

E-cigarettes, Heated Tobacco Products, and the Need for Bans in LMICs

Novel and emerging tobacco and nicotine products—the World Health Organization labels them “undoubtedly harmful”¹—will wreak significant havoc in low- and middle-income countries. Together, the particular circumstances in these countries create a perfect storm that will likely result in significant addiction, particularly among vulnerable youth. In an abundance of caution, The Union recommends comprehensive bans on these products—this includes prohibiting their sale, manufacture, importation, and exportation—as well as ensuring they are subject to TAPS (Tobacco Advertising, Promotion and Sponsorship) bans and SF (smoke-free) legislation.

This fact sheet synthesizes the ten key arguments in The Union’s 2020 position paper, “Where Bans are Best” and also provides guidance on critical questions.



Key Terms and Definitions:

E-cigarettes: First introduced to the global market in 2006, e-cigarettes heat a solution—an e-liquid—to create an inhalable aerosol. Though they do not contain tobacco, these products—also called e-cigs, vapes, or vape pens—typically contain nicotine, flavouring agents, and toxicants with known health effects.² Products vary widely and are not uniform with regard to nicotine dosage, battery voltage, emissions, appearance, or other characteristics. Between 2014 and 2018, e-cigarette market growth more than doubled, exceeding over US\$15 billion.³

Electronic Nicotine Delivery Systems (ENDS): An umbrella term for non-combustible vaping products, with the most popular being e-cigarettes.

Heated Tobacco Products (HTPs): Products that produce an inhalable aerosol by heating compressed tobacco. Also referred to by the tobacco industry as “heat not burn,” HTP technology has existed since the 1980s, but the products have become increasingly popular over the last five years. The HTP market is expected to reach \$17.9 billion by 2021.⁴ According to the World Health Organization, HTPs generate many of the same harmful chemicals as conventional cigarettes.⁵

Novel, Alternative, Emerging and Next Generation Products: A heterogeneous class of products that include e-cigarettes, HTPs, and hybrid products that contain both tobacco and nicotine solution.

Novel Products: A Grave and Specific Threat to Low- and Middle- Income Countries

- Much discussion about novel products—whether it is in the media, academic papers, or amongst the public health community—focuses on high-income countries.
- The discourse must be extended to LMICs—they are presently home to more than 80 percent of the world’s smokers and bear the burden of tobacco-related disease—which are a tobacco industry playground with few rules and restrictions.
- As documented in The Union’s recent position paper, “Where Bans Are Best,”⁶ there are ten primary arguments why LMICs should enact preventative sales bans now, before it is too late:

1. **Industry Targets Youth** with social media, event sponsorship and flavours.^{7 8 9 10}
2. **Youth Transition from E-Cigarettes to Tobacco:** Young people who never smoked—or were considered low risk for smoking— increase chances by two to four- fold after using e-cigarettes.^{11 12 13}
3. **Insufficient Harm Reduction Evidence Among Smokers:** The dominant pattern is dual use^{14 15 16}—not transition between products—which has short-term and long-term health effects.^{17 18 19 20 21}
4. **Negative Net Public Health Outcome:** The impact on non-smokers, in particular youth, must be considered, and it is likely to outweigh any potential benefits to smokers.
5. **Enforcement Loopholes Will Be Exploited** in countries already struggling with tobacco control policies. Dual epidemics could emerge.
6. **Novel Products are a Distraction** from the FCTC's evidence-based policies that are key to tobacco control.
7. **Novel Products Will Divert Resources from Tobacco Control:** To effectively regulate new products—with product safety standards, laboratory tests, registration systems, and enforcement mechanisms—budget-constrained countries will need fiscal and human resources. It's highly probable these will be drawn from tobacco control.
8. **Novel Products Will Enable Industry Interference:** Product producers are branding themselves as harm reduction experts who should be included in policy discussion. The FCTC specifically prohibits industry interference through Article 5.3.
9. **The LMIC Context is Vastly Different from the UK Context,** which has a unique approach to e-cigarette regulation and a unique ecosystem.
10. **Safety Must Come First:** The precautionary principle urges preventive action where product safety science is inconclusive.



