

ANALYSIS OF FLAVORED VAPING PRODUCTS AS A HARM REDUCTION METHOD: BEST PRACTICES TO EDUCATE ADULT SMOKERS AND RESTRICT UNDERAGE EXPERIMENTATION

TIM ANDREWS

DIRECTOR OF CONSUMER ISSUES, THOLOS FOUNDATION



Analysis of Flavored Vaping Products as a Harm Reduction Method: Best Practices To Educate Adult Smokers and Restrict Underage Experimentation

INTRODUCTION

Academic evidence and consumer polling have confirmed that flavor bans in reduced risk smoking alternatives such as vaping products lead to significant negative consequences for both consumers and society overall. Numerous substantive studies from institutions such as the London South Bank University,¹ the University of Melbourne,² and the University of Oxford,³ have confirmed that flavors play an important role in the proven effectiveness of vaping products for cessation purposes. Maintaining access to flavored vaping products is thus crucial to achieving harm reduction for individuals and lowering smoking prevalence at a societal level. Consequently, any solutions that contribute to reducing underage experimentation must ensure that adult consumers continue to consider vaping products as realistic alternatives to cigarettes. Furthermore, it is vital not only that consumers have access to vaping products, but that they have access to legal and regulated products, and are not forced to turn to the black market where the quality and safety of illicit products can not be guaranteed.

In lieu of flavor bans, alternative policy solutions should be considered. Specific recommendations were previously discussed in the 2022 Tholos Foundation paper, 'Analysis of Flavored Vaping Products as a Harm Reduction Method'; therefore, the following paper should be seen as an update incorporating more recent evidence. These proposals include:

1. Improving enforcement of existing laws to restrict underage access through:
 - a. Online and physical age verification
 - b. Retailer and distributor licensing
 - c. Regular unpredictable compliance checks
 - d. Increased penalties and sanctions for a non-compliance

1. Kimber, Catherine, et al. 2023. "E Cigarette Support for Smoking Cessation: Identifying the Effectiveness of Intervention Components in an On Line Randomized Optimization Experiment." *Addiction* 118 (11): 2105–17. <https://doi.org/10.1111/add.16294>.

2. Li, Lin, Ron Borland, et al. 2021. "How Does the Use of Flavored Nicotine Vaping Products Relate to Progression toward Quitting Smoking? Findings from the 2016 and 2018 ITC 4CV Surveys." *Nicotine & Tobacco Research: Official Journal of the Society for Research on Nicotine and Tobacco* 23 (9): 1490–97. <https://doi.org/10.1093/ntr/ntab033>.

3. Lindson, Nicola, Ailsa R. Butler, Alex Liber, David T. Levy, Phoebe Barnett, Annika Theodoulou, Caitlin Notley, Nancy A. Rigotti, and Jamie Hartmann Boyce. 2022. "An Exploration of Flavours in Studies of E Cigarettes for Smoking Cessation: Secondary Analyses of a Systematic Review with Meta Analyses." *Addiction*, November. <https://doi.org/10.1111/add.16091>.

2. Considering the best practice in terms of restricting flavor descriptors and communications that could be particularly appealing to the underaged.
3. If needed, also considering limiting the sale of some flavors to adult-only stores.
4. Applying technological innovations also on products to restrict underage access.
 - a. Implementing comprehensive education on the risk of underage vaping.

1. IMPROVING ENFORCEMENT OF EXISTING LAWS TO RESTRICT UNDERAGE ACCESS.

While vaping products are a vital tool for adults to quit smoking, their use should obviously be restricted to adults, and the vast majority of countries where vaping products can be sold already have laws in place banning their sale to the underaged. However, these laws will not be effective if they are not backed by strong enforcement mechanisms, ensuring that violations do not occur, that any breaches are appropriately punished and that sanctions taken are widely publicized.

A multifaceted strategy is key to achieving this. Central to such a strategy is the adoption and use of digital age-verification technologies, both online and in physical stores, such as government-issued digital IDs or advanced software, introduced in a smart and efficient manner that neither increases regulatory or cost burdens on consumers and businesses. Additionally, regular and unannounced compliance checks by regulatory bodies are vital. This can be reinforced by partnerships between enforcement agencies, industry, and retailers, as is the case in the UK [see box 2]. Other solutions could include the introduction of a licensing scheme for retailers and distributors, wherein retailers would be required to demonstrate that they have measures in place against underage purchases to qualify for licensing and those selling to the underaged might be sanctioned by the removal of their license.

