revealed we are 'almost a decade behind' achieving this target. The leading charity warned that, if 'trends continue', the smokefree goal will not be hit until 2039. It also estimated that smoking prevalence amongst the most deprived groups in the UK won't drop to desired levels until 2050 and beyond.

The Office of National Statistics (ONS) has acknowledged that vaping has been central to a significant decline in smoking rates in the UK - which are now at a record low – while the independent Khan review, carried out on behalf of government in 2022, highlighted the pivotal role that vaping has to play in 'making smoking obsolete'.

Sadly, the effectiveness of vaping in fulfilling this role is under threat due to the prospect of restrictive legislative action down the road, as contained within the Tobacco & Vapes Bill, as well as the government's recent decision to ban disposable vapes from April 2025, and a storm of misinformation and scare stories. There is also the strong possibility of a vape tax, following the recent vape duty consultation, which could increase the cost of some products by circa 300%.

The government must seize this opportunity to take stock and establish a balanced approach to vaping policy which protects against the very real challenges of youth vaping, illicit products and environmental impact, while preserving and promoting vaping as the most successful stop smoking tool available for adults.

The UK Vaping Industry Association – as the largest and most influential trade body for the sector - has published this evidence-based policy briefing, which focuses on the following key areas:



The introduction of a retail and distributor vape licensing scheme



A fiscal policy that encourages vaping over smoking



Restricting inappropriate flavour names, not flavours



Separating in-store display of vapes and tobacco



Minimising the environmental impact of vaping



Public education campaigns to address vape misinformation



Supporting industry innovation and product development

The goal of this policy report is not to promote e-cigarettes, but to put the country firmly back on the road to a smoke-free future by establishing a clear, substantiated and balanced plan of action.

TRADING STANDARDS

The introduction of a retail and distributor vape licensing scheme

Regulatory shortcomings have allowed inappropriate businesses, including sweet shops, to sell vaping products with little oversight and hamstrung budgets have left Trading Standards struggling to take action on underage and illicit vape sales. A robust, fit-for-purpose vape licensing scheme is needed to level up enforcement and usher in a new era of accountability for the sector.

After years of advocating, the legitimate vape industry developed a retail and distributor licensing framework. This was informed by a six-month consultation period, involving key stakeholders such as Trading Standards, and was put forward not as an alternative to changing legislation, but as a necessary mechanism to ensure current and future regulation can be effectively enforced. This has also led to growing discussions about the merits of an all-encompassing 'age-gated' licensing scheme covering vapes, alcohol, tobacco and knives.

The need for a retail and distributor vape licensing scheme is backed by the following points:

- The Chartered Trading Standards Institute (CTSI) has called for **'urgent support and clarification from the Government'**, as the scale of non-compliant vapes and concerns around underage access are 'getting out of hand' – the CTSI welcomed the removal of disposables but raised questions about how the ban would actually be enforced.
- CTSI Chief Executive John Herriman previously warned Trading Standards are being forced to **'do more with less'** and that the system 'is no longer working effectively'. Professor Nick Hopkinson, Professor of Respiratory Medicine with Imperial College London, reports that Trading Standards budgets have **'been halved, cut by £200 million, since 2010'**.
- The introduction of a ban on disposables is predicted to place even greater pressure on Trading Standards, boosting the black market by **£645 million per year** and increasing risks to consumers and young people.
- The impact of a prohibitionist approach to vaping policy can be seen in Australia. It is estimated that **92% of the nation's vapers** acquire their vapes through illegal channels and that up to **100 million illicit products** are imported into the country every year.
- The **Royal College of Physicians** said 'the purchase of illicit vapes by children and underage sale of vapes to minors should be addressed by increased investment in local authority Trading Standards services' which has been 'eroded over several years'.
- Over the next five years, £100 million of the Government's **£30 million funding investment for enforcement agencies**, will be swallowed by HMRC and Border Force's illicit tobacco strategy. This leaves just £10 million per year which, if split between England's 317 local authority areas, is a paltry £86 per day in additional funding which is not ringfenced for vape enforcement.
- The industry's **licencing proposal** would generate £50m+ in annual self-sustaining funding from retail fees alone. This would come at no additional cost to the taxpayer and would be used to empower Trading Standards and support a proactive, national programme of enforcement.
- The Royal College of Physicians, the Local Government Association, a growing raft of MPs, the legitimate vape industry and more have all backed the principle of vape licensing.