Photograph by Vaporësse / Unsplash

Novel Products: Not an Effective Cessation Tool at the Population Level

- The Union shares the position of the World Health Organization, which states that there is “insufficient independent evidence to support the use of [e-cigarettes] as a population-level tobacco cessation intervention to help people quit conventional tobacco use.”²²
- There may be anecdotal information—particularly out of high-income countries—about novel products helping long-term smokers cease using traditional tobacco products, but public health policies should not be based on individual stories.
- FCTC signatories committed to Article 14, which advocates offering support to help smokers quit tobacco, must ensure that recommended products and services can be properly regulated and that they will not cause damage to new users or dual users. E-cigarettes do not meet these criteria.
- In contrast to novel products, MPOWER has a proven track record of reducing smoking prevalence, even when these measures are just partially implemented and enforced.^{23 24 25 26}

Elements of Strong, Novel Products Bans: Guidance for LMICs

To support an effective novel product ban, The Union recommends the following:

1. **Define clear policy objectives** within the legal mechanism that are clearly aligned with the measures that will be used to achieve them.
2. **Broadly define** e-cigarettes and HTPs to ensure that current tobacco and nicotine products are covered, as well as those that may be in development or planned for future release. Ensure that legislation covers devices and e-liquids, nicotine salts, and other tobacco derivatives to ensure that there are no regulation loopholes.
3. **Authorize enforcement officers** from a wide network of agencies to enforce the law—include officials from the police, environmental bodies and education sectors.
4. **Implement mass and targeted media campaigns** to sensitize the public and relevant agencies on the laws and regulations.



Photograph by E-Liquids UK / Unsplash

5. When applicable, **leverage licensing regimes** to monitor compliance and impose penalties on retailers, wholesalers, and other distributors.
6. Ensure that penalties are sufficient to deter non-compliance.

Novel Products and Black Markets: Not A Foregone Conclusion

- LMICs are at a critical inflection point—unlike high income countries (the US and UK, for example), most have yet to be inundated with novel products.
- There is still time to prevent a burgeoning novel product market in these countries:
 - E-cigarettes are still relatively new
 - Overall consumption remains low
 - New products are not yet overwhelmingly popular
- But as high-income countries tighten their regulations, LMICs are the tobacco industry's next target.
- If they act now, it is unlikely that bans would result in massive illegal sales or a burgeoning black market.

The Future of Novel Products: Could These Products Be Controlled like Medicines?

- The ability to classify e-cigarettes as medicines is dependent on a strong, regulatory system bolstered by significant, independent evidence for drug classification
- The current product market does not contain a single e-cigarette approved by a drug regulatory body for cessation purposes.
- Novel product producers have not expressed interest in this route to product marketing, nor, as has been previously mentioned, has the scientific evidence demonstrated that these products have sufficient cessation efficacy.