For example, in Finland⁴, Hungary⁵ or Ireland⁶ authorities may cancel a retail license if the retailer sells to persons under the age of 18. In Italy in addition to these measures retailers will get the pecuniary administrative fine up to €3,000.00 and, if the act is committed more than once, the pecuniary administrative sanction applies up to €8 000⁷.

4. Section 97 of [Tobacco Control Act \(549/2016\)](#)

5. Article 23, paragraph 2 of [Act CXXXIV of 2012](#)

6. Article 19 paragraph 1 of [the Public Health \(Tobacco Products and Nicotine Inhaling Products\) Act 2023](#)

7. Article 25 of [Royal Decree 2316 of 1934](#), amended by the [Legislative Decree 6 of 12 January 2016](#)

Box 1 UK vaping association is calling for a retailer and distributor licensing scheme to address underage experimentation⁸

In February 2024, the UK Vaping Association (UKVA) presented a proposal for a retailer and distributor licensing scheme at a Parliamentary Roundtable hosted by Labor MP Mary Glendon. In addition to a self-sustaining fee structure, the proposed scheme includes governance and oversight mechanisms along with criteria that businesses would need to meet before qualifying for a license. It also outlines a fine and penalty system for those who breach the terms of the license and the conditions under which a license can and should be revoked.

To qualify for a license, retailers will need to show they have put measures in place to prevent the sale of vaping products to minors; do not sell nicotine-free vaping products to minors; only stock and sell compliant products; operate legally across all areas of the business; promote products within the advertising regulations; and meet their environmental obligations.

Vape retailers and distributors may be blocked from obtaining a license under several circumstances, including if they have previously been caught selling vaping products without the appropriate certifications or if they are attempting to reapply within two years of having their license revoked.

Under the plans, retail licensees would also have to undergo test purchasing exercises at least every six months to ensure they are following underage access prevention procedures as well as having their stock inspected to ensure the products they sell are registered on the Medicines and Healthcare products Regulatory Agency-notified products list.

They would also be checked regularly to ensure they are complying with communication and environmental regulations. Licensed distributors would be subject to regular inspections to ensure they are meeting compliance requirements across the board.

This strategy, combining technological solutions, diligent enforcement, collaborative partnerships, and a system of effective penalties, can go a long way to making the laws around the sale of vaping products effective and ensuring the protection of minors.

8. "Retail and Distributor Licensing Framework for the Vape Sector." n.d. https://www.ukvia.co.uk/wp-content/uploads/2024/02/Vape-club_licensing-framework-document_v8.pdf.

As a case in point, in September 2022 a UK Government-commissioned review of vaping products, which found them to be substantially safer than smoking and an effective cessation aid, nevertheless recommended that “enforcement of age of sale regulations... be improved to reduce young people’s access to vaping products and cigarettes.”⁹ Responding swiftly, in April 2023 the Government launched a new “illicit vapes enforcement squad” with GBP 3 million in funding to share enforcement knowledge with local authorities and conduct test purchases in convenience stores.¹⁰ While the illicit nature of underage purchases makes measuring the effectiveness of the policy difficult, strengthening enforcement remains one of the simplest and most effective direct interventions Governments can make against underage experimentation.

Box 2: Trading standards’ role in enforcing vaping restrictions¹¹

Trading Standards, the local authority departments within the United Kingdom responsible for enforcing consumer protection legislation, conduct test purchases using under-18s in retail shops where complaints have been received about the sale of vapes to minors.

Additionally, in partnership with the UK Vaping Industries Association (UKVIA), they provide support to educate member businesses through advice and webinars aimed at reducing the risk of underage sales, both in physical premises and online.

Furthermore, collaborating with the Association of Convenience Stores (ACS), they have developed educational guides for members regarding the sale of age-restricted products.

