

The case against banning flavours in vaping and other smoke-free products

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Several jurisdictions propose banning all flavours in vaping products that are not tobacco flavoured. The rationale for this policy is based mainly on the assumption that flavours serve to attract young people to vaping, and therefore banning flavours will prevent young people from taking up vaping.

However, under closer examination, the rationale for this policy is weak. Policymakers are invited to consider the following:

- 1. The underlying causes of smoking, vaping, nicotine use and more general substance use run much deeper than any particular product feature like a flavour.** These risk behaviours are driven by the individual's psychosocial characteristics and circumstances. This is important because these risk factors remain unchanged when the available products change (for example, through a flavour ban). With the underlying drivers unchanged, young people with a tendency to use nicotine or other substances will just exchange one form of nicotine or substance use for another. This behavioural response could easily be more risky than vaping, not less (for example, by smoking or switching to cannabis vapes). There is no reason to assume that people using flavoured vaping products will lose interest in nicotine and become abstinent if flavours are banned, yet this is an implied assumption of those advocating flavour bans.
- 2. The causal relationship between flavoured products and nicotine use is more complicated than advocates of flavour bans allow.** There are countries with the widespread availability of flavours but with little youth uptake. There are countries where the youth use of vapes by adolescents rose sharply and then fell sharply without much change in the availability of flavoured products. Finally, we know from the past that a high level of youth tobacco use was possible where flavour additives played no role (adolescent *cigarette smoking* rates were 30-40% in the 1970s). It is impossible to make simple links between the availability of vaping flavours and nicotine or substance use.
- 3. There is strong evidence that vaping functions as a substitute for smoking.** Evidence from trials, observational studies, population-level trends, market analysis and user testimony strongly suggest that vaping displaces smoking through quitting or cutting down, including among users who had no intention to quit smoking. There is also accumulating evidence that vaping functions as a diversion from smoking uptake for

some adolescents. Economic data shows that the price of vaping products affects cigarette demand. It is impossible, therefore, to assess vaping or smoking policies in isolation because one affects the other. Given the respective risks, teenage vaping may be a net positive for public health when conversion and diversion from smoking are considered. For the same reason, a ban on flavours may negatively impact adolescent health by making vaping less appealing than smoking for those inclined to use nicotine.

4. There is evidence that bans on vaping stimulate an increase in teenage smoking.

A study of a ban on flavoured vaping products in San Francisco saw a sharp rise in teen smoking compared to districts without a ban. We should not be surprised by more smoking in response to restrictions on vaping because the products are substitutes. But because the risk of smoking is much greater than the risk of vaping, only a small diversion of teenage vapers into smoking would overwhelm any benefits of reducing teenage vaping. This is important because the public health outcome of a flavour ban is extremely sensitive to any adverse changes in smoking behaviour. These unintended (though predictable) consequences should be the dominant concern of policymakers.

5. A flavour ban will trigger a wide range of behavioural responses. Policymakers should consider the full range of likely behavioural responses to a flavour ban, given that it would not in itself lessen the drive to use nicotine or other substances. Such responses might include the following, many with higher risk:

- Switch to cigarette smoking
- Take up smoking instead of taking up vaping
- Take up cannabis vaping instead of nicotine vaping
- Switch to vaping with whatever flavours that are not banned
- Access flavoured e-liquids from overseas
- Access a criminal network running a black market in flavoured e-liquids
- Join or form a criminal network as a low-level supplier of flavoured vapes
- DIY manufacture of flavour liquids using base ingredients for personal use
- Small-scale illegal manufacturing to sell to friends, colleagues and family
- Adopt some other risky behaviour such as heavy drinking
- Becoming abstinent from nicotine and adopting virtuous behaviours instead

6. The “youth vaping epidemic” may be beneficial overall once smoking is considered. Experts advise a drill down by (1) the frequency of vaping (is it most days in a month or less?) and (2) the likelihood that the person would otherwise smoke. This segmentation of the U.S. data suggests that most of the headline use is

infrequent and transient - rising sharply from 2017 to peak in 2019 and then falling back to below the 2017 level in 2021. This infrequent use has the characteristics of a fad. It does not involve great risks to health and is not associated with increasing dependence. The frequent use, by contrast, is concentrated in those who have previously smoked or would be likely to smoke. For these users, switching to vaping - and any role played by flavours - *is advantageous*. In general, vaping has been highly concentrated in smokers and former smokers.

