

Written evidence submitted by Cancer Research UK for the Health and Social Care
Committee

Legislative Consent Memorandum for the Tobacco and Vapes Bill

About Cancer Research UK

Cancer Research UK is the world's leading cancer charity dedicated to saving and improving lives through research. We fund research into the prevention, detection and treatment of more than 200 types of cancer through the work of over 4,000 scientists, doctors and nurses. In the last 50 years, we've helped double cancer survival in the UK and our research has played a role in more than half of the world's essential cancer drugs. Our vision is a world where everybody lives longer, better lives, free from the fear of cancer.

Executive summary

Tobacco

- Tobacco is the biggest cause of cancer in Wales, causing around 3100 cancer cases annually (2015).^{1 2}
- Preventing cancer saves lives, saves money, and reduces pressure on the health service. It is estimated that smoking costs the UK's health systems upwards of £2BN a year.³
- Tobacco is the biggest cause of cancer and death in the UK; it causes around 57,700 cancer cases a year in the UK – that's around 160 cases of cancer every day (2023).^{4 5}

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¹ Brown et al, 2018. The fraction of cancer attributable to modifiable risk factors in England, Wales, Scotland, Northern Ireland and the United Kingdom in 2015.

² Cancer Research UK, Cancer Intelligence team. Smoking-attributable cancer cases in the UK, 2003-2023. Accessed January 2025. Available from: https://www.cancerresearchuk.org/sites/default/files/analysis_brief_smoking_attributable_cancer_cases_in_the_uk_2003-2023.pdf?1l#

³ Calculated by Cancer Research UK, Cancer Intelligence team, 2024. Calculation based on the following two sources, both accessed January 2025: https://ashresources.shinyapps.io/ready_reckoner/ and <https://ash.wales/wp-content/uploads/2018/05/cost-of-smoking-to-wales-2013.pdf>

⁴ Calculated by Cancer Research UK, Cancer Intelligence team, 2024. Smoking-attributable cancer cases in the UK, 2003-2023. Accessed January 2025. Available from: https://www.cancerresearchuk.org/sites/default/files/analysis_brief_smoking_attributable_cancer_cases_in_the_uk_2003-2023.pdf?1l#

⁵ Brown et al, 2018. The fraction of cancer attributable to modifiable risk factors in England, Wales, Scotland, Northern Ireland and the United Kingdom in 2015.

⁶ GBD, 2021 (<https://vizhub.healthdata.org/gbd-results/>) (biggest cause of death)

⁷ Cancer Research UK, 2024. CRUK analysis brief: Smoking-attributable cancer cases in the UK, 2003-2023. Accessed January 2025. Available from: https://www.cancerresearchuk.org/sites/default/files/analysis_brief_smoking_attributable_cancer_cases_in_the_uk_2003-2023.pdf

⁸ Thun MJ, et al. 50-Year Trends in Smoking-Related Mortality in the United States. N Engl J Med 2013; 368:351-364

- In Wales, more than 325,000 people still smoke – that's around 13% of the population.⁹ Nothing would have a bigger impact on reducing the number of preventable deaths in the UK than ending smoking.
- Every day, it is estimated around 350 young adults (aged 18–25-year-olds) in the UK start smoking.¹⁰
- Since the UK General Election smoking will have caused over 30,000 cancer cases in the UK (up to 10th February 2025).¹¹
- CRUK modelling (based on the Annual Population Survey) suggests that if current trends continue, average adult smoking prevalence in Wales will reach 5% in the early 2040s – more than a decade behind the Welsh Government's smokefree target (an adult smoking rate of 5% or less by 2030).¹²
- Smoking rates decline with government action.¹³ Parliamentarians across the UK have a unique opportunity to help prevent tens of thousands of cancer deaths each year.
- Raising the age of sale could help to reduce the number of people who take up smoking, stopping them from developing a dangerous addiction that they may then struggle to overcome, and reducing their risk of cancer in the future.
- The potential impact of the Bill cannot be understated. The UK Government's modelling suggests that by 2100, over 470,000 estimated disease cases would be avoided in England alone.¹⁴
- The legislation should apply to all tobacco products. There is no safe way to use tobacco, and all products that contain tobacco are harmful and can cause cancer.
- We welcome the 4-nation approach for this Bill. These vital measures, including the age of sale legislation, should be adopted in a consistent way across the UK.

