The Advertising Association promotes the role, rights and responsibilities of advertising and its impact on individuals, the economy and society. We are the only organisation that brings together agencies, brands and media to combine strengths and seek consensus on the issues that affect them. Through wide-reaching engagement and evidence-based debate we aim to build trust and maximise the value of advertising for all concerned. A full list of our members can be found here.

Overview

Our response to this call for written views is strictly limited to the Bill’s provisions on Nicotine Vapour Product (NVP) advertising and sponsorship (Chapter 2, Sections 17 and 19) – which we do not support:

- The evidence shows that children, young people and non-smokers are highly unlikely to start using these products.
- The existing advertising rules ensure that children, young people and non-smokers are well protected, and not targeted by NVP advertising.
- The provisions are included to allow for a “comprehensive ban on all NVP domestic advertising and promotion”, to prevent the take up of NVP products amongst children and young people under 18, and non-smokers.
- The evidence suggests such a ban would fail to have positive health outcomes – and would unfairly disadvantage Scottish advertising and creative businesses.

Response to Question 1: Do you support the Bill’s provisions in relation to NVPs?

We do not support the provisions in Chapter 2, Sections 17 and 19.

The existing advertising rules

In October 2014 after public consultation, the Committee of Advertising Practice (CAP) and Broadcast Committee of Advertising Practice (BCAP) put in place specific rules for the advertising of e-cigarettes in the UK.¹

These rules place an emphasis on the protection of children and young people:

¹ https://www.cap.org.uk/News-reports/Media-Centre/2014/~/media/Files/CAP/Consultations/ecig%20consultation/Regulatory%20Statement.ashx
Advertisements must not be likely to appeal to people under 18, especially by reflecting or being associated with youth culture (including using celebrities popular with young people)

People shown using e-cigarettes or playing a significant role must neither be nor seem to be under 25

Advertisements must not be directed at those under 18 either through the choice of media or the context in which they appear

Advertisements must not encourage non-smokers or non-nicotine users to use tobacco products and must do nothing to promote tobacco smoking

Advertisements must make clear that the product is an e-cigarette, not a tobacco product, and must not cross-promote tobacco brands

Advertisements must not contain health claims or (illegal) medicinal claims

The evidence on NVP use and advertising

Action on Smoking and Health (ASH), established by the Royal College of Physicians to eliminate the harm caused by tobacco, found that almost all e-cigarettes users are adult current and ex-smokers, while use by never-smokers remains rare. The evidence does not show a gateway from e-cigarettes into smoking – and the existing advertising rules reflect this.

The Advertising Codes specific to e-cigarettes were introduced after a period of increased e-cigarette advertising – however after that increase, the use of e-cigarettes by children or young people has remained rare.

The latest ONS data on e-cigarette usage in the UK has found that only 0.1% of e-cigarette users have never smoked a cigarette. The ONS also reports that over half of e-cigarette users said that their main reason for using e-cigarettes was to stop smoking, suggesting that advertising of the product neither targets or attracts non-smokers.

If there is evidence to suggest public health benefit from smokers switching to NVP products, responsible advertising – as ensured by the self-regulatory framework – has the potential to encourage that switch.

The aims of the Bill

The Bill would allow ministers to enact a full ban on domestic advertising of NVPs – and the explanatory note confirms that the Scottish Government believes a “comprehensive ban on all NVP domestic advertising and

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2 Use of electronic cigarettes (vapourisers) among adults in Great Britain


4 Adult Smoking Habits in Great Britain, 2013
http://www.ons.gov.uk/ons/dcp171778_386291.pdf
promotion is required” in order to reduce the visibility and attraction of NVPs to children and young people under 18, and non-smokers, and to prevent the take up of these products amongst those people.

We believe that the existing rules provide the appropriate level of protection for consumers across the UK.

The evidence suggests that such a ban would fail to have positive public health outcomes – and unfairly disadvantage Scottish advertising and creative businesses.

The Advertising Association