A fiscal policy that encourages vaping over smoking

Affordability plays an undeniable role in helping adult smokers, particularly those from lower socioeconomic backgrounds, make the switch to vaping, and cost savings are one of the most cited reasons vapers give for transitioning to the less harmful alternative.

There is a serious, potentially fatal, risk that an excise duty for nicotine-containing vapes could deter smokers from trying the most effective quit tool available to them and could trigger relapse amongst those who have already used vaping to move away from deadly cigarettes.

The need for a fiscal policy that encourages vaping over smoking is backed by the following points:

- An analysis by the **Office for National Statistics** found that the proportion of people who smoke in the most deprived areas of England and Wales was more than three times higher (33.1%) than in the least deprived areas in 2021, up from 29.5% in 2017.
- Similarly, ASH UK's '**Economic and Health Inequalities Dashboard**' estimates that 31% of all smoking households in England fall below the poverty line after smoking expenses are taken into consideration.
- HMRC's '**Understanding the Vaping Market**' report found less affluent adults were 'more likely than average' to report being current vapers and revealed 32% of current vapers are motivated to use these products over cigarettes due to cost savings.
- The '**Understanding the Vaping Market**' report also found that doubling the price of vaping could result in 62% of current users reducing how much they vape – it is predicted that the proposed duty could increase the cost of some products by upwards of 300%, with increases being higher for bottles of e-liquid which are more popular with refillable pod and tank system users.
- A recent Opinium survey revealed **56% of current vapers** think black market vape sales will rise if prices increase as a result of a tax. Less than a third of vapers thought increasing the cost of e-cigarettes would reduce the number of vapes purchased by those under 18.
- The vape sector is one of the most entrepreneurial of the 21st century. Research from the Local Data Company found there are 3,573 specialist vape shops in the UK, indicating that the industry is contributing to the revival of the nation's struggling high streets.
- A tax hike for vaping products represents a U-turn in government thinking and goes against **recent recommendations** for a reduction in VAT for vaping products to bring them in line with nicotine replacement therapies.
- The vape sector has become a major contributor to **the Treasury. The Centre for Economics and Business Research (CEBR)** estimates the industry had an aggregate turnover of £2.8bn and supported almost 18,000 full-time equivalent jobs in 2021 alone.
- An independent analysis found the government is losing out on £343m in unpaid tax from the black market – a figure that will only increase in the wake of an excise duty.

Restricting inappropriate flavour names, not flavours

Flavours play a critical role in the appeal and success of vaping as a harm reduction tool, which is essential for achieving a smokefree Britain. Rather than targeting the existence of flavours, the focus should be on regulating flavour names that are undeniably inappropriate, such as 'Rainbow' 'Candy Floss' or 'Unicorn'.

This approach – which the legitimate industry has been advocating for years - can ensure vaping remains an attractive alternative for adult smokers looking to quit, while preventing appeal to non-smokers, particularly minors.

The need for policies that restrict inappropriate flavour names while protecting the flavours millions of adult vapers rely on is supported by the following points:

- The latest data from ASH UK confirms that fruit flavours are **the most popular amongst adult vapers** in Great Britain at 47%, followed by mint/menthol at 17%, tobacco at 17% and sweets/vanilla/coffee/chocolate/desserts at 8.8%. Just 1.6% report using flavourless vapes (understood to be e-liquid without additives).
- Similarly, an **analysis of sales data** from four of the biggest online vape retailers in the UK sector found fruit flavours were the most popular amongst 35 to 44-year-olds, followed by the 'treats and desserts' category.
- Research conducted by **One Poll** found 83% of adult vapers say flavours helped them 'pack in' smoking. It also revealed 1 in 3 vapers fear a ban on flavours will 'lead them back to conventional cigarettes' – this equates to around 1.5 million former smokers returning to the deadly habit.
- A study from leading vape retailer Evapo, which looked at responses from 1,134 participants found **two-thirds of vapers** say they are 'likely' or 'somewhat likely' to return to smoking if flavours are outlawed. It also found that 93% of respondents have either reduced their tobacco intake or completely quit smoking through vaping.
- The Royal College of Physicians warns the **'wholesale limiting of flavours accessible to adults is not recommended'** and says 'the use of flavours by adults trying to quit smoking is an integral part of the effectiveness of vaping as a quit aid'. The RCP calls on the Government to 'restrict flavour descriptors rather than flavours themselves'.
- A multidimensional review on **'The Case for Flavours in Tobacco Harm Reduction'** concluded that flavours used in ENDS (electronic nicotine delivery systems) are 'inextricably linked to smoking cessation' and banning flavours will 'harm, not help, individual and population health'.
- It is predicted that heavy restrictions or bans on flavours will trigger a surge in black market products and result in more people mixing their own e-liquids – which poses potential risks as they may not have access to certified labs or the highest quality ingredients.



Separate in-store display of vapes and tobacco

The Government must ensure that any future legislation that impacts the in-store display of vaping does not make these products invisible to the adults who need them or conflate them with tobacco, which would widen that trust gap and could block smokers from making the switch.

It is also critical that specialist stores, which exclusively sell vaping products, are treated differently than other general retailers when it comes to display restrictions, as the shop door acts as the counter for these sellers. Equally, the industry, regulators and policymakers must explore ways to ensure that product displays and promotions are not overtly marketing vape products to U18s and don't provide easy access to minors.

The need for policy which ensures separate in-store display of vapes and tobacco is backed by the following points:

- The latest data from **Action on Smoking and Health (ASH)** UK shows 50% of adult smokers in Great Britain wrongly and worryingly believe vaping to be as or more harmful when compared with smoking.
- Similarly, a research report from **University College London (UCL)**, which was funded by Cancer Research UK, revealed that 57% of smokers in England believe vaping to be as or more harmful than smoking – this is up from 11% in 2014.
- The industry-led vape **retail and distributor licensing scheme** can play a role in ensuring proportionate regulation around in-store displays. The framework puts forward that businesses which sell vapes amongst a range of other products must effectively separate them from any child-oriented goods – for instance, supermarkets must keep them in a different area to toys and confectionary.
- The proposed **licensing scheme** also suggests retailers who primarily stock and sell disproportionately youth appealing products – including ‘American Candy’ - should be blocked from obtaining a licence to sell vapes. Online retailers should also have to be precise in their marketing and ensure it is clear which products are and are not appropriate for minors.
- The legitimate vape industry supports the creation of display guidelines which are agreed between retail and trade bodies and would include measures to prevent vapes from being placed next to sweets and other youth-appealing goods – echoing the licensing scheme - and from being displayed in shop windows. Consideration should be given to extending these guidelines to cover responsible in-store marketing promotions, for example to ensure promotions focus on encouraging adults to quit smoking rather than showcasing vape products.
- An agreed display declaration or agreement should also require vapes to be stocked on or behind the counter, but not in a closed gantry as with cigarettes. It should also prevent customers from being able to ‘self-serve’ vaping products.
- A recent **Opinium survey** found just 38% of current vapers think preventing e-cigarettes from being on display behind shop counters will deter young people from purchasing vapes.



Minimise the environmental impact of vaping

The legitimate industry recognises that more needs to be done to minimise the environmental impact of vaping and is not blind to its own responsibilities. However, the solution to this challenge requires a cross-collaborative approach from the vape supply chain and waste management companies, as well as regulators, local councils and central government.

This rings especially true when it comes to educating vapers on how best to dispose of their used devices – which the industry can't do as a result of marketing restrictions – as well as establishing a fit-for-purpose vape waste recycling infrastructure and bringing to book the vape retailers and brands who are ignoring their WEEE obligations.