9. McNeill, Ann, Erikas Simonavičius, et al. 2022. “Nicotine Vaping in England: An Evidence Update Including Health Risks and Perceptions, 2022 a Report Commissioned by the Office for Health Improvement and Disparities.” <https://assets.publishing.service.gov.uk/media/633469fc8fa8f5066d28e1a2/Nicotine-vaping-in-England-2022-report.pdf>.
10. “Crackdown on Illegal Sale of Vapes.” n.d. GOV.UK. <https://www.gov.uk/government/news/crackdown-on-illegal-sale-of-vapes>.
11. “Trading Standards Vapes Enforcement Problems in the Vapes Market.” n.d. <https://mycouncil.surreycc.gov.uk/documents/s91866/08%20-%20Annex%20A%20-%20Vapes%20enforcement%20report.pdf>.

1. HOW TO RECOGNISE LEGITIMATE PRODUCTS

There are strict requirements for vapes that are allowed to be placed on the UK market. Check the following to ensure the products you stock are legitimate:

The maximum tank size is 2ml. This is equivalent to 600-650 puffs for disposables.

Products advertising significantly more usage than this are illegal.



The maximum size of refill containers is 10ml.

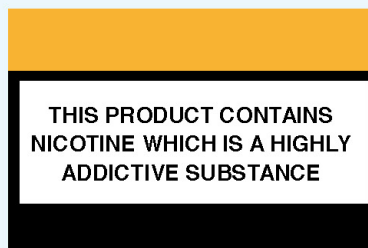


The maximum nicotine content allowed for vapes is 20mg/ml.



Health warnings must cover 30% of the front and back of the pack.

The health warning must read:



Any variation on this wording is not allowed.

List of ingredients in nicotine-containing liquid, if present.

3x Flavoured eLiquid

INGREDIENTS

Vegetable Glycerine (<80%)
 Monopropylene Glycol (<20%)
 Flavouring: cookie, cherry, almond.
 0.6% Nicotine

The product must indicate the nicotine content and delivery per dose.

Nicotine content
 6-8 mg per
 cartridge

Batch number.



Batch: 959078

Recommendation to keep the product out of the reach of children.



Offers and discounts, product safety/health claims are prohibited on packs.



Vapes that are charged from the mains electrical supply should bear the CE mark or UKCA mark. The UKCA (UK Conformity Assessed) mark became part of UK law when the UK left the EU and must be included on all packaging from January 2023 onwards]



All vapes and refill containers must be tamper-evident and have child-resistant packaging. Electronic/electrical products must be disposed of separately from household waste, more information about recycling vapes and WEEE regulations is available on page 7.



Packaging must also contain the manufacturer or importer name and contact details.

Imported and distributed by
E-Smoke Ltd
90 Eastern Road,
Slough SL3 1XS
Tel: 01753 100100
Email: info@e-smoke.co.uk

2. PREVENTING UNDERAGE SALES

It is illegal to sell vaping products to anyone under 18. Anyone doing so is committing an offence, and both the business owner and staff members who made the sale can be penalised.

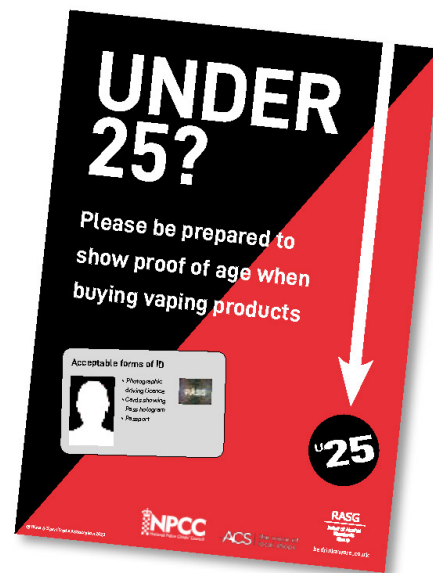
Challenge 25

ACS recommends the use of Challenge 25 policies for all underage sales.

Challenge 25 is a store policy based on two simple principles:

1. All staff serving customers should be trained to 'think 25'. This means if a customer is seeking to buy an age restricted product (of any kind), the staff member should ask themselves the question - 'does the person in front of me look like they might be under the age of 25 years?' If the answer is yes, then they should ask the person for a valid proof of age. If the identification confirms they are over the legal age of purchase for that product, then it can be sold to them.
2. The store policy is clearly communicated to customers, usually through the use of visible in-store signage.

