

# **JLI submission to UK Government consultation on Creating a smokefree generation and tackling youth vaping**

*This document sets out Juul Labs' response to the UK Government's consultation on 'creating a smokefree generation and tackling youth vaping'. The response format does not allow for links or footnotes, nor any attachments.*

## **Section 1: Restricting vape flavours**

### **Options for how we can restrict vape flavours**

- Option 1: limiting how the vape is described.
- Option 2: limiting the ingredients in vapes.
- Option 3: limiting the characterising flavours (the taste and smell) of vapes.

### **Options for which flavours vapes should be limited to**

- Option A: flavours limited to tobacco only
- Option B: flavours limited to tobacco, mint and menthol only
- Option C: flavours limited to tobacco, mint, menthol and fruits only

**Question: Do you agree or disagree that the UK Government and devolved administrations should restrict vape flavours?**

- **Agree**
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

**We agree that the Government should take action to restrict vape flavours. In particular, action is needed to limit the appeal of vape flavours to those underage. This should focus on tackling irresponsible naming and description practices while ensuring that adult smokers continue to have access to flavoured products that can help them stop smoking.**

The consultation rightly highlights evidence that suggests that the popularity of vapes - particularly disposables - amongst young people has been fueled by irresponsible flavour-naming and descriptions. Flavours which are named to appeal directly to young people, such as 'cotton candy' and 'bubblegum', encourage young people to experiment with vaping and have no credible role to play in tobacco harm reduction. It is unacceptable that children are frequently and heavily exposed to disposable vapes named after well-known sweet brands such as Skittles and Chupa Chups, often sold in shops alongside similar-looking sweets.

However, there is strong evidence, including the research by London South Bank University referenced in the consultation, that flavoured vapes play an important role in helping adult

smokers, who would not otherwise stop smoking, transition away from combustible cigarettes. Harm reduction relies on alternatives to cigarettes being sufficiently appealing to adults who smoke.

As it decides on the best course of action, the Government should carefully consider the different proposals in the round. It is vital that any restrictions implemented on flavours are proportionate and do not inadvertently hinder the Government's Smokefree 2030 ambition. The Government's approach needs to be carefully balanced to ensure vape flavours continue to be appropriately available and accessible to adults who want to stop smoking.

**Question: Which option or options do you think would be the most effective way for the UK Government and devolved administrations to implement restrictions on flavours? (You may select more than one answer)**

- **Option 1: limiting how the vape is described**
- Option 2: limiting the ingredients in vapes
- Option 3: limiting the characterising flavours (the taste and smell) of vapes
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Government must balance the need to prevent uptake by underage and non-smokers with ensuring adult smokers have access to less harmful alternatives. Given this trade-off, **we believe the Government should act to limit how vapes are described, but avoid placing complex and potentially counterproductive restrictions on ingredients or characterising flavours.**

Limiting how vapes can be described would be an effective and easily implementable measure to limit youth use. Research has shown that certain flavour names and descriptions - including but not limited to sweet-sounding flavours - appeal to young people. Disposable products, in particular, often offer flavours that appear to be designed specifically to appeal to children and young people, e.g., Gummy Bear. This type of irresponsible marketing practice is unacceptable and must be prevented.

By contrast, attempting to limit flavour formulas themselves - either by limiting ingredients in vapes or characteristic flavours - is considerably more complex and comes with a significant risk of unintended consequences. When considering action in this area, the Government should consider the strong evidence that adult smokers who consume flavoured vapes are more likely to subsequently fully transition off cigarettes and are less likely to relapse than those consuming non-flavoured products and that banning flavours in vaping products can increase the use of combustible cigarettes.

Practically, international attempts to restrict specific ingredients have been very slow to deliver and ultimately have hindered responsible manufacturers' ability to create products that meet

product performance and safety standards, with knock-on implications for harm reduction. It is also not clear how ingredient restrictions would be enforced in the UK - given that the MHRA does not test products and noting recent investigations that found harmful and illegal levels of metals like lead and chromium in vapes already being used by schoolchildren.

