

The following questions are on the Tobacco and Related Products Regulations 2016 (TRPR) ✓

Health Text and Picture Warnings

1. How far do you agree or disagree that the introduction of rotating combined (photo and text) health warnings on cigarette and hand rolling tobacco has encouraged smokers to quit?

- strongly agree agree neither agree or disagree disagree
- strongly disagree don't know

Please provide a reason for your answer and any evidence to support this.

It is not possible to answer questions about objectively specified outcomes without empirical evidence. It cannot be a matter of opinion. I would have expected to comment on an analysis presented by the government.

I doubt it has made much difference.

2. How far do you agree or disagree that the introduction of rotating combined (photo and text) health warnings on cigarette and hand rolling tobacco has deterred young people from smoking?

- strongly agree agree neither agree or disagree disagree
- strongly disagree don't know

Please provide a reason for your answer and any evidence to support this.

It is not possible to answer questions about objectively specified outcomes without empirical evidence. It cannot be a matter of opinion. I would have expected to comment on an analysis presented by the government.

I doubt it has made much difference.

3. Should all tobacco products have a combined (photo and text) health warning on their packaging?

- strongly agree agree neither agree or disagree disagree
- strongly disagree don't know

Please provide a reason for your answer and any evidence to support this.

No. Because they have very different health effects. Smokeless and heated tobacco products have very low risks compared to smoked products. The size, boldness and grossness of the warnings convey a sense of risk as well as the messages. The size and graphic nature of the warnings should be proportionate to risk. In the case of low-risk products, the warnings should be completely or partially replaced with messages

Characterising Flavours

4. How far do you agree or disagree that the prohibition of characterising flavours has helped smokers quit smoking?

- strongly agree agree neither agree or disagree disagree

strongly disagree

don't know

Please provide a reason for your answer and any evidence to support this.

It is not possible to answer questions about objectively specified outcomes without empirical evidence. It cannot be a matter of opinion. I would have expected to comment on an analysis presented by the government.

Given the low use of these products to start with and the ease with which people can

5. How far do you agree or disagree that the prohibition of characterising flavours has deterred young people from taking up smoking?

strongly agree

agree

neither agree or disagree

disagree

strongly disagree

don't know

Please provide a reason for your answer and any evidence to support this.

It is not possible to answer questions about objectively specified outcomes without empirical evidence. It cannot be a matter of opinion. I would have expected to comment on an analysis presented by the government.

I don't it has made much difference compared to the option of vaping instead.

E-cigarettes

6. How far do you agree or disagree that the current regulations on e-cigarettes have been proportionate in protecting young people from taking up use of these products?

- strongly agree agree neither agree or disagree disagree
- strongly disagree don't know

Please provide a reason for your answer and any evidence to support this.

The regulations are not proportionate - in particular:

(i) the TPD-derived bans on advertising that go beyond the UK's system developed by the Committee on Advertising Practice. The ban on advertising on 'transboundary' media has the effect of protecting the incumbent product - cigarettes - from the

7. How far do you agree or disagree that the current regulations have ensured that e-cigarettes are available for those smokers who wish to switch to these products?

- strongly agree agree neither agree or disagree disagree
- strongly disagree don't know

Please provide a reason for your answer and any evidence to support this.

There is a wide variety of products on the market at affordable prices with reasonable access. The question is what could have been done if a more aggressive approach to promoting switching to vaping had been taken:

1. Different, smaller and more proportionate warnings or messages promoting vaping to smokers

8. What effect do you think the regulations have had on smokers considering switching to e-cigarettes?

- encouraged neutral discouraged don't know

Please provide a reason for your answer and any evidence to support this.

Compared to having the situation pre-TPRP, most measures have placed barriers in the way of switching. The idea that regulation provides assurance to consumers is unlikely to work: the products are regulated to look like cigarettes and therefore have implied risks that are associated with cigarettes and their appearance.

9. Do you consider the restrictions on e-cigarette advertising to be an effective way to discourage young people and non-smokers from using e-cigarettes?

yes

no

don't know

Please provide a reason for your answer and any evidence to support this.

It is not an effective method for two reasons: (i) it may inhibit adolescent smokers from switching or not initiating smoking. (ii) it may inhibit adults from switching and it is not targeted to advertising that attracts youth. The advertising of e-cigarettes is functionally equivalent to stop-smoking advertising and its restriction is a regulatory protection of the cigarette trade.

Novel tobacco products

10. How far do agree or disagree that the requirements of TRPR on novel tobacco products are proportionate?

strongly agree

agree

neither agree
or disagree

disagree

strongly
disagree

don't know

Please provide a reason for your answer and any evidence to support this.