7. **Flavour bans will harm the adults at the greatest risk of smoking-related disease.** A middle-aged adult with an entrenched smoking habit is at far greater risk of serious harm (cancer, cardiovascular disease, COPD) than any adolescent experimenting with vaping, a low-risk and likely transient habit for most. Adults overwhelmingly prefer flavoured products and quit rates are higher among those using flavoured e-liquids. As with youth, adults will adjust their nicotine-using behaviour in response to a flavour ban in unpredictable ways. Many adults are likely to face increased risks by relapsing to smoking, not switching in the first place, or by using unregulated or DIY vaping products.
8. **A flavour ban wipes out specialist vape stores and the valuable services they provide.** Vape stores only exist because there are diverse products to sell - thousands of e-liquid variants and numerous devices. A flavour ban will collapse the market to a narrow range of similar and mostly unappealing tobacco-flavoured products. It will consolidate the market into a monoculture of high-volume tobacco-flavoured products made by the biggest companies (mainly tobacco companies) and illegally produced and informally marketed flavoured products. The lawful retailing will move to general stores and supermarkets that can only carry high-volume products. Many vape stores provide a form of smoking cessation service for their customers, helping them choose the right products, flavours, and strengths and giving advice on using and maintaining vaping devices. This service is often driven by the passion and commitment of vape store owners and staff to helping others gain from their own positive experiences of quitting smoking.
9. **Adult smoking is the strongest driver of youth smoking - vaping can break that link.** Significant adults in the lives of young people (parents, relatives, work colleagues) have a strong role-model effect on young people's behaviour, including smoking. Helping adults to quit smoking by switching to vaping will attenuate the smoking role-model effect. Young people also benefit from adult vaping through

better parents' health, improved household finances, avoiding caring burdens, and reduced loss and grief.

10. The strange rationale for only allowing tobacco flavour. Tobacco flavour is just one of thousands of e-liquid flavours and is made from a recipe of ingredients added to a base e-liquid. It bears little resemblance to the taste of cigarette smoke and is not the flavour of the nicotine or the base liquid itself. It is unclear why this flavour has been chosen to be the one that would be permitted in situations where all other flavours are banned. It is not a very popular flavour with either adults or youth. It is far from obvious why a legislator would only permit the one flavour that most users are trying to get away from. If tobacco had been the *only* flavour made available by manufacturers, critics of vaping would doubtless describe vape products as 'training products' for teenagers to facilitate graduation to smoking.

11. The public health impact of vaping depends on flavours - bans support the cigarette trade. There are two distinct models by which vaping has a public health benefit:

- *As a smoking cessation treatment*, vaping works in a more clinical model. A vaping product provides nicotine to suppress withdrawal and craving. Trials have shown that vaping is about twice as successful as NRT in this role.
- *As an alternative to smoking*, vaping replaces smoking as a consumer behaviour. It relies on out-competing cigarettes for nicotine, sensory effects, ritual, and appeal. In this way, vaping reaches deeper into the committed smoking population - people who like smoking or don't want to quit.

Both are valuable, but the second of these is by far the most important mechanism for its reach and operation outside of any formal setting. Yet the efforts of regulators to inhibit the appeal of these products will make vaping less competitive compared to the dominant consumer nicotine product, cigarettes.

To summarise. The problem with a vaping flavour ban is that it would protect the cigarette trade, promote smoking, trigger perverse workarounds, harm adolescents, and harm adults even more. It will deny adults an alternative to smoking and a relatively safe way to take nicotine if that is what they wish to do. Given that flavours are integral to the vaping experience, it represents a prohibition by stealth. It would be about the most pointless of all the measures a legislature could take to address the genuinely pressing problems young people face, likely leading to greater harm to both adolescents and adults.