**Question: Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict vape flavours to children and young people?**

- Option A: flavours limited to tobacco only
- Option B: flavours limited to tobacco, mint and menthol only
- **Option C: flavours limited to tobacco, mint, menthol and fruits only**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words):

We agree that action to limit the appeal of vape flavours to those underage is needed. As set out in our response to the previous question, the first step should be to restrict flavour naming, in tandem with implementing measures to prohibit child-friendly packaging and ensure a focus on harm reduction. The government could also explore enhancing access controls at retail and at the device level should further action be necessary to reduce youth vaping while still maintaining the harm reduction opportunity the flavoured vapes provide for adult smokers.

Beyond that, the Government may wish to reserve powers to further restrict the range of vape flavours available in the marketplace should those measures prove insufficient. However, it is important that any flavour restrictions are proportionate and grounded in available evidence to preserve the harm reduction opportunity which vaping products provide. For example, data show that underage use of vapes is concentrated among flavoured products – i.e., flavours other than tobacco, mint, or menthol. At the same time, data also indicate that fruit flavours can support adult smokers switching away from cigarettes at levels incremental to tobacco, mint, and menthol alone.

Ultimately, we defer to the Government on the appropriate approach after it carefully considers the available evidence. Should the Government continue to allow the sale of fruit-flavoured vaping products, we believe that certain fruit flavour names should be permitted. Smokers must be easily able to identify sufficiently appealing alternatives to cigarettes. But fruit-flavoured vapes must be named in a way that is suitable for adult smokers and that does not target those underage.

**Question: Do you think there are any alternative flavour options the UK Government and devolved administrations should consider?**

- Yes

- **No**
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words):

The Government's approach should be laser-focused on interventions that can be quickly delivered to address vapes' appeal to young people, whilst avoiding disproportionate measures that could undermine the role which vaping products can play in helping the Government achieve its Smokefree 2030 ambition. Limiting how vapes can be named and described would meet this ambition, and, combined with action to restrict irresponsible packaging and retail practices, will help to drive down youth vaping rates.

**Question: Do you think non-nicotine e-liquid, for example shortfills, should also be included in restrictions on vape flavours?**

- **Yes**
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

**There is some evidence that non-nicotine vapes have a role to play in helping adult smokers stop smoking. The Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT) has suggested that non-nicotine vapes can "play a role in smoking cessation, given the multi-faceted nature of conventional cigarette dependence". However, any vapes, including those that don't contain nicotine, carry potential risks, including as a gateway to nicotine vape use by children. Vaping products (both with and without nicotine) should only be used by adult smokers to help them stop smoking.**

The Government is, therefore, right to act to prevent potential health harms from non-nicotine vapes. A consistent regulatory framework across all vaping products is essential to minimise any loopholes that could be exploited by irresponsible businesses. This includes preventing manufacturers from continuing to target non-nicotine vapes at young people. Unrestricted non-nicotine vapes that use flavour names and descriptions designed to appeal to children could be used to attract underage users who may go on to use nicotine vapes. Bringing non-nicotine vapes into the proposed restrictions limiting how vapes are described would adequately mitigate this risk.

## **Section 2: Regulating point of sale displays**

**Question: Which option do you think would be the most effective way to restrict vapes to children and young people?**

- Option 1: vapes must be kept behind the counter and cannot be on display, like tobacco products
- **Option 2: vapes must be kept behind the counter but can be on display**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Government is right to consider measures to limit the visibility of vapes to those underage. It is unacceptable that vapes are displayed in the windows of so-called 'candy stores' on high streets, or sold next to sweets with similar-sounding names.

However, requiring retailers to treat vapes like tobacco, stored out of sight of the consumer, risks unduly inhibiting smokers from accessing less harmful alternatives and exacerbating damaging trends in misperceptions of the relative harm of tobacco and vapes. We agree with the Government's position that it does not want to "inhibit those who currently smoke from accessing vapes as a quit aid" and that vapes "must remain visible enough".

