Fontem Ventures welcomes the Scottish Government’s proportionate and reasonable stance on NVPs, which are an alternative to smokers who wish to reduce or replace conventional tobacco products.

We believe that NVP can play a significant role in the Scottish Government’s goal of achieving a smoke-free generation by 2034.

There are five key aspects of the Bill that we support:

1. The Bill does not start with a negative epistemological position. This allows the Bill to enable NVPs to provide an alternative to traditional tobacco products.

2. The Bill does not seek to restrict the use of EVPs in public places. This reflects the general scientific consensus that NVPs pose no apparent risk to bystanders and NVPs are not renormalising the act of smoking and serving as a “gateway” to tobacco products, particularly amongst children. Fontem Ventures believes its NVPs are a better alternative to traditional tobacco products. Therefore, by maintaining access to public places where people can vape, the Scottish Government are allowing consumers to make a choice to switch to a potentially less harmful form of nicotine consumption – and making this choice attractive.

3. The Bill bans the sale of nicotine products (traditional and novel tobacco and NVPs) to under-18s. Fontem Ventures supports this action and believes that NVP products should not be sold or marketed to under-18s.

4. The Bill seeks to limit the advertising of NVP products. Fontem Ventures accepts the EU Tobacco Products Directive’s wording on advertising of NVP products but also believes in the need to protect information at point of sale for NVP products. It is also important that NVP manufacturers are able to raise awareness of products in order to ensure that they can compete with (more established) tobacco products. To this end, we advocate the continued ability to advertise via point of sale, billboards, cinema, direct marketing and sponsorships which do not have a cross-border effect. However, we recognise that such activities should be carried out responsibly, particularly with
regard to under-18s and non-smokers. Fontem Ventures has in place a stringent marketing standard which ensures that its advertising and marketing activities have a minimal appeal to under-18s, and would advocate the same youth-protection approach being implemented across the board. Fontem Ventures believes that the UK’s current system of regulating the advertising of NVPs is exemplary in this respect; while it takes into account the potential health benefits of NVPs and allows manufacturers access to marketing opportunities, it also minimises the likelihood that advertisements will appeal to young people and non-smokers.

5. Fontem Ventures supports the Health Bill’s register of tobacco and nicotine products. Fontem Ventures also supports the Scottish Government’s splitting of the register between traditional tobacco and NVP products, given the clear differences between these product categories.

Fontem Ventures welcomes the Scottish Government’s stance on NVPs. Fontem Ventures recognises the role NVPs can play in helping achieve a Scottish generation free from traditional tobacco products by 2034. Fontem Ventures believes that our products can provide Scottish consumers with a nicotine product that is potentially less harmful and may help further the denormalisation of traditional tobacco products.

Answer to three key questions:

(1) Do you support the Bill’s provisions in relation to NVPs?

Fontem Ventures accepts the majority of the Bill and believes the Bill will enable NVPs to play a positive role in helping to develop a smoke free generation by 2034. The Bill acknowledges the current scientific evidence which suggests NVPs may be a better alternative to traditional smoking tobacco products and are not renormalising the act of smoking and serving as a “gateway” to traditional tobacco products, particularly amongst children. We do not believe research currently suggests any harm, gateway or normalisation of tobacco product through vaping in public places. It is likely that allowing users to vape in places where smoking is banned will not only further denormalise the act of smoking tobacco products, but will also make it more appealing for smokers to make the conscious decision to switch to NVP as a potentially less harmful nicotine consumption product.

Issues of concern and suggestions:

However, Fontem Ventures does have concerns about three aspects of the Bill.

a) Fontem Ventures does not agree with the banning of NVP vending machines. Fontem Ventures believes that by placing vending machines in over 18 establishments or limiting access to vending machines through interaction with staff first, the age of vending machine users can be controlled. Secondly, Fontem Ventures contend that increasing
access opportunities to NVPs in over 18 public places will help enforce a switch from traditional tobacco products to NVPs, thus increasing the chance of creating a smoke free generation by 2034.

b) Fontem Ventures believes that point of sale information should be allowed for NVPs so nicotine consumers can make an informed choice about the products available to them. One of the leading causes for consumers to remain on traditional tobacco products is that they do not have adequate or trusted information on what is included in NVP products. Therefore, by demonstrating that NVPs are potentially less harmful than traditional tobacco, consumers are more likely to make a switch as fear and lack of knowledge are reduced.

c) Fontem Ventures agrees that a register of NVPs, tobacco, and tobacco and NVP products can help remove less reputable vendors from the NVP market and drive standards up across the industry. However, by generating a single register, the Bill has missed the opportunity to allow greater access to NVPs, a less harmful nicotine product and reduce access to traditional tobacco products. By duel listing on the same register, the rules applying to market access are the same for both products equally. Fontem Ventures believes this does not send a message to smokers that NVPs are a less harmful alternative to traditional tobacco and ultimately does not help differentiate access to the products to achieve the long-term goal of a smoke free generation by 2034.

(2) Do you support the proposal to ban smoking in hospital grounds?

As an NVP manufacturer, Fontem Ventures will not comment on tobacco-related legislation, since this pertains to an entirely separate product category. Should the same question arise with regard to using NVPs, however, we would be minded to ensure that their use remains allowed on hospital grounds, since evidence shows that they help consumers resist the desire to smoke, as well as that they may be potentially less harmful and do not pose a risk to bystanders’ health. Recognising NVPs as a separate category to tobacco products by allowing their use on hospital grounds would be in line with the Scottish Government’s decision not to ban them in public places.

(3) Is there anything you would add/remove in the Bill with regards to NVPs or smoking in hospital grounds?

As before, Fontem Ventures does not operate in the tobacco category and as such will not comment on tobacco-related legislation. Fontem Ventures would prefer to ensure that the Bill recognises the role NVPs can play in helping hospitalised nicotine consumers access their nicotine needs without adding to their health issues or requiring patients to leave hospital grounds.

Fontem Ventures