

7. Ignores the consequences of prohibition even though these are foreseeable

Banning a product by law does not make it disappear. A ban cannot stop current or future users replacing the banned substance with some other risky substance or behaviour. There are many possible responses to a ban on vaping flavours, including:

- The intended outcome - abstinence from nicotine and not adopting any other risk behaviour
- Using tobacco flavoured vape products instead of other flavoured products
- Accessing flavoured vapes via an illicit supply chain (a black market)
- Buying from foreign suppliers in person or via the internet and importing for personal use
- Buying from foreign suppliers to resell to others through informal networks
- Making and mixing their own flavours at home or buying or selling home-mixed flavours
- Using vapes that are made to look tobacco flavoured but have other flavours
- Using flavour agents for food, drink or aromatherapy for adding to unflavoured nicotine liquids
- Using flavours made for vaping but ostensibly marketed for another purpose
- Switching to cannabinoid (THC or CBD) vapes
- Relapsing back from vaping to smoking – both teenagers and adults
- Not switching from smoking to vaping and continuing to smoke
- Initiating smoking instead of initiating vaping
- Continuing to smoke or to start smoking as an adolescent because parents or adult role models smoke instead of vaping
- Using other tobacco or nicotine products – hand-rolling tobacco, smokeless tobacco, heated tobacco, or new nicotine pouches
- Adopting another risk behaviour that may be worse

Most responses are either harmful or make no difference. Only the first of the list above meets the policy aims for adolescents. Several of the options increase the risks to both adults and adolescents. Yet the justification provides no real insight into these likely and foreseeable responses.

Evidence suggests e-cigarettes and cigarettes are substitutes. There is evidence that making e-cigarettes less attractive to adolescents has the effect of increasing cigarette use. For example, a study of the effect of e-cigarette tax increases on adolescents showed harmful substitution behaviour.¹

¹ Pesko MF, Warman C. The Effect of Prices on Youth Cigarette and E-Cigarette Use: Economic Substitutes or Complements? *SSRN Electron J* [Internet] 2017 [\[link\]](#)

Public submission – Regulation of e-cigarette flavours – Detailed discussion

We find that higher e-cigarette cartridge prices reduce e-cigarette use and increase current cigarette consumption, especially for males and for older teenagers

Studies of the impact of strengthened access restrictions also showed that measures designed to reduce e-cigarette use through access restrictions also had the effect of increasing smoking.²

This effect is both consistent with e-cigarette access reducing smoking among minors, and large: banning electronic cigarette sales to minors counteracts 70 percent of the downward pre-trend in teen cigarette smoking for a given two-year period.

Again, changes in age restrictions are not flavour bans. But they do help to illustrate the effect of suppressing teenage e-cigarette use through deliberate policy measures, and therefore what may happen if the government's policy works as intended.

No attempt has been made to examine the impact of flavour bans introduced elsewhere. Initial data, albeit from a small sample, on the impact of the flavour ban in San Francisco suggests a statistically significant increase in cigarette smoking among young adults from 27.5% to 37.1%.³ A more detailed evaluation is not yet available, but this study is grounds for caution.

² Friedman AS. How does electronic cigarette access affect adolescent smoking? *J Health Econ* [Internet] 2015 [cited 2021 Jan 23];44:300–308. [[link](#)]

³ Yang Y, Lindblom EN, Salloum RG, Ward KD. The impact of a comprehensive tobacco product flavor ban in San Francisco among young adults. *Addict Behav Reports* [Internet] 2020;11:100273. [[link](#)]