Posters are available to download and print from <https://www.acs.org.uk/challenge25>



Online sales

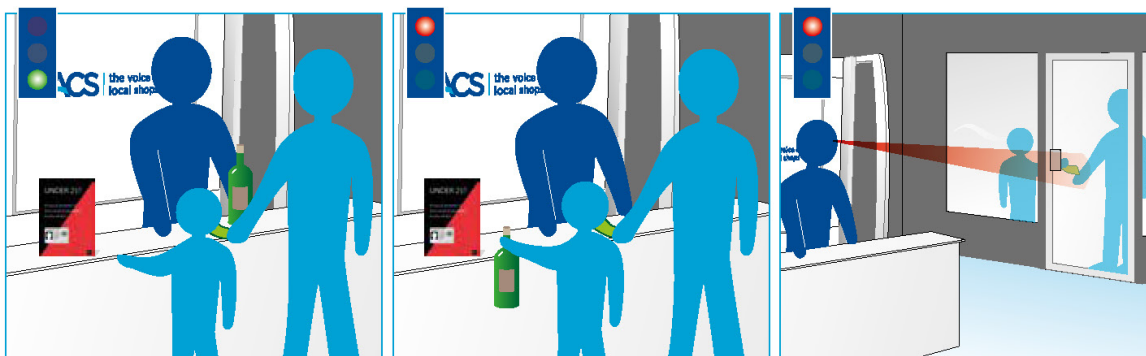
For retailers that sell vapes online through a delivery service or online ordering platform, ACS recommends conducting ID checks before any goods are delivered to a customer. More information about selling age restricted products online is available in the ACS Assured Advice guide on Preventing Underage Sales.

3. PROXY SALES

It is an offence for an adult to purchase nicotine inhaling products on behalf of someone under age. This is commonly called a 'proxy sale'. You should consider adopting a common approach to identifying and preventing proxy sales across all age restricted products.

It can be very difficult to know if an adult intends to buy an age restricted product for or on behalf of someone who is underage. Therefore, you are only expected to act when an obvious proxy sale is taking place. More information on common scenarios that retailers may encounter when dealing with attempted proxy sales is available in the ACS Assured Advice guide on Preventing Underage Sales.

To mitigate proxy purchasing, some manufacturers might enforce product-quantity limits that restrict bulk orders that may be distributed to those underage. Check and comply with manufacturer product-quantity limits if they have such policies in place.



4. ADVERTISING

Vapes and refill containers cannot be advertised or promoted, directly or indirectly on television or radio, commercial email, in magazines or newspapers, or online, including on social media (except where the media in question is trade facing only, for example trade press titles distributed to retailers). This includes posts made by the retailer themselves and posts that are sponsored or promoted by a manufacturer. Retailers selling or including product information about vapes on their websites are permitted to do so, as long as the information included about the product only contains factual claims such as ingredients, nicotine content and descriptions of product components. More detailed advertising guidance can be found here: <https://www.asa.org.uk/resource/electronic-cigarette-advertising-prohibition.html>



MEDICATED E-CIGARETTES

- E-cigarettes which are licensed as medicines are exempt from the age restriction and can be sold to persons under 18.
- E-cigarettes that contain over 20mg/ml of nicotine are required to be licensed as medicines.
- You can check if e-cigarettes you stock are licensed as medicines by visiting the Medicines and Healthcare products Regulatory Agency (MHRA) website here: www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products

2. BEST PRACTICES IN RESTRICTING FLAVOR DESCRIPTORS AND COMMUNICATIONS THAT COULD BE PARTICULARLY APPEALING TO THE UNDERAGED.

Restrictions on flavour descriptions

The 2023 amendment to vaping regulations introduced new restrictions on the flavour descriptions vaping products may have. The variant name on a vaping product must only describe the actual flavour of the vaping product using 1 or 2 flavour names listed in Schedule 4A of the Regulations. The flavours are also listed in the table below.

There is a 'sell-through' period allowing you to sell or return the stock you may still have that does not meet the new requirements.

