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Regulatory Policy Team
Committee of Advertising Practice
Mid City Place,
71 High Holborn,
London WC1V 6QT

e-cigarettes@cap.org.uk

Dear sir/madam

E-cigarettes: health claims and public health advertisements

The Society of Chief Officers of Trading Standards in Scotland is the professional body representing the lead officers for trading standards services in Scottish local authorities, and I welcome the opportunity to respond to your consultation document on e-cigarette health claims and public health advertisements.

Please find our responses to the consultation questions below:

1. Do you agree with CAP and BCAP's proposal to remove the prohibition on health claims from unlicensed nicotine-containing e-cigarettes?

- a. No. Whilst the evidence suggests they may be safer than tobacco and smokers should improve their health outcomes by switching to vaping products, it is important to remember they are not risk free. It is a market which is evolving rapidly and the way product is used is also evolving. Removing the prohibition on health claims could be used as a risk assessment tool by non-vapers and non-smokers as to the safety of the product. We have a duty to protect young people from taking up vaping and smoking in the first place and this type of endorsement of the product could affect their decision to start vaping. We believe there are still risks from vaping products, and still a risk that they may introduce children to tobacco.

2. Do you agree with CAP and BCAP's proposed changes to the wording of the rules, as set out above?

- a. Yes, we are against the proposal, however if agreed then the wording is acceptable.

3. Do you agree with CAP's proposal to add qualifying text to the introductory text of the e-cigarette section of its Code as set out above?

- a. Yes, we agree that it is more appropriate for responsible public health messages to be allowed in the manner set out in the consultation, particularly where the publisher is independent of tobacco and vaping companies. However, we would be concerned that vaping companies could subsequently use this to their advantage, to get around other restrictions.

4. Do you agree with the wording proposed?

- a. Yes.

5. Do you have any other information or evidence that you think might be relevant to CAP's consideration of its regulation of public health advertisements which refer to e-cigarettes?

- a. No, SCOTSS' members are engaged in the regulation of the market for nicotine vaping products in Scotland, however we have no evidence relevant to this matter, other than what is publicly available.

I hope this is helpful, and if you wish to discuss further in relation to these or any other matters, please do not hesitate to contact me. Please feel free to publish our response if appropriate.

Yours faithfully

Peter Adamson
Chairman SCOTSS

The Society of Chief Officers of Trading Standards in Scotland, SCOTSS, is the professional body representing the lead officers for Scottish local authority trading standards services.