Mandating that vapes must be kept behind the counter, but permitting them to be displayed, is the right approach, but must be part of a package of measures to reduce youth access to vapes in retail settings, including:

- **Mandatory requirements to check identification** for physical retailers when someone appears to be below a certain age; e.g., Challenge 25 to request proof of age of people attempting to buy vapes who look under 25.
  - **This could be supported with technological solutions**, such as automatic electronic ID scanning at physical retailers to verify the purchaser's age and ID validity, which have been shown to reduce transactions of vapes.
- **Mandatory retailer registration** for vaping retailers (as exists in Scotland).
- **Mandatory age verification for online retailers**, including a requirement for upfront age and identity verification before a sale is made, e.g., mandatory scanning of a photo ID and a 'selfie' to confirm identity, which is validated by a third party; or age verification by matching personal information against publicly available records to confirm the purchaser's age.

These measures should be considered for inclusion in the Tobacco and Vapes Bill.

**Question: Do you think exemptions should be made for specialist vape shops?**

- **Yes**
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Specialist vape shops have a role to play in helping adult smokers switch to less harmful products. Vape shops should have strict entrance requirements and age restrictions in place to ensure no one underage can enter. Staff should also be trained to advise adult smokers on the most suitable alternative to cigarettes.

These arguments are supported by research from the University of East Anglia and Public Health England. The National Centre for Smoking Cessation and Training, in conjunction with the Office for Health Improvement and Disparities, has identified vape shops as “key partners for support and additional information” in an April 2023 update on incorporating nicotine vaping products into Stop Smoking Services.

Given this, we believe extending display restrictions to specialist vape shops would have a detrimental impact on harm reduction objectives, with no appreciable benefits to wider policy objectives to prevent youth use. It would also appear highly contradictory and disproportionate in light of existing display exemptions for specialist tobacco shops.

As it considers how best to implement this exemption, it is vital that the Government ensures the qualifying criteria are sufficiently tightly defined and enforced to prevent unscrupulous retailers from incorrectly claiming to be specialist vape shops in order to circumvent display restrictions. These criteria must include mandatory age checks on people who enter and a vape retailer register, as exists in New Zealand. Other criteria could include that a minimum percentage of store revenue must come from the sale of vapes, restrictions on what other products a specialist vape store can sell (e.g., sweets and soft drinks), and restrictions on locations, including that they cannot be within a specified distance of schools. For the avoidance of doubt, so-called candy stores that sell vapes alongside sweets must not be able to qualify as specialist vape shops.

**Question: If you disagree with regulating point of sale displays, what alternative measures do you think the UK Government and devolved administrations should consider?**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words): **N/A**

### **Section 3: Regulating vape packaging and product presentation**

**Question: Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict the way vapes can be packaged and presented to reduce youth vaping?**

- **Option 1: prohibiting the use of cartoons, characters, animals, inanimate objects, and other child-friendly imagery, on both the vape packaging and vape device. This would still allow for colouring and tailored brand design**
- Option 2: prohibiting the use of all imagery and colouring on both the vape packaging and vape device but still allow branding such as logos and names
- Option 3: prohibiting the use of all imagery and colouring and branding (standardised packaging) for both the vape packaging and vape device

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Government rightly highlights the role that child-friendly imagery on products and packaging has played in the increase in youth vaping rates. **These marketing practices, designed to appeal to those underage, are highly irresponsible, and we firmly support the Government's intention to ban them.**

However, restrictions on packaging and product presentation must be proportionate and sufficiently differentiate between vaping and tobacco products. Harm reduction relies on alternatives to cigarettes being sufficiently appealing to adults who smoke. **Introducing standardised packaging requirements identical to those that apply to cigarettes would be highly disproportionate, given the risk that removing the visual differential between vaping products and cigarette packs worsens existing misperceptions over the relative harms of each product.**

A recent study has shown that while there was some evidence that plain packaging on vapes reduced appeal to young people, there was also a strong association between plain packaging and greater misperceptions that using e-liquids was equally or more harmful than smoking. This is particularly concerning given ASH's headline point on adult vaping in 2023 states that "perceptions [around the relative harm of tobacco and vapes] are more inaccurate than at any point in the history of the surveys". Any measures that appear to equalise the harm of tobacco and vapes risk further increasing misperceptions and making achieving Smokefree 2030 more challenging.