From 21 October 2023, manufacturers and importers of notifiable products must only notify products that comply with the new flavour descriptions.

From 21 March 2024, manufacturers, importers, retailers, and distributors must only sell products that use permitted flavour descriptions.

Flavour list			
Tobacco	Pepper	Grape	Strawberry
Menthol	Spice	Guava	Tropical
Mint	Cappuccino	Kiwifruit	Watermelon
Peppermint	Coffee	Lemon	Caramel
Spearmint	Espresso	Lime	Chocolate
Almond	Latte	Lychee	Cream
Hazelnut	Tea	Mango	Custard
Nut	Apple	Orange	Honey
Oat	Banana	Passionfruit	Sour
Peanut	Berry	Peach	Sweet
Pecan	Blackberry	Pear	Vanilla
Cinnamon	Blueberry	Pineapple	Unflavoured
Clove	Cherry	Plum	
Licorice	Citrus	Pomegranate	
Nutmeg	Coconut	Raspberry	

Currently, in most countries where vaping products are legal, the nomenclature of flavors and e-liquids is left entirely to the discretion of manufacturers. While most of the products tend to follow conventional descriptor schemes, some are named in a way that some have argued may be particularly appealing to the underaged, with dessert and confectionery-based names such as **"Drip Fried Cream Cakes"**, or even ones based on cartoon characters such as **"Unicorn Frappe"**. Despite the lack of academic evidence that flavor descriptors such as this may be more appealing to youth, it is possible to argue that descriptors should be factual and should not encourage underage experimentation, and any such regulation would not impose an unreasonable restriction.

As an example of how this can be done, New Zealand requires, since 21 March 2024, that all vaping products sold in the country “describe the actual flavor of the vaping product using 1 or 2 flavor names” chosen from a list of approved terms,¹² which was developed through a detailed consultation process involving public authorities, consumers, and manufacturers alike. Manufacturers will also be barred from selling products that “have any feature that depicts cartoons or toys”, whether in the shape of the product itself or its packaging.¹³

When it comes to communication, countries tend to already have strong regulations in place determining where and how these can be displayed. Nevertheless, more can be done to ensure that communications are targeting the right audience and conveying the message that vaping products are an effective cessation tool for smokers, and not something that the underaged should experiment with, while still providing adult smokers with the information they need to make the switch to reduced risk alternatives.

An example of best practice is provided by the UK, where vaping product advertising is within the remit of the Advertising Standards Authority (ASA), which can impose legal and financial sanctions against non-compliant manufacturers. Its guidance on communications states that these “must not encourage non-smokers or non-nicotine-users to use e-cigarettes”, must not feature people who are under the age of 25, and must not “be likely to appeal particularly to people under 18, especially by reflecting or being associated with youth culture.”¹⁴

Guidance on electronic cigarette advertising prohibition

Advertising guidance | 31 Jan 2017

[★ Add to my favourites](#)

You're here: [Home](#) > [Advice and resources](#) > [Resource library](#) > [Resource search results](#) > [Guidance on electronic cigarette advertising prohibition](#)

In 2017 CAP introduced a new rule in its Code prohibiting the advertising of unlicensed, nicotine-containing electronic cigarettes (e-cigarettes) in certain media. These prohibitions reflect the legislative bans contained in the Tobacco and Related Products Regulations 2016 which implement a revised European Tobacco Products Directive.

The prohibitions originate in law, not from CAP policy, and have complex effects. They apply only to ads for certain types of products and only in certain media. They might also apply or not apply to ads for certain other types of product or service depending on a number of factors.

Guidance on electronic cigarette advertising prohibition

 0.6MB

[DOWNLOAD](#)

12. “Restrictions on Colourings and Flavourings.” n.d. Ministry of Health NZ. <https://www.health.govt.nz/our-work/regulation-health-and-disability-system/vaping-herbal-smoking-and-smokeless-tobacco-products-regulation/information-manufacturers-and-importers-notifiers/restrictions-colourings-and-flavourings>.
13. “Information for Manufacturers and Importers (Notifiers).” n.d. Ministry of Health NZ. <https://www.health.govt.nz/our-work/regulation-health-and-disability-system/vaping-herbal-smoking-and-smokeless-tobacco-products-regulation/information-manufacturers-and-importers-notifiers>.
14. “ELECTRONIC CIGARETTES 22 ELECTRONIC CIGARETTES.” n.d. Accessed May 17, 2024. <https://www.asa.org.uk/static/2ca54236-9497-45ff-a3313cc1746299cc/09f7d8c9-a035-4bab-aa50115520a60b09/The-CAP-Code-Electronic-cigarettes.pdf>.