The need for policy which supports a collaborative approach to minimising the environmental impact of vaping is backed by the following points:

- **A Waste Experts study** recently revealed that single-use vapes 'can be recycled, and can achieve the recycling and recovery targets to meet the WEEE directive'. The research found the main reason these products are not correctly disposed of is due to a lack of 'consumer awareness and understanding' – a challenge that is 'is not unique to vapes'.
- Similarly, research from Material Focus has highlighted the need for better communication about the correct disposal of vape waste. It revealed that **'70% of people threw their single-use vapes away because they didn't know they could recycle them'**.
- Material Focus, as well as consumer behaviour experts, have also recognised the need for disposal facilities at the point-of-use, not just the point-of-sale. The non-profit found **44% of vapers** would recycle their single-use vapes if there were recycling points in council-controlled spaces such as streets or in parks.
- A new **FOI investigation**, which surveyed 10 major provincial city and 10 London borough councils, found just one in ten respondents have introduced vape waste containers in public places. It also found that almost one third do not offer vape waste disposal containers or drop-off points of any kind.
- Experts say dismantling vape devices is currently very time-consuming and resource intensive. Increased investment in waste management technologies, such as shredding machines and AI-powered sorting solutions, would make this process faster and help maximise the recycling of these products.
- The need for a joined up, effective solution is more important than ever before, given that the ban on disposable vapes is predicted to **super charge the black market and trigger a rise in illicit products** – this will create a further challenge for vape waste management as the unscrupulous businesses who are selling these products will not pay for them to be collected and disposed of.
- Businesses are reporting that the WEEE levy for vapes will multiply their bills by tens of thousands – one unnamed specialist retailer reported an increase of 35,000%. This is unsustainable and could jeopardise the future of an industry which has been instrumental in **bringing down smoking rates** and has become a **major contributor** to the economy.

Public education campaigns to address vape misinformation

Misperceptions about vaping are at an all-time high and public trust in the stop smoking tool is at an all-time low. Given that vaping has proven to be the most effective stop smoking solution available and is recognised as significantly less harmful than combustible tobacco, the Government must invest in mass public education campaigns to promote the relative risk of vaping and address misinformation around the category. Due to vape marketing restrictions, the vaping industry cannot undertake such campaigns using high profile media.

If the government fails to close the knowledge gap around vaping, it risks missing out on the public health prize presented by e-cigarettes and on achieving smokefree ambitions.

The need for public education campaigns to address vape misinformation is backed by the following points:

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95% less harmful
smoking

- A research report from **University College London (UCL)**, which was funded by Cancer Research UK, revealed that 57% of smokers in England believe vaping to be as, or more harmful than smoking – this is up from 11% in 2014.
- The government-commissioned **Khan review** identified that there is ‘lots of confusion, even misinformation, about vaping’ and called for an investment of £15 million per year in a well-designed national media campaign which directs smokers to support and dismantle ‘myths about smoking and vaping’.
- **The Khan review** also said the government ‘make it hard for vape shops to promote the benefits of quitting smoking to their customers’ and recommended advertising rules be modified so e-cigarettes can be positioned as a less harmful product – it said: “Smokers need to see more messages that switching to vapes is hugely beneficial to their health.”
- Between 2008/9 and 2019/20, government spending on stop smoking marketing campaigns dropped from £23 million to £2 million - during the COVID pandemic the government spent upwards of £50 million to market key messages. As the Khan review states: **“When there is a will to save lives, money can be found.”**
- **The Royal College of Physicians** recommends messages on the relative risks of vaping and smoking should be required on cigarette packs and reduced risk messages should be included on e-cigarette packs. It also said more research is needed to ‘explore how to maximise the credibility of reduced risk messages...’.
- Government investment in mass public education campaigns could help ease pressures on the NHS – research from **Brunel University London** found the NHS would save more than half a billion pounds per year if just half of England’s adult smokers made the switch.
- Dr Ruth Sharrock, Clinical Lead for Tobacco Dependency for North-East and North Cumbria NHS Integrated Care Board, said: **“...too many of my patients have seen alarmist media headlines that worry them and put them off giving vaping a go.”**
- Dr Sarah Jackson, of UCL’s Institute of Epidemiology and Health Care, said: **“...misperception is a health risk in and of itself. Better communication about the health risks is needed so that adults who smoke can make informed choices about the nicotine products they use.”**