This risk would be partly, not fully, mitigated by allowing branding such as logos and names. On balance, we believe that the Government's initial focus should be on banning child-friendly imagery, but it should reserve the option to strengthen restrictions on colours and other imagery in the future if initial measures do not prove effective. This approach strikes the right balance of proportionate reform that protects adult smokers' access to less harmful alternatives.

**Question: If you disagree with regulating vape packaging, what alternative measures do you think the UK Government and devolved administrations should consider?**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words) - **N/A**

#### **Section 4: Restricting the supply and sale of disposable vaping products**

**Question: Do you agree or disagree that there should be restrictions on the sale and supply of disposable vapes? That is, those that are not rechargeable, not refillable or that are neither rechargeable nor refillable.**

- **Agree**
- Disagree
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words):

As the Prime Minister has correctly identified, the important role that vapes can play in tobacco harm reduction for adult smokers is undermined by the growing challenge of illicit and underage disposable vape use and the negative environmental impact of disposable products. We agree that these problems must be addressed urgently.

The growth in popularity of disposable vapes amongst young people has been fuelled by irresponsible marketing and branding practices - particularly packaging and flavour-naming designed to appeal to children - as well as irresponsible social media content, ineffective barriers to underage purchases at physical retail stores and online, and the low price point of disposables. The Government is right to consult on how best to address many of these issues as part of its plans for 'Stopping the Start', and we support its commitment to action.

The growing popularity of disposable vapes also comes with potentially significant environmental impacts. There is limited awareness among consumers of the need to recycle vapes and a lack of standardised retail take-back schemes. Reviewing the Waste Electricals and Electronic Equipment (WEEE) regulations is an important moment to consider what changes are needed to ensure the vaping sector plays its part in properly financing the cost of collection and treatment of their products when they become waste.

There are no 'silver bullets' - a holistic approach of regulatory and fiscal measures intended to discourage youth uptake and prevent environmental harm is critical. The UK has a unique opportunity to update legislation originally set by the EU and lead the way in responsible and evidence-based vaping regulation. Tackling the underlying factors that have driven youth interest in disposable vapes is paramount, forming a package of reform which ensures the industry matures and the UK vaping sector as a whole is more tightly regulated.

**Question: Do you agree or disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply?**

- Agree



- Disagree
- **Don't know**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words):

We fully agree with the Government's desire to act to address the growing popularity of disposable vapes among children and non-smokers, as well as their environmental impact. A ban on the sale of disposable vapes should not be a substitute for broader reforms; but instead just one potential element of a wider package of regulatory reform, with the worthy goal of creating a more responsible UK vaping sector. It is vital that the Government acts now to develop this wider package of reforms as we set out in the previous question.

A ban may seem like a straightforward tool for quickly addressing the issues created by disposable vapes in the near term. However, the Government must consider the potential for unintended consequences in the medium term, such as reducing the variety of products available to adult smokers. In addition, without wider reforms, irresponsible manufacturers are highly likely to innovate around a disposable ban - particularly as the MHRA's notification process is currently light-touch and involves minimal pre-market and in-market scrutiny.

There are already signs that some major disposable manufacturers with a poor track record on responsibility and legal compliance are attempting to circumvent a potential disposable ban by altering products popular with underage users to make them rechargeable and refillable, without addressing other key factors in their appeal to young people, such as packaging and flavour-naming.

Regardless of whether the Government chooses to implement a disposable vape ban, a comprehensive package of reform is urgently needed to encourage manufacturers to act responsibly and drive Britain towards a smokefree future. This package of measures should include restrictions on irresponsible marketing, packaging and flavour naming, stronger enforcement measures, and consider the case for fiscal interventions as well as tightening the MHRA's product notification process.

**Question: Are there any other types of product or descriptions of products that you think should be included in these restrictions?**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words):

We believe the Government's definition of disposable vaping products - those which "are not rechargeable, not refillable or that are neither rechargeable nor refillable" - is correct and a sound basis for implementing any targeted restrictions it may decide to pursue.

As the Government's call for evidence confirmed, the use of these single-use products - as compared to pod-based or refillable tank systems, which can be re-used - has increased substantially in recent years, particularly among young people, and is likely to be one of the factors driving growing youth use. This increase in use has led to over 5 million disposable vapes being thrown away each week, causing potentially significant environmental harm given the limited awareness among consumers of the need to recycle disposable vapes and a lack of standardised retail take-back schemes.