⁹ Calculated by Cancer Research UK, Cancer Intelligence Team, 2025. Calculation based on National Survey for Wales. Accessed January 2025. Available from: <https://www.gov.wales/sites/default/files/pdf-versions/2023/11/21701179033/national-survey-wales-headline-results-april-2022-march-2023.pdf>

¹⁰ ASH UK, 2024. Press release: every day 350 young adults start smoking regularly. Accessed November 2024. Available from: <https://ash.org.uk/media-centre/news/press-releases/every-day-350-young-adults-aged-18-25-start-smoking-regularly>

¹¹ Calculated by Cancer Intelligence, Cancer Research UK, 2024. Calculations based on the CRUK analysis within Smoking Attributable Cancer Cases in the UK report, 2024. Report available here: https://www.cancerresearchuk.org/sites/default/files/analysis_brief_smoking_attributable_cancer_cases_in_the_uk_2003-2023.pdf

¹² Calculated by Cancer Research UK, Cancer Intelligence Team, 2025. Based on Wales smoking prevalence data (2011–2023) accessed [here](#), and Wales smoking prevalence by deprivation data (2017–2021) accessed [here](#).

¹³ Data for 1950–1973: PN Lee International Smoking Statistics. Data for 1974–2022: Office for National Statistics. Adult smoking habits in Great Britain. Accessed November 2024.

¹⁴ Department for Health and Social Care, 2024. Tobacco and Vapes Bill: Impact Assessment. Accessed November 2024. Available from: <https://assets.publishing.service.gov.uk/media/6733798ff407dcf2b5613588/tobacco-and-vapes-bill-impact-assessment.pdf>

Vaping

- Evidence so far shows that legal e-cigarettes are far less harmful than smoking and can help people quit.^{15 16 17} However, as they're a relatively new product, their long-term impacts are unknown, and so they cannot be considered risk-free.
- It's important that there is a balance struck between regulating e-cigarettes to make them less appealing to young people and people who have never smoked, while ensuring they are still available and accessible to people who want to quit smoking.

Overall views

1. Your overall views on the policy objectives of the Bill to introduce measures to stop people from ever starting smoking and becoming addicted to tobacco products, as well as introducing measures to reduce youth vaping.

Tobacco

Cancer Research UK (CRUK) strongly supports the policy objectives of the Tobacco and Vapes Bill, as smoking is the leading cause of cancer in Wales. We believe that raising the age of sale of tobacco products would present a once in a generation opportunity to help change this; and reduce cancers caused by smoking in Wales.

Stopping the Start (raising age of sale for all tobacco products).

CRUK fully supports the proposal to raise the age of sale incrementally, so that nobody born on or after 1 January 2009 can ever be legally sold tobacco products, as it could help create the first ever smokefree generation- a critical step towards a smokefree Wales.

Tobacco addiction is often developed at an early age. According to ASH Cymru, more than 9 in 10 adults in Wales who ever smoked say they tried their first cigarette aged 21 or younger.¹⁸ Smoking is dangerous at any age, and it is important that we don't simply delay the age someone starts to smoke. This could likely be the case if the age of sale was raised by a few years, to say 21 or 25. Instead, we want to fully prevent people from taking up smoking up in the first place. That's why raising the age of sale incrementally and preventing young people from ever starting smoking is critical to a smokefree future.

¹⁵ Royal College of Physicians (RCP), 2016. Nicotine without smoke: Tobacco harm reduction.

¹⁶ McNeill A, et al., 2022. Nicotine vaping in England: an evidence update including health risks and perceptions, A report commissioned by the Office for Health Improvement and Disparities. London: Office for Health Improvement and Disparities.

¹⁷ Hartmann-Boyce J, et al., 2022. Electronic cigarettes for smoking cessation. Cochrane Database of Systematic Reviews 2022, Issue 11. Art. No.: CD010216. DOI: 10.1002/14651858.CD010216.pub7. Accessed January 2025.