References

- ¹ WHO Report on the Global Tobacco Epidemic, 2019. Geneva: World Health Organization; 2019
- ² Conference of the Parties of the WHO FCTC. Electronic Nicotine Delivery Systems and Electronic Non-Nicotine Delivery Systems (ENDS/ ENNDS). FCTC/COP/7/11. August 2016
- ³ <https://tobaccotactics.org/wiki/e-cigarettes/>
- ⁴ World Health Organization. Heated tobacco products (HTPs) market monitoring information sheet. Available at: https://www.who.int/tobacco/publications/prod_regulation/htps-marketing-monitoring/en/
- ⁵ WHO Report on the Global Tobacco Epidemic, 2019. Geneva: World Health Organization; 2019
- ⁶ <https://theunion.org/technical-publications/union-position-paper-on-e-cigarettes-and-htp-sales-in-lmics>
- ⁷ NPR: Juul is behaving differently in the Philippines than in the U.S., say activists. October 12, 2019. Available at: <https://www.npr.org/sections/goatsandsoda/2019/10/12/768373461/juul-is-behaving-differently-in-the-philippines-than-in-the-u-s-say-activists>
- ⁸ Reuters. Exclusive: Philip Morris suspends social media campaign after Reuters exposes young 'influencers'. May 10, 2019. Available at: <https://www.reuters.com/article/us-philipmorris-ecigs-instagram-exclusiv/exclusive-philip-morris-suspends-social-media-campaign-after-reuters-exposes-young-influencers-idUSKCN1SH02K>
- ⁹ The Daily Beast. Juul Plots Global Expansion Amid Vaping Deaths in U.S. November 21, 2019. Available at: <https://www.thedailybeast.com/juul-plots-global-expansion-amid-vaping-deaths-in-us>
- ¹⁰ Jackler RK, et al. Global Marketing of IQOS, The Philip Morris Campaign to Popularize 'Heat Not Burn' Tobacco. SRITA White paper. February 21, 2020. Available at: <http://tobacco.stanford.edu/iqosanalysis>
- ¹¹ Berry KM, et al. Association of electronic cigarette use with subsequent initiation of tobacco cigarettes in US youths. JAMA Netw Open. 2019; 2:e187794
- ¹² Chaffee BW, et al. Electronic cigarette use and progression from experimentation to established smoking. Pediatrics. 2018;141:4
- ¹³ Chaffee BW, et al. Electronic cigarette use and progression from experimentation to established smoking. Pediatrics. 2018;141:4
- ¹⁴ McNeill, A., et al. Vaping in England: an evidence update including mental health and pregnancy, March 2020: a report commissioned by Public Health England. London: Public Health England
- ¹⁵ Owusu D, et al. Patterns and trends of dual use of e-cigarettes and cigarettes among U.S. adults, 2015–2018. Preventive Medicine Reports. 2019;16
- ¹⁶ Truth Initiative. E-cigarettes: Facts, stats and regulations. Available at: <https://truthinitiative.org/research-resources/emerging-tobacco-products/e-cigarettes-facts-stats-and-regulations>
- ¹⁷ Goniewicz ML et al. Comparison of Nicotine and Toxicant Exposure in Users of Electronic Cigarettes and Combustible Cigarettes. JAMA Network Open. 2018
- ¹⁸ Bozier J, et al. The Evolving Landscape of Electronic Cigarettes: A Systematic Review of Evolving Evidence, CHEST. 2020. Doi: <https://doi.org/10.1016/j.chest.2019.12.042>
- ¹⁹ National Academies of Sciences, Engineering, and Medicine. 2018. Public Health Consequences of E-Cigarettes. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24952>
- ²⁰ Perez M, et al. E-cigarette use is associated with emphysema, chronic bronchitis and COPD. Am J Respir Crit Care Med. 2018; 197: A6245
- ²¹ Osei AD, et al. Association Between E-Cigarette Use and Cardiovascular Disease Among Never and Current Combustible- Cigarette Smokers. Am J Med. 2019; 132(8):949-954
- ²² WHO Report on the Global Tobacco Epidemic, 2019. Geneva: World Health Organization; 2019
- ²³ https://www.who.int/tobacco/global_report/previous/en/
- ²⁴ Levy et al. Seven years of progress in tobacco control: an evaluation of the effect of nations meeting the highest level MPOWER measures between 2007 and 2014. Tob Control. 2018 Jan; 27(1): 50–57.
- ²⁵ Ngo et al. The Effect of MPOWER Scores on Cigarette Smoking Prevalence and Consumption. Prev Med. 2017 Dec; 105 Suppl: S10–S14.
- ²⁶ Dubray et al. The effect of MPOWER on smoking prevalence. Tob Control. 2015 November; 24(6):540-2. doi:10.1136/tobaccocontrol-2014-051834. Epub 2014 Dec 9.