Health (Tobacco, Nicotine etc. and Care)(Scotland) Bill

Vaporized (CCHG Ltd)

Thank you for providing Vaporized with the opportunity to respond to the Health (Tobacco, Nicotine etc. and Care (Scotland) Bill.

With regards to this Bill, Vaporized would like to express their opinions on some of the proposed inclusions.

With reference to Chapter 1, Section 2 that discusses “sale of nicotine vapour products to persons under 18”, Vaporized backs the inclusion of this entire Section unreservedly. Vaporized currently operates an age policy in all of their stores and believes that this policy is best for both the company and for the consumer.

As NVP’s are almost exclusively used by consumers looking for an alternative method of nicotine delivery, which is regarded as an addictive substance, we only sell our products to adults. We believe that other electronic cigarette retailers who currently do not operate under this policy should in order to introduce universal compliance for the industry.

In addition, Vaporized also agrees with the inclusion in Sections 3, 4, 5, 6 and 7 as we feel that these are necessary in order to effectively introduce and monitor the age restriction scheme proposed in Section 2.

In regards to Chapter 1, Sections 8 through 12, referring to the “Register of tobacco and nicotine vapour product retailers”, we feel that this inclusion is acceptable. We do believe that stronger compliance and regulation is needed for the industry in order to be as safe and accessible as possible, and as such, being required to register as an electronic cigarette sales outlet is welcomed. This, hopefully, will have the effect of fewer ‘pop-up’ style outlets opening and selling items which would not be considered acceptable.

We would like to stress, however, that our agreement with Chapter 8 is dependent on the proposed name change of the register to include “nicotine vapour products”. As NVP’s are not a tobacco product, and the electronic cigarette industry is trying to distance itself from any tobacco product comparisons, we would not be comfortable as being listed as a retailer of tobacco products.

Chapter 2, Sections 17 through 19, are unfortunate additions to the Bill which Vaporized do not agree with. Specifically, the proposal to allow Ministers to prohibit advertising, including coupons and gift vouchers. While we agree, and comply with, current regulations implemented by organisations such as CAP, ASA and ECITA, the ability to completely prohibit forms of marketing would be detrimental to many electronic cigarette focused retail businesses around Scotland.

Scottish businesses which specialise in electronic cigarette retail are already facing tough competition from outlets and websites which focus on the sale of items sourced from outside the UK, or made at home. These are not self-regulated in the same way as many larger companies such as Vaporized are. We rely on being able to promote ourselves and distribute information, such as our membership to ECITA, to our customers so that they are able to make an informed decision on the safety and viability of our products.
By removing advertising and marketing options from ourselves, and from other large electronic cigarette businesses, this only serves to make price points and second hand information the main deciding factor for someone wanting to move away from traditional tobacco products. We feel that focusing on correct regulations, rather than removal, of marketing and advertising options would be a better focus of the Bill.

Overall, we feel that there are many good points proposed in the Bill, but we also believe that certain inclusions, such as the potential banning of marketing and advertising would only be detrimental to both the end user and legitimate retail business across Scotland.

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