¹⁸ ASH Wales, 2022. Smokefree Survey 2022. Accessed January 2025. Available from: <https://ash.wales/wp-content/uploads/2022/09/yougov-survey-2022-ash-wales-2022.pdf>

There is no safe way to use tobacco. All products that contain tobacco are harmful and can cause cancer. The legislation should include all products that contain tobacco and cigarette papers. A Smokefree Wales and UK means a country without any tobacco products, including combustible, smokeless, and heated. There should be no exemptions for heated tobacco. Just because the tobacco is heated, rather than combusted, does not mean it is not a harmful product. Research looking at these tobacco products is still in its early stages and is often funded by the tobacco industry, rather than independent researchers.¹⁹

Will this measure work?

The UK Government's modelling suggests that by 2100, over 470,000 estimated disease cases would be avoided in England alone.²⁰

Raising the age of sale of tobacco could reduce the number of people who take up smoking. This specific model to raise the age of sale (so that nobody born on or after 1 January 2009 would ever be able to be legally sold tobacco) would take the legal sale of cigarettes beyond school age and could help protect young children from exposure to older pupils who smoke. This could stop young people from ever developing a dangerous addiction that they may then struggle to overcome; and reduce their risk of cancer in the future.

Based on UK modelling, we estimate that up to 470,000 fewer cigarettes will be smoked per day in Wales, if the age of sale legislation has the impact that the UK Government hopes.²¹

The Illusion of free choice

The UK Government's Chief Medical Officer, Professor Chris Whitty, recently highlighted that "the great majority of smokers wish they had never started, but their choice was taken away at a young age by marketing that deliberately promoted addiction to nicotine".²²

Tobacco is uniquely harmful. When used exactly as recommended by the manufacturer, it is the one legal consumer product that will kill most users – 2 out of 3 people who smoke

¹⁹ Tattan-Birch, H, et al, 2022. Heated tobacco products for smoking cessation and reducing smoking prevalence. Cochrane Library. Accessed May 2024. Available from: <https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD013790.pub2/full>

²⁰ Department of Health and Social Care (DHSC), 2024. Tobacco & Vapes Bill Impact Assessment. March 2024. Accessed: January 2024. Available from: https://assets.publishing.service.gov.uk/media/673751191aac5c1dd8a0f75f/_withdrawn_tobacco-vapes-bill-impact-assessment.pdf

²¹ Calculated by Cancer Research UK's Cancer Intelligence Team, 2024. A breakdown of this calculation available on request.

²² Department for Health and Social Care, 2024. Chief Medical Officer for England on the Tobacco and Vapes Bill. Accessed May 2024. Available from: <https://www.gov.uk/government/speeches/chief-medical-officer-for-england-on-the-tobacco-and-vapes-bill>

will die from smoking.^{23 24 25 26} Around 8 in 10 people who smoke have tried to quit.²⁷ Smoking has the illusion of a free choice, but it is an addiction, and people need support to quit.

Health Inequalities (smoking)

We know that smoking is more common in some population groups than others, and this is often attributed to the pressures, opportunities, and circumstances these groups face over the course of their lifetime (wider determinants of health). For example, in Wales, smoking rates are higher in our most deprived communities compared to our least.²⁸ In turn, this translates to higher rates of smoking-related harm.²⁹

Addressing Youth Vaping

Evidence so far shows that legal e-cigarettes are far less harmful than smoking.³⁰ E-cigarettes are a popular quitting tool in the UK; they can help people who smoke to stop, reducing their risk of cancer and other tobacco-related diseases, compared with continued smoking.³¹ But they're a relatively new product and their long-term impacts are unknown, and so they cannot be considered risk-free. They shouldn't be used by people who don't smoke, and young people in particular.

We support the introduction of certain powers to help reduce the appeal of vapes to young people- we will respond to these consultations when published.

Crucially, CRUK believes that it's important that the UK adopts a balanced approach to vaping. We support making balanced and evidence-led changes to e-cigarette regulation which reduce the appeal and access of e-cigarettes to young people and people who do not smoke, whilst also considering the potential impact on smoking rates and people trying to quit tobacco.

