In respect of Part 1, section 6A (1), from previous communication with the Scottish Government (letter dated 30 June 2015 REF 2015/0019367) NNA understands that:

“It is not the intent of the Scottish Government to criminalise responsible parents by introducing the offence of proxy purchase. Since young people over the age of 12 can be prescribed Nicotine Replacement Therapy (NRT), which is available free on prescription, a parent concerned about their child’s use of tobacco, should consult medical advice on treatment options. The offence of proxy purchase is equally likely where a stranger purchases an e-cigarette on behalf of an under 18, under these circumstances it is unlikely that they will have the young person’s best interest at heart. The proposal in the Bill is necessary to protect young people in such circumstances and it also strengthens the proposals on age restriction by reducing a young person’s likelihood of access.”

On this basis, NNA support this part of the Bill.

In respect of Part 1, section 8 (1), from previous communication with the Scottish Government (letter dated 30 June 2015 REF 2015/0019367) NNA understands that:

“the Scottish Government will consider whether it would be viable for the outward facing aspect of the register to provide a degree of separation between the products.”

On this basis, NNA support this part of the Bill.

In respect of Part 1, section 17, NNA have the following comments and concerns on advertising bans, which go further than the requirements in the current EU directive:

1. An advertising ban on these products only serves offer protection to the tobacco trade. We would contend that responsible advertising would serve to promote the idea of switching away from lethal tobacco products to a much safer option.
2. The ban on advertising Tobacco Products is justified on the back of thousands of deaths annually, but no such justification exists for electronic cigarettes.
3. A ban on electronic cigarette advertising would send the wrong message to consumers and potential switchers that electronic cigarettes are just as harmful as combusted tobacco products. This also further conflates these 95-99% safer products with extremely dangerous tobacco products.
4. Electronic cigarette advertising should be seen as advertising which promotes a much safer product which is in direct competition with a much more dangerous product (tobacco) and which the Scottish Government will not have to pay for. Positive advertising and promotion of electronic...
cigarettes can only serve to help the Scottish Government reach its goal of a smoke-free Scotland by 2034.

5. There are already strong CAP codes in place for the advertising of electronic cigarettes in the UK on a par with alcohol advertising. There is no justification for stronger provisions to be applied.

NNA believes that the Scottish Government should lead the way in regulating the use of these disruptive products in a manner that will see them flourish and allow them to continue to be the biggest weapon against the harm of combusted tobacco. The evidence is clear that these products are 95-99% safer than the current incumbent of nicotine delivery. To over-regulate these products would be a massive public health loss.

NNA would respectfully request to be considered for inclusion as one of the organisations to give oral evidence in September.

New Nicotine Alliance

NNA (UK) is a registered charity founded by a group of individuals who - by themselves and through their links with leading smoking and tobacco researchers and policy analysts – have contributed over recent years to improving individual, organisational and public understanding of 'toxic harm reduction' - reducing harm from cigarette smoking, without necessarily giving up the use of nicotine.

The Board of NNA, along with our Associates, include ex-smokers, most of whom have succeeded in giving up smoking through the use of other nicotine delivery systems, public health analysts and scientists.

NNA (UK) is funded by donations from private individuals and organisations and is completely independent of commercial interests in relevant industries (e-cigarettes, tobacco, pharmaceutical companies, etc). It operates on a not-for-profit basis and is free from commercial bias. Our independence from commercial conflicts of interest is of paramount importance.

In all its activities NNA (UK) is non-party political and no activities are to the benefit of, or in support to any political party, and all policies and public statements are evidence-based, with a clear focus on the health of consumers and the wider public.