

# Non-Smokers' Rights Association/Smoking and Health Action Foundation

## *Position Statement on Electronic Cigarettes*

Revised October 2014

### Background

Electronic cigarettes (e-cigarettes) are designed to deliver nicotine and mimic the sensory experience of smoking. A typical e-cigarette consists of a battery, an atomizer that heats the liquid and turns it into a vapour, and a cartridge that contains flavouring and (usually) nicotine in a base of propylene glycol or vegetable glycerin and water. Some models closely resemble a tobacco cigarette; newer devices are metal cylinders that look more like large pens, with larger and more powerful batteries and a tank that holds e-liquid.

The sale of e-cigarettes with nicotine is essentially banned in Canada, although the ban is not being actively enforced. Furthermore, e-cigarettes and related paraphernalia, ostensibly without nicotine, are being marketed and sold with virtually no restrictions, and sales have skyrocketed in the past three years. There is tremendous public confusion over the legal status of these products, and federal and provincial/territorial tobacco control legislation is being undermined by the promotion of e-cigarettes and their use where smoking is banned. The status quo is clearly not acceptable—regulations covering the promotion, sale, and use of e-cigarettes, both with and without nicotine, are urgently needed.

Most studies to date on e-cigarettes involve very small sample sizes and the study designs lack scientific rigour. While awaiting the results of further research, including several clinical trials now underway, a few conclusions can be drawn:

- E-cigarettes are almost certainly much safer than tobacco cigarettes, and to date there has been little real-world evidence of harm from e-cigarettes.
- E-cigarettes have tremendous potential to help smokers reduce their cigarette consumption and to quit smoking altogether.
- Although propylene glycol is generally considered safe for oral consumption, the long-term health impacts of inhaling it into the lungs many times a day over months or years are not known and will not be known for some time.
- The health risks of second-hand vapour need to be more thoroughly researched. The limited number of studies that have been done to date show that the vapour contains some of the toxic chemicals in second-hand tobacco smoke but at much lower levels.
- E-cigarettes pose risks to public health if they undermine tobacco control in one or more ways:
  - if e-cigarettes become a gateway to nicotine addiction or cigarette smoking by youth and young adults;
  - if e-cigarettes re-normalize smoking;
  - if smokers use e-cigarettes when they can't smoke (dual use) and this dual use undermines quitting; or
  - if former smokers begin using e-cigarettes rather than maintaining complete abstinence.

### Recommendations

1. Given the limited effectiveness of smoking cessation aids and the potential of e-cigarettes to help smokers reduce their health risks, the sale of e-cigarettes with nicotine should be regulated but not banned.
2. Health Canada and provincial/territorial governments should finance ongoing research—on a priority basis—to determine who in Canada is using e-cigarettes, for what reasons, and under what circumstances.

3. E-cigarette devices and parts should be required to meet the same minimum manufacturing standards as other products under Canadian consumer protection law. This provision should be actively enforced.
4. Health Canada should establish and actively enforce consumer safety standards for e-cigarette cartridges and e-liquid, including ensuring manufacturing consistency and regulating the maximum quantity/dosage of nicotine they may contain.
5. E-liquid should be sold only in child-proof bottles, given that the ingestion of a small quantity of nicotine can be toxic, especially to children.
6. The packaging of e-liquid, cartridges, and disposable e-cigarettes should include a list of all ingredients, as well as stipulating the strength of nicotine.
7. All e-cigarettes—both with and without nicotine—should be subject to the same legal framework. This would reduce public confusion, lessen the incentive for deception, and greatly simplify enforcement.
8. The risks of e-cigarettes undermining progress in reducing tobacco use should be minimized to the extent possible. This can be achieved by ensuring that e-cigarettes are subject to similar regulatory controls as tobacco products:
  - The sale of e-cigarettes to minors should be banned (federal and provincial tobacco control legislation).
  - Flavours that overtly target children, such as confectionary flavours like bubble gum and sweet tart, should be banned (provincial and federal).
  - The retail display of e-cigarettes should be banned (provincial).
  - The promotion of e-cigarettes should be restricted (federal):
    - No advertising that “evokes” a tobacco product;
    - No lifestyle advertising;
    - No celebrity endorsements;
    - No use of cartoon figures;
    - No sponsorships;
    - No cross-branding with a tobacco product;
    - No free give-aways;
  - The use of e-cigarettes in indoor public places and workplaces where smoking is prohibited should be banned (primarily provincial).
  - The use of e-cigarettes on school grounds should be banned (provincial).
9. Health claims about e-cigarettes, including their effectiveness in helping smokers quit, and false and misleading claims should continue to be illegal—and Health Canada should actively enforce this provision—until there is adequate scientific evidence to support such claims.
10. The provisions governing the manufacture, marketing, sale, and use of e-cigarettes should be revisited within a maximum of five years and sooner if significant new research becomes available.
  - If new research determines, for example, that e-cigarettes are much safer than tobacco cigarettes and that there is no substantial risk of youth uptake, then a less restrictive regulatory framework than the one governing tobacco products should be implemented.