2. Do you think the legislation sufficiently protects young people from vaping while supporting smokers to quit?

See response above.

²³ Banks E, et al., 2015. Tobacco smoking and all cause mortality in a large Australian cohort study: findings from a mature epidemic with current low smoking prevalence. *BMC medicine* 2015, 13, 38.

²⁴ Doll R, et al., 2004. Mortality in relation to smoking: 50 years' observations on male British doctors. *BMJ (Clinical research ed.)* 2004; 328(7455):1519.

²⁵ Pirie K, et al., 2013. The 21st century hazards of smoking and benefits of stopping: a prospective study of one million women in the UK. *Lancet* 2013;381(9861):133-141

²⁶ Thun MJ, et al., 2013. 50-Year Trends in Smoking Related Mortality in the United States. *N Engl J Med* 2013; 368:351-364

²⁷ Sharma A, Szatkowski L, 2014. Characteristics of smokers who have never tried to quit: evidence from the British Opinions and Lifestyle Survey. *BMC Public Health* 2014; 14: 346.

²⁸ Welsh Government, Stats Wales. Adult lifestyles by area deprivation, 2020-21 onwards. Accessed January 2025. Available from: <https://statswales.gov.wales/Catalogue/National-Survey-for-Wales/Population-Health/Adult-Lifestyles/adultlifestyles-by-areadeprivation-from-202021>

²⁹ Welsh Cross Party Group on Cancer, 2023. All Things Being Equal?. 2023. Accessed January 2025. Available from https://www.cancerresearchuk.org/sites/default/files/all_things_being_equal_-_full_report_-_final.pdf

³⁰ McNeill, A, et al., 2022. Nicotine vaping in England: an evidence update including health risks and perceptions. A report commissioned by the Office for Health Improvement and Disparities. London: Office for Health Improvement and Disparities.

³¹ McNeill, A, et al., 2022. Nicotine vaping in England: an evidence update including health risks and perceptions. A report commissioned by the Office for Health Improvement and Disparities. London: Office for Health Improvement and Disparities.

Q3. Do you support the principle of Westminster legislating in areas that are devolved to the Welsh Government?

Our focus is on the *objective* of the Bill, rather than the principle of Westminster legislating in devolved areas. The Welsh Government's Smokefree Wales strategy recognises that raising the age of sale of tobacco is a reserved area, and commits to working with all UK administrations on these proposals. We are pleased that a 4-nation approach has been employed throughout the Bill process; putting into practice the Welsh Government's commitment.

Tobacco impacts communities right across the UK. No UK nation is spared from the burden of disease and disability that tobacco ensues. In light of this, we believe that UK nations (governments and elected officials) should work together to realise this Bill; which presents a steadfast opportunity to help protect future generations from the harms of smoking.

Q4. How does the Bill align with the goals set out in A Smoke-Free Wales and the Welsh Government's public health priorities? Does it adequately respect the devolved nature of public health policy?

The Smokefree Wales strategy was published with the following commitments:

- To work with UK administrations on raising the age of sale of tobacco products (Towards A Smokefree Wales, Delivery Plan, 2022-2024).³²
- To work towards the Welsh Government's target- an adult smoking prevalence of 5% or less by 2030 (A Smokefree Wales Strategy).³³
- Increase the proportion of teenagers and young people who remain smoke-free by reducing the uptake of smoking, whilst also discouraging the uptake of e-cigarettes or other nicotine products in teenagers and young people (A Smokefree Wales Strategy).³⁴

In light of this, the Bill aligns well with the Welsh Government's Smokefree Wales strategy, and supports its overarching ambition to secure a healthier, fairer, smokefree Wales.

Currently, the Welsh Government is more than a decade behind its smokefree target. Our analysis forecasts that if current trends continue, Wales will not be smokefree until the early 2040s, with some groups reaching smokefree even later (lower socio-economic groups).³⁵ In light of this, the pace of change needs to go further and faster in Wales; if Wales is to realise its smokefree ambition. The Tobacco & Vapes Bill will be a significant step towards realising this change, given its anticipated impact.

