

March 30th, 2023

To: Ministry of Health, The Government of the Republic of Slovenia
From: Tholos Foundation

Re: Amendments to the Law on the Restriction of the Use of Tobacco and Related Products

On behalf of the Tholos Foundation, an international Non-Government Organization (NGO) which represents the interests of taxpayers and consumers across the globe, we thank the Ministry of Health of The Government of the Republic of Slovenia for the opportunity to submit comments relating to a recently announced proposal to amend and supplement the Act on Restricting the Use of Tobacco and Related Products. If enacted, these proposals would enact a ban on all flavorings (except tobacco) of reduced risk cigarette alternatives. **The Tholos Foundation submits evidence clearly demonstrates that if enacted, this proposal would have a disastrous impact upon public health through reducing the appeal of, and access to, products proven to help smokers quit, and lead to a clear increase in tobacco-related mortality. In addition, any implementation of this proposal would also create negative economic consequences and lead to an increase in crime and black-market activity.**

Meta-analysis of all available academic evidence has clearly and consistently demonstrated that e-cigarettes are significantly less harmful than deadly combustible tobacco, with expert consensus that they are at least 95% less harmful. In addition, the Cochrane Library, considered the gold standard of evidence-based medicine, found with high certainty that they are [more effective than any other form of nicotine replacement therapy](#), and they for these reasons they have been endorsed by over 100 of the world's leading medical organizations as a viral tool in reducing smoking rates. As such, public health dictates that these products should be made more accessible to consumers, not less.

Evidence has also shown that e-cigarette flavors, which are sought to be banned under this proposal, are vital to helping adults quit smoking. Adults who use flavored vapor products are 43% more likely to quit smoking than an adult who uses un-flavored products, according to a recent [study](#) from ten of the world's top experts in cancer prevention and public health. Other polls have found that as many as [87% of vapers](#) consider flavors to be important when it comes to their decision to vape, and that were flavor bans to be enacted, [30% of vapers](#) would return to smoking combustible cigarettes.

In addition to discouraging adults from quitting smoking, flavor bans have also been shown to significantly increase youth cigarette smoking. A [study](#) from Dr. Abigail Friedman at the Yale School of Public Health found that **when San Francisco, California imposed a flavor ban in 2018, youth smoking doubled.** Before San Francisco's flavor ban, the city had lower youth smoking rates than comparable counties like New York and Los Angeles. **After the flavor ban, San Francisco's youth smoking rate rose to 6.2% while comparable districts had an average rate of 2.8%.**

It should also be noted that contrary to the claims of anti-vaping advocates, flavors play no role in youth uptake of vaping. Academic studies have found that teenage non-smokers "willingness to try plain versus flavored varieties did not differ" and a mere 5% of vapers aged 14-23 reported it was flavors that drew them to e-cigarettes. National Youth Tobacco Survey results have shown [no increase in nicotine dependency](#) among youths since flavored products entered the market.

Data also demonstrates that while flavor bans would potentially discourage many smokers from quitting, it would also force some current vapors onto the black market. Polling commissioned from IPSOS Research by the Tholos Foundation in Estonia found that [58% of vapers continue to use illicit flavored products](#) following implementation of the flavor ban. This not only potentially exposes consumers to more harmful unregulated products, it also creates a boon to international criminal syndicates. These syndicates **who also engage in human trafficking & money laundering, have also been used to fund terrorist and the US State Department has explicitly called tobacco smuggling a "threat to national security"**. The same effects are to occur for Slovenia if this motion is to be pursued.

The Tholos Foundation also notes that by pushing flavored vaping products into the black market away from regulated stores, these bans may therefore increase youth usage in the state: By definition, criminals and smugglers are unlikely to obey laws and would not follow rigorous age-verification requirements mandated at reputable outlets.

It is finally submitted that in addition to the public health disaster that reducing access to reduced risk tobacco alternatives will unleash, these proposals would also have devastating consequences on businesses, when they can afford it least at this time of high inflation, presently over 10%. It would kill countless jobs, would cost small business owners their livelihoods, and reduce Slovenia's tax collection significantly.

About E-Cigarettes and Vapor Products:

- Traditional combustible tobacco remains one of the leading preventable causes of death in **Slovenia. The negative health effects of combustible tobacco come from the chemicals produced in the combustion process, not the nicotine.** While highly addictive, nicotine is a relatively benign substance like caffeine and nicotine use "does not result in clinically significant short- or long-

term harms”.

- Nicotine replacement therapies such as nicotine patches and gums have helped smokers quit for decades. In recent years, advancements in technology have created a more effective alternative: **vapor products and e-cigarettes**. **These products deliver nicotine through water vapor, mimicking the habitual nature of smoking while removing the deadly carcinogens that exist in traditional cigarettes.**

Benefits of E-Cigarettes and Vapor Products:

- Vapor products have been [proven to be at least 95% safer](#) than **combustible cigarettes**. A comprehensive analysis of nicotine product harm estimates that e-cigarettes expose users to just 4% of the harm of combustible cigarettes.
- E-cigarettes are also more than [twice as effective](#) at helping smokers quit than traditional nicotine replacement therapies. According to one [study](#), a smoker attempting to quit with an e-cigarette has an estimated 323% higher chance of achieving complete cessation compared to someone using a traditional nicotine replacement therapy like nicotine-containing patches, gum, or mouth spray.
- Vaping has been endorsed by over 100 of the world’s leading [public health organizations](#) as safer than smoking and an effective way to help smokers quit.
- When e-cigarettes entered the market in 2003, the U.S. adult cigarette smoking rate was 21.6%. **Due to increased access to vaping, the U.S. adult smoking [rate](#) has plummeted to 13.7% as of 2018.**
- An [analysis](#) by Public Health England demonstrated just how effective vaping is in helping people quit smoking, noting that in just one year, over 50,000 British smokers, who would have continued smoking otherwise, quit smoking with vaping.
- A study from Value in Health Journal [found](#) that legislative actions banning flavored electronic cigarettes are **directly correlated** with increased traditional cigarette sales
- A University of Glasgow study showed that e-cigarettes particularly [help disadvantaged](#) persons quit smoking. Another new study demonstrated that high-strength electronic nicotine products are [particularly helpful](#) for smokers with mental health issues quit smoking, like people with schizophrenia who

smoke at rates more than three times the national average. Some 40% of participants had stopped smoking traditional cigarettes by the end of 12 weeks and researchers observed an overall, sustained 50% reduction in smoking or complete smoking abstinence in 92.5% of participants at the end of 12 weeks. Slovenian's Ministry of Health's bill **will prove to otherwise have a tremendously negative impact on public health and would fail to decrease socioeconomic disparities by reducing adult access to products shown to improve public health.**

For the reasons outlined above, in the interests of public health, protecting the Slovenia's economy, and the spread of smuggling cartels, we call upon you to **accept the science and reject the proposal to ban life-saving flavored reduced risk smoking products.** With 22% of Slovenia's population presently smoking, hundreds of thousands of lives quite literally depend upon this.

Sincerely,

Tim Andrews
Director of Consumer Issues
Tholos Foundation