**Question: Do you agree or disagree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced?**

- Agree
- Disagree
- **Don't know**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words):

The rising rates of underage vaping and the growing prevalence of low-quality and illicit products are undermining the important role that vapes can play in supporting adults to stop smoking. These issues need to be addressed urgently.

While implementation needs to be carefully planned to limit unintended consequences, we would urge the Government to be guided principally by the need to act in a timely manner that prevents more young people and non-smokers from taking up vaping. This point stands both for the implementation of any restrictions on disposable vapes but also for the wider package of regulatory reforms which the Government is proposing to implement through the Tobacco and Vapes Bill.

**Question: Are there other measures that would be required, alongside restrictions on supply and sale of disposable vapes, to ensure the policy is effective in improving environmental outcomes?**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words) -

The rapidly increasing use of disposable vapes is having potentially significant environmental impacts. Recent research from Material Focus suggests that over 5 million disposable vapes are being thrown away each week - almost four times the number the same research found in 2022. Separate investigations by Material Focus/the Financial Times, and Sky News have found that some vape manufacturers are not compliant with basic regulations. A comprehensive package of responsible industry and regulatory reform supported by tougher enforcement measures is needed to guide the vaping market towards a more responsible outlook on environmental issues as well as on public health grounds.

Industry has a key role to play and must do more. Juul Labs has created a take-back programme for our JUUL pods and JUUL2 pods at the end of their usable life and we are rolling out a new recycling programme with TerraCycle(r) in the UK. However, positive action is far from industry-wide, and policymakers must consider taking action to force irresponsible actors to change.

There are a range of potential tools available to policymakers. First, the Government must enforce existing regulations, including the WEEE scheme, and crack down on non-compliance. Second, it should expedite the publication of the results of the reviews into the WEEE scheme and batteries regulations and consult on new measures as soon as possible. Third, lessons can also be learned from successful approaches in other FMCG product categories. For example, mandating that packaging includes information about recycling or promotion of take-back schemes, such as those seen in the cosmetics industry.

Finally, industry and government should also work together to develop initiatives to raise awareness among consumers of the need to dispose of vapes responsibly and mandate retailers to have effective take-back schemes.

#### **Section 5: Non-nicotine vapes and other nicotine consumer products**

**Question: Do you have any evidence that the UK Government and devolved administrations should consider related to the harms or use of non-nicotine vapes?**

- Yes
- **No**
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words) **N/A**

**Question: Do you think the UK Government and devolved administrations should regulate non-nicotine vapes under a similar regulatory framework as nicotine vapes?**

- **Yes**
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

As we have outlined previously, there is some evidence that non-nicotine vapes can play a role in helping adult smokers stop smoking. However, any vapes, including those that do not contain nicotine, carry potential risks including as a gateway to nicotine vape use by children, and should only be used by adult smokers to help them stop smoking.

The Government is, therefore, right to act to prevent potential health harms from non-nicotine vapes. A consistent regulatory framework across all vaping products is essential to minimise any loopholes that could be exploited by irresponsible businesses and protect consumers. This includes preventing manufacturers from continuing to target non-nicotine vapes at young people.

A recent investigation by LBC has found that some manufacturers are already advertising and selling vapes as non-nicotine products when they, in fact, do contain nicotine. While a tougher enforcement environment as well as pre-market product testing by the MHRA are both required to eradicate this kind of illegal behaviour, ensuring non-nicotine vapes fall under a similar regulatory framework to nicotine vapes would partly reduce the incentive for irresponsible manufacturers to mislabel their products.

**Question: Do you have any evidence that the UK Government and devolved administrations should consider on the harms or use of other consumer nicotine products such as nicotine pouches?**

- Yes
- **No**
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words): N/A

**Question: Do you think the UK Government and devolved administrations should regulate other consumer nicotine products such as nicotine pouches under a similar regulatory framework as nicotine vapes?**

- **Yes**
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Nicotine is addictive, and all nicotine-containing products should be age-restricted and regulated as such to limit their uptake by underage users.