³² Welsh Government, 2022. Towards A Smokefree 2022-224. Accessed January 2025. Available from: <https://www.gov.wales/sites/default/files/publications/2022-07/tobacco-control-delivery-plan-2022-2024.pdf>

³³ Welsh Government, 2022. Smokefree Wales Strategy. 2022. Accessed January 2025. Available from: <https://www.gov.wales/tobacco-control-strategy-wales-html>

³⁴ Welsh Government, 2022. Smokefree Wales Strategy. 2022. Accessed January 2025. Available from: <https://www.gov.wales/tobacco-control-strategy-wales-html>

³⁵ Calculated by the Cancer Intelligence Team at Cancer Research UK, 2025. Based on Wales smoking prevalence data (2011-2023) accessed [here](#), and Wales smoking prevalence by deprivation data (2017-2021) accessed [here](#).

5. Do you think there are areas where greater collaboration with other UK nations is necessary, and/or should Wales consider developing additional, specific measures? (e.g; to consider inequalities in smoking rates across different demographics in Wales, including socio-economic and regional disparities?)

Cancer Research UK would encourage the Welsh Government to introduce a smokefree target for *all* socio-economic groups in Wales.

CRUK analysis shows that despite progress, the Welsh Government is more than a decade behind reaching its smokefree target (if current trends continue), with lower socio-economic groups not reaching smokefree until much later.³⁶ Moreover, smoking rates are higher in Wales' most deprived areas compared to the least, which in turn translates to higher rates of tobacco-related harm.³⁷ If the Welsh Government is to achieve its smokefree target equitably, and if it is to ensure the most deprived do not continue to shoulder the greatest burden of smoking-related disease, there must be a redoubled focus on this area. Given that reducing health inequalities is stapled as a priority area within *A Smokefree Wales* strategy; an explicit target to secure smokefree status for all socio-economic groups would sharpen focus and help drive progress towards this goal.

6. Your views on proposals to:

a) make it an offence to sell tobacco products, herbal smoking products and cigarette papers to anyone born on or after 1 January 2009;

We strongly support this measure, for the reasons provided in question 1.

b) make it an offence for a person aged 18 or over to buy, or attempt to buy tobacco products, herbal smoking products and cigarette papers for someone who was born on or after 1 January 2009

We strongly support this measure in relation to tobacco products.

Consideration

Proxy sales of tobacco are already illegal under existing age of sale legislation.³⁸ CRUK believes it makes sense for proxy sales to continue to be banned under this new legislation, so that anyone born before 1 January 2009 would be prohibited from purchasing tobacco products on behalf of anyone born on or after 1 January 2009.

If proxy sales were not included in the new legislation, there's a risk that young people would ask friends, family, or strangers to buy them cigarettes. A study in 2016 showed that despite new laws prohibiting the sales of tobacco to minors in Europe, adolescent

³⁶ Calculated by the Cancer Intelligence Team at Cancer Research UK, 2025. Based on Wales smoking prevalence data (2011-2023) accessed [here](#), and Wales smoking prevalence by deprivation data (2017-2021) accessed [here](#).

³⁷ Welsh Government, Stats Wales. Adult lifestyles by area deprivation, 2020-21 onwards. Accessed January 2025. Available from: <https://stats.wales.gov.wales/Catalogue/National-Survey-for-Wales/Population-Health/Adult-Lifestyles/adultlifestyles-by-areadeprivation-from-202021>

³⁸ Children and Families Act 2014, 2014. Part 5: Welfare of Children. Accessed January 2024. Available from: <https://www.legislation.gov.uk/ukpga/2014/6/part/5>

smoking rates did not reduce; one possible explanation for this was proxy sales.³⁹ Another study found similar trends, where parents were often cited as the source of tobacco for adolescents when the age of sale was increased.⁴⁰

CRUK therefore recommends that proxy sales should continue to be prohibited, so as not to undermine new age of sale legislation. It should continue to be the case that the proxy purchaser is penalised, not the person they are buying for.

7. Your views on proposals to:

a) ban vaping products and nicotine products from being sold to under 18s

E-cigarettes are a popular quitting tool in the UK; they can help people who smoke to stop, reducing their risk of cancer and other tobacco-related diseases, compared with continued smoking.⁴¹ But they're a relatively new product and their long-term impacts are unknown, and so they cannot be considered risk-free.