3. SHOULD JURISDICTIONS LIMIT THE SALE OF SOME FLAVORS TO ADULT-ONLY STORES?

If no other solution is acceptable, limiting the sale of some flavors to adult-only stores can serve as an effective means of preventing underage experimentation, however, such a solution has considerable negative effects by limiting access and availability of reduced risk products, thereby almost certainly increasing smoking rates due to convenience of access.

However, such an approach would still allow adults to continue to access to a variety of flavors, a key requirement for vaping products to function effectively in their smoking cessation role. For this measure to have the desired result, it will have to be combined with effective enforcement in both 'specialist' and non-specialist stores, as recommended previously.

New Zealand again provides an example. Following a consultation period involving both consumers and manufacturers, legislation entered into force on 11 August 2021 that introduced new flavor restrictions in retail: While tobacco, mint, and menthol-flavored vaping products remained available from any retail locations that sold vaping products, all other flavors were restricted to licensed, specialist stores.¹⁵ Crucially, these retailers have much more stringent age verification mechanisms in place than conventional retail, and are required by law to be located at least 300 meters away from schools and Marae – the focal point of Māori communities.

While undoubtedly effective at reducing underage access to vaping products, this measure also has the drawback of inconveniencing legitimate adults. Many adult vapers consider flavors to be a significant factor in their decision to vape rather than smoke. Consequently, the benefits and disbenefits of this measure should be carefully considered within the local context.

4. APPLY TECHNOLOGICAL INNOVATIONS ALSO ON PRODUCTS TO RESTRICT UNDERAGE ACCESS.

Technological advances now allow for new and innovative ways to restrict underage access to vaping products. For example, there are already devices on the market which are sold as locked, requiring connection to an accompanying phone or web application for age verification purposes before use.

15. Public service act 2020 no 40 (as at 01 March 2024), public act contents – New Zealand legislation. <https://www.legislation.govt.nz/act/public/2020/0040/latest/LMS106159.html>.

On the software side, these devices can require owners to use their phones to quickly photograph an ID document and scan their faces, providing proof they are the legal, adult owners of both the document and the device. Furthermore, limitations can be placed on the number of new devices that each age-verified user can activate, mitigating the risk of proxy purchasing. Bluetooth technology can further ensure that a device is only used by a purchase over legal age.

These technologies are still relatively new, with the first digitally locked device being introduced by in 2019.¹⁶ However, as they enter the mainstream, a growing proportion of vaping products on the market will effectively become age-restricted by design, helping to significantly curb underage access.

5. IMPLEMENT COMPREHENSIVE EDUCATION ON THE RISK OF UNDERAGE VAPING.

Governments must do more to educate the public on the potential risks and role of vaping products. Misinformation on the health effects is widely pervasive, spreading significantly since the 2019–2020 EVALI outbreak in the US. The crisis was specific, being caused by a batch of illegally manufactured e-liquids containing THC, the psychoactive ingredient in cannabis, adulterated with dangerous vitamin E acetate.¹⁷ No cases were linked to nicotine containing vapor products. But while the crisis was short-lived, damage to public perceptions was significant: The accurate view that vaping is less harmful than smoking significantly declined between 2017–2020 in Canada (66.3% to 43.3%), the USA (61.3% to 34.0%), and the UK (77.3% to 62.2%, likely buoyed by positive public messaging, detailed in section 3 of this paper).¹⁸

Consequently, care must be taken to ensure that information is simple, accurate, unambiguous, and reaches its appropriate audience, or there is a risk of further deteriorating public perceptions of vaping harms: While the underaged must be taught that vaping products are not for them, smokers should be reminded at every opportunity that vaping products are one of the most effective and accessible smoking cessation tools.

