Anti-complaint about e-cigarette advertising

written by Clive Bates | 6 December 2014

Holding back the vaping insurgency

I've recently been stressing the **unintended consequences** of regulatory interventions on vapour products… and that these are almost always ignored by public health activists, to the detriment of public health. This applies to overly cautious restrictions on advertising. The idea is that too much restriction will reduce the appeal and vaping buzz, degrade the communication of the vaping 'value proposition' to smokers, inhibit communication of innovation and limit brand building. In other words, it will weaken this important insurgent technology relative to cigarettes, protect the incumbent and lead to fewer switching, more smoking and more disease. My contention is that the *unintended consequences* will outweigh the *intended consequences* of most advertising restriction by some distance.

I hear there have been over 130 complaints about ads for VIP e-cigs released on 10 November to coincide with lifting of the ban on actually showing vaping and vapour products on TV. So I decide to write to the Advertising Standards Authority with an 'anti-complaint' setting out the public health case for the allowing these ads (*note*: without any involvement of VIP).

Update: The ASA adjudication rejected all but one of the four complaints. I am encouraged by this. ASA did bizarrely think this glamorised smoking. I fail to see that, but I think it signals to vendors not to show vapour and vaping, even though it is now permitted.

Here is the letter I sent…

> ***To:*** *Advertising Standards Authority*
> ***From:*** *Clive Bates*
> ***Re:*** *VIP E-cigarette TV advertising 10 November onwards*
>
> *6 December 2014*
>
> *This is an 'anti-complaint'. I am writing in support of the advertiser and as a counterpoint to the complaint made by the BMA and others, who have mounted a misguided campaign against these products. I write from the perspective of someone who sees great public health potential in these products.*
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> *The basis of this alternative perspective is the following:*
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> 1. *E-cigarettes are an important and disruptive public health innovation that works by aligning consumer preferences for the legal recreational drug nicotine with products that are likely to have risks two orders of magnitude (>95%) less than the dominant mode of nicotine consumption, smoking cigarettes.*
> 2. *To the extent that these products are taken up by smokers there are very large health and welfare gains to be realised. The advertising of these products plays an important role in promoting this switching and communicating brand values and innovation – or creating 'buzz' in the target market.*
> 3. *There is a small chance that non-smokers will take up these products, but it only amounts to a material risk to health if they go on to smoke and only if they would not have otherwise smoked. Levels of uptake among non-smokers remain very low indeed. Even where non-smokers do take up the product it is more likely to be as an alternative to smoking.*
> 4. *The ads are not 'socially irresponsible', especially when looked at in the*

context above. Powerful advertising strengthens the appeal to smokers. Regulators should be aware of the strongly negative unintended consequence of bowdlerising this type of advertising, leaving only bland messaging. It is the essential function of advertising to create buzz and appeal (or to 'glamourise', to use the pejorative term). The danger is of protecting cigarettes from a disruptive emergent competitor by denying the advertisers the use of effective creative treatments.

5. *The level of sexualisation in the ads is low by modern standards of morality. These products should not be judged against the standards of prudishness demanded by the complainants but by modern norms: these ads not at all unusual or offensive by today's post-watershed standards.*

6. *These ads do not in any way promote smoking. There was a deliberate decision to allow depiction of vapour and vaping by the CAP, and this was correct in my view. This ad for vaping and a vapour product, straightforwardly promotes vaping and a vapour product. Realistically it is an anti-smoking advert because it is promoting an alternative value proposition to smoking that should resonate with smokers. None of those complaining publicly has so far explained how an ad for vaping will lead to smoking rather than doing what it intends, which is to promote the much safer alternative.*

7. *There is nothing in this ad that is targeted at under-18s. The woman depicted is clearly over 25 and I would suggest that this is aimed fairly at the target market, which I would suggest is people in their 30s just beginning to seek out alternatives to smoking as their concern about health, wellbeing and social stigma has started to nag them to change. None of those complaining publicly have so far explained why any advertiser would intentionally target groups where use and switching from smoking is so low, when there are millions of continuing adult smokers who form a large, untapped and far more promising market.*

8. *In making its adjudication, I hope the ASA will recognise the importance of advertising in driving this producer and consumer-led insurgency against cigarettes and smoking-related disease. Advertising creatives should be given plenty of latitude to support a remarkable*

> *emerging public health phenomenon, and not be held back by tactical behaviour of campaigners or by the indignation of moralising prudes.*

Yours sincerely…

PS. I should say that, while I think there is nothing objectionable about the ads, I thought the PR went with the launch was pretty irresponsible and caused a lot of unnecessary damaging commentary. There is a type of PR hack that sees all controversy as good publicity – but that's how to win a skirmish and lose a war.