

## 12. Proposes an illiberal policy and fails to recognise a major global public health opportunity

**A simplistic prohibitionist agenda.** The proposed measure appears to be riding a wave of prohibitionist motivation pushed heavily from the United States. The billionaire financier, Michael Bloomberg, is on the record favouring prohibition of vaping.<sup>1</sup> As part of his campaign, he has provided at least \$160 million for campaigns to ban flavoured e-cigarettes.<sup>2</sup> This sort of money has persuaded many agencies, including several in Europe, to campaign against flavoured vaping products to “protect youth from vaping”. However, as argued throughout this submission, this is grounded in simplistic ideas of cause and effect:

flavours are popular with adolescent vapers > ban flavours > adolescents will stop vaping.

**Departs from traditional Dutch pragmatism.** It takes no account of reality-based insights into youth risk behaviours, adolescent and adult smoking, and substance use generally. It does not consider how users and suppliers respond if the demand remains. It is notably inconsistent with relatively tolerant alcohol policies worldwide, despite significantly greater risks to young people arising from alcohol. The Netherlands has been widely and rightly respected for its pragmatic approach to cannabis, in which it has successfully reconciled the demands of adult society for a recreational drug with proportionate protection of youth.<sup>3</sup>

**Sets unrealistic and counterproductive goals.** The calls for a nicotine-free society set out in the rationale for the flavour ban are, in contrast, not pragmatic. Tobacco has been in use for several millennia<sup>4</sup> and nicotine is a mild recreational drug with some positive effects<sup>5</sup>, with very little risk when decoupled from tobacco smoke. There are several dangers of imposing anti-vaping policies based on an extreme aversion to youth vaping and poor policy analysis.

- Firstly, measures such as broad flavour bans will fail in their own terms and do more harm than good to adolescents by blocking an important diversion from smoking for adolescents.
- Secondly, it will do more harm than good to adults who are using vaping to quit or reduce their smoking. Given the risks of smoking far outweigh those of vaping, this will increase harm to society.
- Thirdly, it represents an infantilisation of adult society. In this approach, adults cannot make informed decisions about their health because of excessive and misguided reaction to youth risk behaviours.

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<sup>1</sup> New York Times, Candidates Up Close: Should vaping products be legal? Michael Bloomberg, 25 January 2020. [\[link\]](#)

<sup>2</sup> Washington Post, Bloomberg to spend \$160 million to ban flavored e-cigarettes, 10 September 2019 [\[link\]](#)

<sup>3</sup> Kuper S. What the What the Dutch can teach the world about cannabis, Financial Times, 26 October 2018. [\[link\]](#)

<sup>4</sup> Tobacco Use in ancient cultures, Wikipedia [\[link\]](#)

<sup>5</sup> Harvard Medical School. Nicotine: it may have a good side, March 2014. [\[link\]](#)

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- Fourthly, it overlooks the connection between adolescents and adults – they are not living in separate societies. Young people will grow to be adults, have parents or role models who smoke, and face negative personal, economic and health impacts from adult smoking.
- Finally, it is inconsistent with risk tolerance in other areas of life and appears to be driven by activists who find the idea of vaping objectionable. They are free to hold that view, but it should not become the law for everyone.

**A better way.** The appropriate approach is to adopt a risk-proportionate regulatory framework for tobacco and nicotine products. If the government believes it should control youth vaping, then it should use measures targeted specifically at adolescents, not affecting at all users indiscriminately. That means focussing on communications, on access and on controlling marketing or branding targeted at youth.

**Embracing the opportunity and assuming leadership through the FCTC.** Above all, the Netherlands government should now re-evaluate its governing philosophy for tobacco and nicotine. The idea of smoke-free society is possible and desirable. It can be achieved quickly without prohibition or strongly coercive measures through the use of low-risk alternatives. Realising a smoke-free society means defining vaping and other low-risk smoke-free products as part of the solution, not part of the problem.<sup>6</sup> This approach commands widespread support in the expert community, and it deserves more careful appraisal by legislators, policymakers and the public health community.<sup>7</sup> We hope that the government of the Netherlands recognises the opportunity and shows leadership as it takes on the Chair of the WHO Framework Convention on Tobacco Control Conference of the Parties later in 2021.

**28 January 2021**

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<sup>6</sup> Beaglehole R, Bates C, Youdan B, Bonita R. Nicotine without smoke: fighting the tobacco epidemic with harm reduction *Lancet*. 394(10200):718–720. [[link](#)]

<sup>7</sup> Letter from 72 experts in tobacco and nicotine policy to WHO Director General. *Innovation in tobacco control: developing the FCTC to embrace tobacco harm reduction*. 1 October 2018. [[link](#)]