Supporting industry innovation and product development

Innovation has been central to the success of the vaping industry in helping **millions of adults** quit smoking for good. If it wants to achieve a smokefree future, the newly elected government must support advances within the sector and embrace the vape category - which has been one of the most disruptive technological forces of the 21st century.

By investing in the sector, and avoiding overregulation, the government can help the industry innovate solutions to key challenges such as youth vaping, environmental impact and the growth of the black market, as well as build on the harm reduction potential of these products.

The need for policy which supports industry innovation and product development is backed by the following points:

- Vaping is a consumer-led solution to a problem that has impacted the health and lives of millions. It has been defined by innovation and has evolved into a **multi-billion-pound economic powerhouse** which is responsible for creating a growing portfolio of products.
- The industry has already been developing new technologies to solve key challenges. For example, some manufacturers have been making use of new materials and product designs to make devices easier to process for waste management professionals and recycle for secondary markets. Brands have also been optimising internal elements, such as batteries and coils, to ensure devices are as efficient as possible and reduce the appetite for illegal 'big puff' products.

- As with most other sectors, Artificial Intelligence is also becoming increasingly prevalent in the vape industry. For example, there has been investment in AI-powered, in-store age verification technology which can help combat youth access to vaping products.
- The Office for Health Improvement and Disparities maintains that vaping poses a '**small fraction of the risks of smoking**' or, put simply, that vaping is 95% less harmful than cigarette-use. Through continued innovation, the industry could build on this success and minimise the 5% of risk.
- As part of the '**UK Innovation Strategy**', the government said it will 'consult on how regulation can ensure the UK is well-placed to extract the best value from innovation' and said it will 'fuel businesses who want to innovate'. A newly elected government needs to consider vaping in this context.



10 Vaping truths

Misperceptions about vaping have never been higher and public trust in the proven stop smoking tool never lower. The UK Vaping Industry Association has put together this factsheet to cut through the misinformation, blow away the smoke and mirrors and make the truth about vaping clear.

- 1** Vaping poses a ‘small fraction of the risks’ of smoking – it is ‘at least 95% less harmful’ than combustible tobacco.

- The Office for Health Improvement and Disparities (OHID), 2022
- 2** More than 5.1 million adults in Great Britain have already used vaping to cut down on or stop smoking.

- Action on Smoking and Health UK (ASH), 2024
- 3** Nicotine e-cigarettes are amongst the most effective stop smoking aids available.

- Cochrane Review, research by University of Oxford, 2023
- 4** Almost 95% of adult vapers in Great Britain are former or current smokers – over half have been vaping for three years or more.

- Action on Smoking and Health UK (ASH), 2023
- 5** There is ‘no good evidence’ that vaping causes cancer - nicotine DOES NOT cause by cancer.

- Cancer Research UK, 2023
- 6** Almost one third of surveyed vapers say they do so because it is ‘cheaper than smoking’.

- HMRC, ‘Understanding the Vaping Market’, 2023
- 7** Flavours are critical for adult vapers and almost half (47%) prefer fruit options.

- Action on Smoking and Health UK (ASH), 2023
- 8** Vaping is NOT a proven gateway to smoking.

- ASH UK, ‘Addressing Common Myths About Vaping’, 2023
- 9** Legal vaping products DO NOT cause EVALI or popcorn lung - both are caused by chemicals which are banned for e-cigarettes in the UK.

- Cancer Research UK, 2023
- 10** A vape licensing scheme could generate £50m+ in annual, self-sustaining funding which could be used to empower Trading Standards.

- Retail and Distributor Licensing Framework for the Vape Sector