In light of this, they should not be used by children (under-18s) and those who have never smoked.

Within this ban, it is important to consider that harm-misperceptions around vaping products are growing (relative to tobacco). ASH Wales surveys show that 46% of Welsh adults believe that vapes are as harmful, or more harmful, than tobacco (a rise from 25% in 2017).⁴² In light of this, it is important that public communication around this regulation do not exacerbate misconceptions of harm. While we want to prevent young people and people who have never smoked from using e-cigarettes; we do *not* want to send the wrong impression to people who smoke that they are as or more harmful than tobacco. Therefore, comms around the ban need to be clear, evidence-based, and cognisant of the above.

b) ban advertising, promotion and sponsorship agreements for vapes and nicotine products;

Cancer Research UK supports action to reduce the appeal of vaping products and nicotine products (through advertising, promotion, and sponsorship).

c) provide regulation-making powers to regulate the flavours, packaging, and other product standards of vapes and nicotine products;

Flavours

³⁹ Kuipers M, et al., 2016. Impact of laws restricting the sale of tobacco to minors on adolescent smoking and perceived obtainability of cigarettes: an intervention – control pre-post study of 19 European Union countries. doi:10.1111/add.13605

⁴⁰ Borland T and Amos A. 2009. An exploratory study of the perceived impact of raising the age of cigarette purchase on young smokers in Scotland. Elsevier. doi:10.1016/j.jpuhe.2009.09.009.

⁴¹ McNeill, A, et al., 2022. Nicotine vaping in England: an evidence update including health risks and perceptions. A report commissioned by the Office for Health Improvement and Disparities. London: Office for Health Improvement and Disparities.

⁴² ASH Wales, 2024. Smokefree Survey 2024. Accessed January 2025. Available from: <https://ash.wales/wp-content/uploads/2024/05/ash-wales-yougov-survey-2024.pdf>

We support proposals for regulation-making powers, with consultation, to regulate vape flavours.

Current evidence seems to suggest that e-cigarette flavours influence vaping initiation in both young people and adults who smoke.⁴³ We know that the range of flavours of e-cigarettes are a large part of the appeal for both young people and adults. When taking action on e-cigarette flavours, a balance needs to be struck between dissuading uptake in young people and maintaining an appeal to those who use vapes to quit smoking, so they are not deterred from transitioning away from tobacco.^{44 45}

While we believe there is currently insufficient evidence to justify banning specific e-liquid flavours, this may be an important lever for governments to use to reduce youth vaping in future (when the evidence base increases).

It is important that we take a holistic approach to flavours. If there is a change in the packaging and display of vapes (through provisions in the Bill), this may go a long way to reduce the appeal of vapes. Therefore, the UK may not need to go as far when restricting vape flavours. We believe that restricting the way flavours are *described*, rather than banning actual flavours could help reduce the appeal to young people with limited negative impact on adults who smoke. At the very least, CRUK believes that mint, menthol and fruit should remain available as there is evidence that these help adults quit smoking.

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Packaging

We support proposals for regulating powers, with consultation, to make changes to the regulations around vape packaging.

CRUK supports restrictions to e-cigarette packaging to reduce youth vaping, but believes that the right balance must be struck between dissuasive and neutral packaging. We do not believe that they should be made to resemble tobacco packaging, in order to reduce worsening misperceptions of harm.

More evidence is needed to determine which colours would reduce the appeal to young people, and it's important that in doing so, we do not dissuade adults who use them to quit smoking.

⁴³ Moodlie, C et al, 2023. Improving our understanding of e-cigarette and refill packaging in the Accessed January 2025. Available from: https://www.cancerresearchuk.org/sites/default/files/moodlie_et_al_2023_improving_our_understanding_of_e-cigarette_and_refill_packaging_in_the_uk.pdf

⁴⁴ Thirlway F et al, 2023. E-cigarette packaging in context: a qualitative study in deprived areas of the role of packaging in e-cigarette purchasing and use.