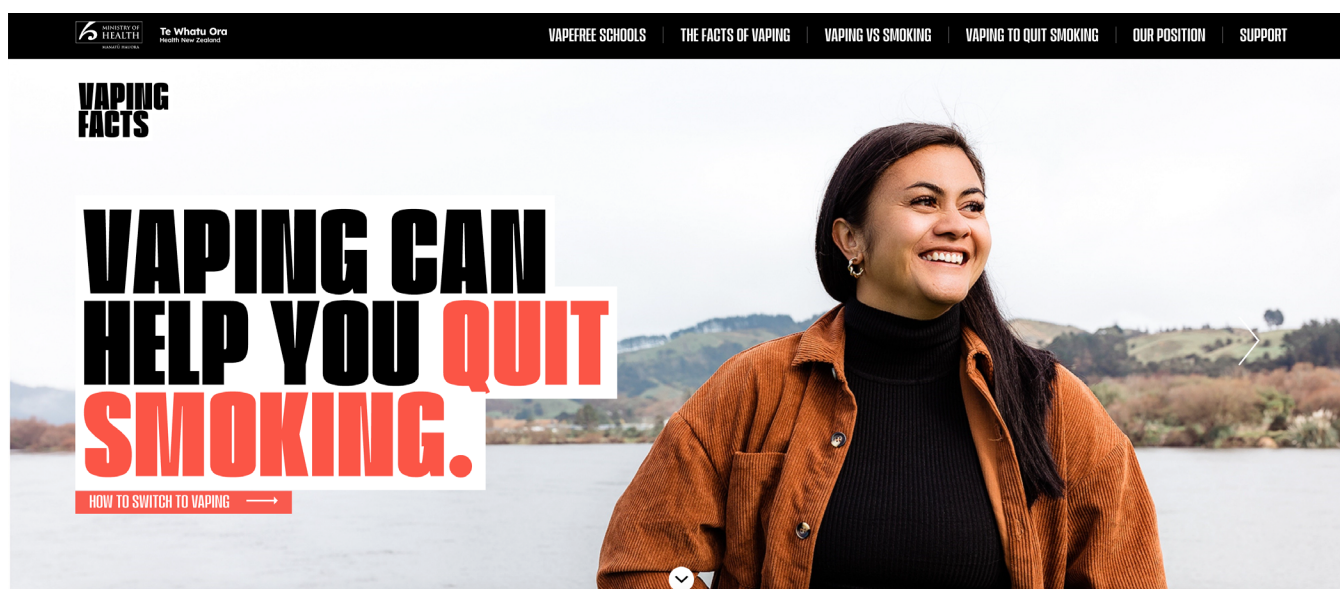
16. Technology, RELX. n.d. "RELX Introduces World's First Locked Vaping Device to Cut Minors from Vaping." www.newswire.ca. Accessed May 17, 2024. <https://www.newswire.ca/news-releases/relx-introduces-world-s-first-locked-vaping-device-to-cut-minors-from-vaping-850557363.html>.

17. CDC. 2020. "Outbreak of Severe Pulmonary Disease Linked with E-Cigarette Product Use." Centers for Disease Control and Prevention. CDC. February 25, 2020. https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html.

18. East, Katherine, Jessica L Reid, Robin Burkhalter, Olivia A Wackowski, James F Thrasher, Harry Tattan-Birch, Christian Boudreau, et al. 2022. "Exposure to Negative News Stories about Vaping, and Harm Perceptions of Vaping, among Youth in England, Canada, and the US before and after the Outbreak of E-Cigarette or Vaping-Associated Lung Injury (EVALI)." *Nicotine & Tobacco Research* 24 (9). <https://doi.org/10.1093/ntr/ntac088>.

As an example of best practice, in June 2019 New Zealand's government launched its Vaping Facts website,¹⁹ which features videos from healthcare professionals and former smokers who recommend vaping for cessation, as well as interactive elements such as a quiz on the products' relative risk and a cost calculator to help convince smokers of the monetary benefits of switching. Throughout, the website also reiterates that "vaping is not for children and young people", that "vaping is not for non-smokers", and that the products should ultimately be thought of as a cessation tool for current smokers.²⁰

Figure 1: Both the UK and New Zealand have launched campaigns to sensitize the public on the role of vaping



Vaping to quit smoking

Nicotine vaping is substantially less harmful than smoking. It's also one of the most effective tools for quitting smoking.

