Vaping advertising in the EU

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Advertisement of e-cigarettes is expected to come under increased scrutiny by policymakers in the much-awaited revision of the EU’s tobacco products framework.

Despite existing restrictions on advertisements or promotions for e-cigarettes, liquids or refill cartridges, youngsters still seem particularly exposed or targeted.

In this series of articles, EURACTIV looks into the recent developments related to the responsible marketing of vaping products.
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Ahead of the European Commission’s revision of the European tobacco framework, the vaping industry has set itself new rules to better regulate advertising around the e-cigarette and reduce the attractiveness of these products to minors.

In Europe’s Beating Cancer Plan, the Commission announced a revision of the 2014 Tobacco products directive which also includes provisions for restricting the advertising and promotion of electronic cigarettes and refill containers.

However, around four in ten (39%) respondents in a Eurobarometer published in February 2021 said they have seen advertisements or promotions for e-cigarettes, liquids or refill cartridges.

In particular, those aged 15 to 17 were more likely to be exposed to online promotion in social networks or blogs (60% compared to 33% of those aged 18-24), but less likely to mention sales points (19% compared with 40%).

In a recent interview, Italian MEP Alessandra Moretti told EURACTIV it has been “amply demonstrated” that new tobacco products can act as a gateway for a new generation of smokers, and that “the US Food and Drugs Administration has officially declared the dramatic spread of these devices among the young and very young to be an ‘epidemic’”.

Responsible marketing can prevent young people from vaping, says industry

By Clara Bauer-Babef | euractiv.com
“Unfortunately, they are the means of hooking the new generations into nicotine addiction, since the old cigarette is no longer attractive to young people,” she said adding that this worrying attractiveness for young people and non-smokers needs an update of both European and Italian legislation.

In its report on the application of the directive, the Commission underlined that the application of the advertising restriction “continues to be challenging, especially in information society services and on social media where young people are particularly exposed/targeted’.

Protecting minors from vaping was one of the priorities included in the latest version of a responsible marketing code for the electronic cigarette presented by the industry association Independent European Vape Alliance (IEVA) in October. The Code was established by IEVA and other national associations.

“Youth protection is the main objective of this code,” IEVA’s president, Dustin Dahlmann, explained in a webinar to present the code.

In other words, advertising should never be aimed at minors. “E-cigarette marketing is focused exclusively on adult smokers, no child or teenager should ever use an electronic cigarette,” Dahlmann stressed.

**Protecting youth**

While at the moment the number of minors smoking electronic cigarettes is quite low, in recent months, international studies have shown the rise of vaping among young people, webinar participants warned.

Dahlmann stressed a certain tendency to ‘talk’ in the media about electronic cigarettes without alerting to the fact that young teenagers smoke them, and that this is ‘problematic’.

Hence the responsibility of the industry. “As an industry, we must establish credible and credible signals to protect young people,” he added.

Likewise, another new principle introduced in the code prohibits manufacturers to design their products in a way that is appealing to minors – namely avoiding the use of comics or any visual representation that can attract minors.

**Not a ‘health product**

The Commission is also conducting an evaluation process of other related tobacco control policies across the EU, including the 2003 Tobacco advertising directive.

In Europe, each country is free to apply its own legislation on the subject. But the authors of the marketing code hope that it will serve as a model for governments to better regulate advertising around electronic cigarettes.

Another priority of the code is to further point out that, although less harmful than industrial cigarettes, vaping is not harmless or safe.

“It is important to mention that electronic cigarettes are not a health product,” Dahlmann reiterated.

For this reason, the signatories of the code of conduct commit to avoid any advertising for e-cigarettes that contains persons who represent health occupations or create the impression that the products would have a medical effect.

**China’s concern too**

Protecting young people from the temptation to start vaping is a concern not only for Europeans – representatives of the China Chamber of Electronic Commerce (ECCC) were also present at the webinar.

In China, new legislation on advertising around e-cigarettes has been in effect since the beginning of October. But ECCC representatives said they too want to better protect minors.

“Our focus will be on compliance and protecting the health of minors,” they said before thanking IEVA for “talking about the EU directives” and “teaching them how to be in compliance”.

The Chinese e-commerce chamber said it wants to be in compliance with the rules set in other countries. “When we conduct our operations around the world, we need to be compliant and follow the regulations of each country,” its representatives explained during the webinar.

Dahlmann also confirmed that the vaping industry is “extremely connected between Europe and China and it does not work when just the Europeans work on things without the help of our friends of China”.

One of the keys to this is for information to flow better between Europe and China on this issue. “We need to continue our effort to bring China and Europe closer together,” the ECCC said.

“From our point of view, it is important that we decide important decisions and the behaviour of the industry for the European market together in the future,” Dahlmann said.
 MEP: E-cigarette ads legislation should be set at national, not EU level

By Clara Bauer-Babef | euractiv.com

National legislation concerning the promotion of electronic cigarettes would be more effective than an EU-wide framework, Swedish conservative EU lawmaker Johan Nissinen told EURACTIV in an interview.

In recent years, electronic cigarettes and vaping devices have soared in popularity in Europe.

On the challenges of regulating the products’ consumption and marketing, Nissinen suggested that each member state should implement national legislation.

“I don’t want the EU to define a specific model that will work for all countries. Every country needs to focus on itself. Every country is different and has different kinds of problems with tobacco,” Nissinen told EURACTIV.

“Europe is too divided on that to have a regulation,” he added.

“The main focus should be
harm reduction. If they decide to put taxes, taxes should be after how bad the thing is. Cigarettes are going to have the highest tax, and [their use] is gonna go down," according to Nissinen.

According to a 2021 Eurobarometer study, 76% of European smokers that gave up smoking or have tried to quit did it without any assistance, 13% with nicotine substitutes and 11% via vaping.

Nissinen cautioned, however, against promoting e-cigarettes as a “healthy” choice, suggesting the Swedish legislation as a model.

“We have alternatives to tobacco that have been allowed for a long time. There is a lot of research that nicotine patches and snus are much healthier than the others,” he stressed.

Nicotine pouches sit between the lips and the gum, with high-profile figures such as Zlatan Ibrahimovic, Tammy Abraham, and Kylian Mbappé being seen to use the products on social media networks.

For prevention among children and teens, awareness of traditional cigarettes and new tobacco products would be essential in schools, according to Nissinen.

“We need to have the same laws on social media that in society in general, meaning they are not allowed to show, expose advertising vaping, smoking or other nicotine products,” the MEP said.

“A lot of young kids will try things just because they don’t know about them. So if they have the knowledge that it is dangerous, they can at least have the chance to make their own choice,” he concluded.

**EU tobacco directive**

The European Commission is expected to revise its 2014 Tobacco Products Directive before the end of the current legislative mandate which ends in 2024. This revision should take into account the increasing use of e-cigarettes and other new tobacco products and advertising.

“I’m expecting that the tobacco directive is going to put higher taxes on all the products and be much stricter,” Nissinen commented.

On June 29, 2022, the European Commission proposed a ban in the EU on flavoured versions of heated tobacco – though the regulation does not address electronic cigarettes and liquids.

“With nine out of 10 lung cancers caused by smoking, we want to make smoking as unattractive as possible to protect the health of our citizens and save lives,” EU Health Commissioner Stella Kyriakides said in a statement.

“To achieve this, it is essential to take stronger action to reduce tobacco consumption, [...] and to keep pace with the constant flow of new products coming onto the market – which is particularly important to protect young people,” she added.
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