⁴⁵ Jones D, et al, 2023. Improving our understanding of e-cigarette and refill packaging in the UK: How is it used for product promotion and perceived by consumers, to what extent does it comply with product regulations, and could it be used to better protect consumers?

⁴⁶ Action on Smoking and Health, 2023. Use of e-cigarettes among young people in Great Britain. Accessed November 2024. Available from: <https://ash.org.uk/resources/view/use-of-e-cigarettes-among-young-people-in-great-britain>

⁴⁷ Jones D, et al, 2023. Improving our understanding of e-cigarette and refill packaging in the UK: How is it used for product promotion and perceived by consumers, to what extent does it comply with product regulations, and could it be used to better protect consumers?

⁴⁸ Thirlway F et al, 2023. E-cigarette packaging in context: a qualitative study in deprived areas of the role of packaging in e-cigarette purchasing and use.

d) provide powers to regulate the display of vapes and nicotine products, empty retail packaging and their prices;

Display

We support the provision of powers, with consultation, to make regulations around vape displays.

To make vapes less appealing to young people, one potential measure could be to place them behind the counter while remaining visible. Additionally, if plans proceed to change vape packaging, this could help reduce their appeal. This approach could ensure that they are still visible and accessible to adults who wish to use them, to quit smoking. It would also create a differential from tobacco, so that they are behind the counter with less appealing packaging, but still visible to adults who smoke and want to quit.

e) ban the presence of vape and nicotine product vending machines;

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f) introduce powers to introduce a new and more robust registration scheme for all vapes and nicotine products. This scheme would also cover tobacco products and non-nicotine vapes;

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g) introduce powers to extend smoke-free laws so that they could also prohibit the use of vapes and heated tobacco products in specified areas where smoking is prohibited.

Tobacco (Smokefree Spaces)

Cancer Research UK supports the introduction of powers to extend smokefree spaces to specific areas, following consultation.

Passive smoking is harmful, and it can cause many of the same health effects as smoking.

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When considering extending smokefree spaces, a consultation would enable UK administrations to consider the relevant evidence, and gather the opinions of a range of stakeholders. We know that smoking rates decline with comprehensive government action, and this includes measures like the smokefree ban in 2007.

As part of a consultation process, it will be important to consider how to avoid stigma or accidentally risk pushing people into smoking in their homes; which would increase second-hand smoke exposure to those living with them.

⁴⁹ International Agency for Research on Cancer, 2012. Personal Habit and Indoor Combustion: Second-hand Tobacco Smoke. Vol 100.

Wales has led in this area in UK tobacco control, which means that some of the proposals for additional smokefree spaces may not be applicable. For example, playgrounds, hospital grounds, and outside schools are already smokefree by law in Wales.⁵⁰

Vaping (Vape free spaces)

Cancer Research UK supports the UK Government's decision to consult on the introduction of vape-free places indoors. It is important that any measures to restrict vaping do not exacerbate harm misperceptions, and do not deter or reduce accessibility of vapes to people who smoke. In practice, this means considering exemptions for people trying vaping products in specialist shops (for tobacco cessation).

Although there is not the same blanket ban on vaping in indoor public spaces as there is for tobacco, most 'smokefree places' are also 'vape free'. Vaping is currently banned on all UK trains, at airports and on planes, and is banned in most large music venues, many restaurant chains, and on buses and coaches.

Vape Free Spaces: Consideration.

Additional research is needed to understand the long-term health effects of vaping, but as research so far has not identified a cancer risk to the primary e-cigarette user, it is very unlikely that second-hand vapour would cause cancer.^{51 52} Given that evidence indicates that vaping is far less harmful than smoking, it's likely that second-hand vapour would be less harmful than second-hand smoke.

8) Are the proposed restrictions on advertising, packaging, and flavours sufficient to prevent uptake among young people while maintaining access for smokers using vapes for harm reduction?

When published, we will respond to consultations on the powers within the Bill in relation to vaping. As mentioned throughout, it is important to strike the right balance between reducing access to young people, whilst ensuring they remain accessible to adults who smoke.