Vaping is not completely harmless and we only recommend it for adult smokers, to support quitting smoking and staying quit.

Here you will find the facts on vaping, based on scientific evidence and research, plus advice on how to use vapes (sometimes called e-cigarettes or e-cigs) as a tool to quit smoking.

19. Agency, Health Promotion. n.d. "Vaping Facts." Vaping Facts. <https://vapingfacts.health.nz/>.

20. Agency, Health Promotion. n.d. "Our Position on Vaping." Vaping Facts. <https://vapingfacts.health.nz/our-position-on-vaping.html>.

Similarly, in June 2022 the UK Government published the findings of an independent review²¹ into “making smoking obsolete” in the country. It called on authorities to invest GBP 15 million²² per year in a media campaign to “provide accurate information to healthcare professionals about the benefits of vaping” to assist them in helping smokers make educated choices on reducing their tobacco harm, while simultaneously preventing young people from taking up vaping by showing them to be a “quit tool” and not “a cool tool.”²³ This effort is now being taken up by a variety of UK authorities, including the UK’s National Health Service, the country’s primary public healthcare provider. It recently published a page on Vaping myths and the facts, which debunks many of the common views held by smokers unwilling to try vaping while emphasizing that the products are primarily a cessation aid and should not be used by the underaged.²⁴ Similarly, leading anti-smoking NGO Action on Smoking and Health (ASH) UK has long worked to dispel common myths about vaping, the most recent example of this work being the publication of a briefing on this topic in 2023.²⁵

CONCLUSION

The weight of evidence presented in this paper, and its companion papers similarly published by the Tholos Foundation, strongly demonstrates that superior methods of reducing underage experimentation with vapor products exist to the blanket prohibition of flavors. Any flavor ban would have negative consequences on adult smokers’ cessation efforts and could potentially drive a significant proportion of vapers towards the black market or back to smoking. Instead, a multifaceted and balanced approach that includes elements from: rigorous enforcement of existing laws, comprehensive education campaigns, restrictions on communications and flavor descriptors, restrictions at retail level, and the application of technological innovations, is recommended. These offer a considered way to lowering underage experimentation while preserving the harm reduction benefits for adult smokers looking to quit. Adopting these alternative policies would ensure that the goals of public health and harm reduction are met and the right of consumers to quit smoking through reduced risk technologies is protected.

21. Khan, Javed. 2022. “The Khan Review Making Smoking Obsolete Independent Review into Smokefree 2030 Policies.” <https://assets.publishing.service.gov.uk/media/62a0c3f38fa8f503921c159f/khan-review-making-smoking-obsolete.pdf>.
22. Balogun, Bukky. The Smokefree 2030 Ambition for England, October 2023. <https://researchbriefings.files.parliament.uk/documents/CBP-9655/CBP-9655.pdf>.
23. Khan, Javed. 2022. “The Khan Review Making Smoking Obsolete Independent Review into Smokefree 2030 Policies.” <https://assets.publishing.service.gov.uk/media/62a0c3f38fa8f503921c159f/khan-review-making-smoking-obsolete.pdf>.
24. NHS. 2023. “Vaping Myths and the Facts – Better Health.” Nhs.uk. September 13, 2023. <https://www.nhs.uk/better-health/quit-smoking/vaping-to-quit-smoking/vaping-myths-and-the-facts/>.
25. “Addressing Common Myths about Vaping Putting the Evidence in Context.” n.d. <https://ash.org.uk/uploads/Addressing-common-myths-about-vaping-ASH-brief.pdf>.

Tim Andrews is Director of Consumer Issues at Tholos Foundation. He was previously Executive Director of the Australian Taxpayers' Alliance, and is a member of the Board of Advisors for the UK Taxpayers Foundation, the Commonwealth Freedom of Movement Foundation, the HR Nicholls Society, and the Australian Libertarian Society. He holds a Bachelor of Economics (Social Science), a Bachelor of Laws, and a Master of Public Policy all from the University of Sydney, and has been widely published in both Australia and the United States.