## **Section 6: Affordability**

**Question: Do you think that an increase in the price of vapes would reduce the number of young people who vape?**

- **Yes**
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words):

An increase in the price of vapes via a tax could reduce youth vaping. Research indicates that demand for vapes is responsive to changes in price. Increasing the price of vapes could particularly discourage those underage - with less disposable income - from consumption while having a relatively smaller effect on adult smokers who have higher disposable incomes and could still make significant savings from switching.

The choice of tax instrument is important. To maximise overall benefits, the Government could consider a two-pronged approach: a levy placed on devices combined with an excise duty per millilitre of e-liquid. The levy would have a proportionately greater impact on disposables, in turn focusing more on underage users. It would also encourage adult smokers to switch to more environmentally-friendly refillable and rechargeable systems. The excise duty could increase compliance with product standards as HMRC is brought into the enforcement landscape. Given the policy objectives, a proportionately larger levy would target cheap products likely to appeal to children, while a lower-level excise duty, recognising the harm reduction potential of vapes relative to smoking, and in line with international comparators, would still realise enforcement benefits.

Taxation would also create Exchequer revenue to support environmental protection schemes and fund health prevention measures. This may be particularly relevant given the rising age of sale policy will result in a gradual reduction in tobacco excise receipts.

Care must be taken to carefully calibrate the price difference between combustible products and vapes, reflecting their relative harms and ensuring that adult smokers are not disincentivised from switching. 'Zero-rating' medicinal vapes from any levy or excise duty would also ensure that this pathway is as affordable and differentiated from cigarettes as possible for those who want to switch.

Price interventions are not straightforward. Any measures must be assessed carefully through consultation.

## **Section 7: Enforcement**

**Question: Do you think that fixed penalty notices should be issued for breaches of age of sale legislation for tobacco products and vapes? Powers to issue fixed penalty notices would provide an alternative means for local authorities to enforce age of sale legislation for tobacco products and vapes in addition to existing penalties.**

- **Yes**
- No
- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

We agree. Trading Standards should be empowered to undertake more robust and immediate enforcement of legal requirements and impose harsher penalties for non-compliance, both at the store and consumer levels. Tougher penalties should also be introduced for members of the public who abuse staff when asked for ID.

To tackle proxy purchasing, adults should be fined for buying, or attempting to buy, tobacco products or nicotine-inhaling products on behalf of anyone under 18. This is currently in place in Northern Ireland, where a person can be issued a fixed penalty notice of £250 or a maximum fine of £5,000 if prosecuted and convicted by a court.

Retailers should also be fined for selling non-compliant products. Recent investigations have found growing numbers of low-quality products that do not reflect best practice and illegal products that do not comply with existing product regulations on nicotine limits, tank sizes and ingredients. It is vital that more is done to prevent non-compliant products from being on the UK market.

Moves to strengthen in-market enforcement, such as increased funding for Trading Standards, are welcome but will not solve the issue alone. The MHRA must strengthen its scrutiny of products before they enter the market, requiring a shift from a purely notification regime, towards one with a stronger review of products before they enter the market. This should include:

- **Enhanced guidance** to clearly set out what information manufacturers should submit with notifications.
- **Greater scrutiny of data** submitted in notifications through scientific assessments of the material and data provided **and audits on product samples**.
- **Examination of the proposed packaging and naming** of submitted products to prevent underage appeal.
- **Close scrutiny of updates** to existing notifications to ensure that substantial modifications are properly recorded.

This should be industry-funded by substantially increasing the product notification fee.

**Question: What level of fixed penalty notice should be given for an underage tobacco sale?**

- £100
- £200
- **Other**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words) **N/A**

**Question: What level of fixed penalty notice should be given for an underage vape sale?**

- £100
- £200
- **Other**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The fixed penalty notice must be set at a high enough level to ensure compliance. Given the scale of the issue of underage vape sales, and the need to create a credible deterrent, at a bare minimum, this should match the existing £250 fixed penalty notice level applicable in Northern Ireland to individuals who purchase tobacco or vapes on behalf of a person under the age of 18.