The treatment of tobacco and related products should be based on risk and be proportionate. UK regulations primarily differentiate between tobacco and non-tobacco products. The key distinction should be between combustion and non-combustion products.

Enforcement

11. Do you agree or disagree that the penalties for a breach of the regulations are an effective deterrent to ensure compliance with the regulations?

agree

disagree

don't know

Please provide a reason for your answer and any evidence to support this.

Other Question

12. How far do you agree or disagree that there has been an economic impact of TRPR, either positive, negative or both?

strongly agree

agree

neither agree
or disagree

disagree

strongly disagree

don't know

Please state who you think TRPR has impacted on economically and provide any reasons or evidence to support this.

It would need a proper economic assessment to do this - but that should be commissioned by the government as a follow up to its 2016 Impact Assessment (https://www.legislation.gov.uk/ukia/2016/109/pdfs/ukia_20160109_en.pdf)

There is evidence that the availability of e-cigarettes has had a more pronounced effect

Anything else on TRPR?

13. Is there anything else you would like to share on negative or positive impacts the regulations have had on topics not covered above? If so, please explain and include any evidence and research you may have to back your response.

Together with the New Nicotine Alliance, I have written to the Minister for Public Health with proposals for reform of the TRPR and other relevant legislation.

The letter is available here:

https://nnalliance.org/images/documents/Letter_re_tobacco_policy_-_201029.pdf

The following questions are on The Standardised Packaging of Tobacco Products Regulations 2015 (SPoT)

SPoT Requirements

14. How far do you agree or disagree that the requirements on the packaging and labelling of tobacco products have been an effective way to protect young people from taking up smoking?

- strongly agree agree neither agree or disagree disagree
- strongly disagree don't know

Please provide a reason for your answer and any evidence to support this.

15. How far do you agree or disagree that the requirements on the packaging and labelling of tobacco products have helped existing smokers quit?

- strongly agree agree neither agree or disagree disagree
- strongly disagree don't know

Please provide a reason for your answer and any evidence to support this.

16. SPoT regulations apply to cigarettes and hand rolling tobacco. How far do you agree or disagree that SPoT regulations should be restricted to cigarettes and hand rolling tobacco (and not other tobacco products?)

- strongly agree agree neither agree or disagree disagree
- strongly disagree don't know

Please provide a reason for your answer and any evidence to support this.

Pack size

17. How far do you agree or disagree that the introduction of a minimum pack size or weight is an effective way to protect young people from taking up smoking?

- strongly agree agree neither agree or disagree disagree

strongly disagree

don't know

Please provide a reason for your answer and any evidence to support this.

Appearance of cigarettes

18. How far do you agree or disagree that the requirements on the appearance of cigarettes are proportionate?

strongly agree

agree

neither agree or disagree

disagree

strongly disagree

don't know

Please provide a reason for your answer and any evidence to support this.

Enforcement

19. Do you agree or disagree that the penalties for a breach of the regulations are an effective deterrent to ensure compliance with the regulations?

agree

disagree

don't know

Please provide a reason for your answer and any evidence to support this.

Other question

20. How far do you agree or disagree that there has been an economic impact of SPoT, either positive, negative or both?

strongly agree

agree

neither agree
or disagree

disagree

strongly
disagree

don't know

Please state who you think SPoT has impacted on economically and provide any reasons or evidence to support this.

Anything else on SPoT?

21. Is there anything else you would like to share on negative or positive impacts the regulations have had on topics not covered above? If so, please explain and include any evidence and research you may have to back your response.

Together with the New Nicotine Alliance, I have written to the Minister for Public Health suggesting reforms to the SPoT and other tobacco regulations. We do not believe these are fit for purpose or consistent with the government's aim of reaching 'smoke-free' by 2030.

The following questions seeks your views to help us improve future consultations



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About this consultation survey



How satisfied are you with the consultation process?

- Very satisfied
- Satisfied
- Somewhat satisfied
- Disappointed

How did you hear about the consultation?

- Social Media
- Received an email
- Word of mouth (family, friend or colleague)
- Direct communication from third sector organisation or regulatory organisation
- Broadcast news (TV or radio)
- GOV.UK or other government website
- Newspaper (online or print)
- Website (non-government)
- Trade magazine
- Other

Enter answer

The following questions seeks your views to help us improve future consultations

On which social media channel did you hear about the consultation?

- Department of Health & Social Care Another government department Other

Enter answer

Twitter

What could we do better?

The Department should have conducted or commissioned a professional evaluation of the impact of the measures, starting from the framing in the Impact Assessments. Instead, it has just asked for stakeholder opinions. The evaluation could have been in draft form and the consultation should have sought comments on the draft. Given the policy has life or death consequences arising from changes in tobacco use behaviours,