9) Your views on proposals to provide enforcement authorities with the power to issue Fixed Penalty Notices of £200 for the underage sale, proxy sale, and free distribution of cigarette papers and tobacco, herbal smoking, vaping and nicotine products, breaches of age of sale notice restrictions and display restrictions, and FPNs of £2,500 for offences in connection with licensing.

⁵⁰ Welsh Government, 2022. Welsh Government Smoke-Free Law Guidance. Accessed January 2025. Available from: <https://www.gov.wales/smoke-free-law-guidance-changes-march-2021-html>

⁵¹ Shahab, L., et al., 2017. *Nicotine, Carcinogen, and Toxin Exposure in Long-Term E-Cigarette and Nicotine Replacement Therapy Users: A Cross-sectional Study*. *Ann Intern Med*, 2017. 166(6): p. 390-400.

⁵² Stephens, W.E. 2017. *Comparing the cancer potencies of emissions from vapourised nicotine products including e-cigarettes with those of tobacco smoke*. *Tob Control*, 2017.

CRUK agrees that fixed penalty notices should be issued for breaches of relevant legislation. This would allow enforcement teams to take action against those who break age of sale laws; and could reduce the current challenges of taking forward prosecutions.

10).What potential challenges do you foresee for the enforcement of these regulations in Wales?

Funding Enforcement Teams

To ensure that this legislation is effective, strong enforcement, including funding and support for trading standards and retail staff, will be critical. Recently, we were pleased to see the UK Government announce £10 million of funding for enforcement.⁵³

However, it is not clear if additional funding will be set aside for Welsh enforcement teams operating in Wales.

Anecdotally, we understand enforcement of the current tobacco regulations is challenged by insufficient capacity within Trading Standards teams in Wales. The UK Government has recently announced an uplift in funding for enforcement agencies, which from our understanding should result in additional funding for Wales (Barnett consequential). In light of this, we would welcome the Committee liaising with the Welsh Government to confirm if this funding will be ring-fenced for Welsh enforcement agencies, to help support the enforcement of this Bill in Wales.

Retail Licensing Scheme

CRUK strongly supports the creation of a licensing scheme for tobacco, vape, and nicotine product retailers. We will respond to the consultation on this proposal when it is published.

Unlike with alcohol retailers, there's currently no licensing system attached to selling tobacco in the UK. Scotland and Northern Ireland have tobacco retail registers, and Wales has provisions for a register via the Public Health (Wales) Act 2017, which have not been implemented.

A retail register for Wales has the following benefits:

- By requiring retailers to register, the scheme aids awareness amongst retailers of current tobacco legislation, such as age of sale restrictions and restrictions on illicit tobacco.
- A register is also a means of communication with retailers for changes in tobacco legislation.
- Importantly, this scheme would provide regulators (Trading Standards) with a mechanism for monitoring and enforcing compliance.

⁵³ UK Government, 2024. MPs to vote on landmark smoking ban to stop cycle of addiction - GOV.UK. Accessed: January 2025. Available from: <https://www.gov.uk/government/news/mps-to-vote-on-landmark-smoking-ban-to-stop-cycle-of-addiction>

As Wales currently does not operate a retail register for tobacco, vapes, and nicotine products, we welcome the following.

In CRUK's recent manifesto for UK Government, we recommended a licensing scheme, marking that it could allow for the stipulation of public health conditions; and that the licence should be removed for breaching point of sale laws (including age of sale laws).⁵⁴

Our preference is for a scheme that operates on a UK-wide basis or, at the very least, cohesion between national registers. A unified approach would not only simplify compliance for businesses operating across borders but would also provide consistency for consumers and enforcement agencies. Such alignment would help to avoid fragmentation, reduce administrative burdens, and strengthen the impact of public health initiatives. We encourage UK administrations to collaborate closely to help realise this.

In regards to the Tobacco and Vapes Bill, a licensing scheme holds the potential to support and enforce the Bill's public health objectives (restrictions around tobacco sales to persons underage, and restricting the sale of vaping products to children and young people).

For additional information, please contact CRUK's Public Affairs Manager (Cymru) via:

simon.scheeres@cancer.org.uk

⁵⁴ Cancer Research UK, 2024. Longer, better lives: A manifesto for cancer research and care.