

E-cigarettes Consultation
Regulatory Policy Team
Committee of Advertising Practice
Mid City Place
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London
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28 April 2014

Response to CAP/BCAP Consultation: Marketing of E-Cigarettes

The IPA

The IPA is the professional body for advertising and marketing communications agencies based in the United Kingdom.

As a not-for-profit membership body, the IPA's role is two-fold: (i) to provide essential core support services to its corporate members who are key players in the industry; and (ii) to act as the industry spokesman.

The IPA is an active supporter of Government initiatives to promote the UK's creative industries and works in close collaboration with other advertising-related industry trade bodies in the UK.

The IPA is a member of CAP and BCAP.

Response to the Consultation questions

Rule 1: Marketing communications/advertisements for e-cigarettes must be socially responsible.

Q1: *Do you agree with the inclusion and wording of this rule?*

A1: Yes.

Q2: *What specific advertising approaches, if any, that are not covered by the following rules do you consider might be identified as problematic within the wording of the rule?*

A2: N/A

President
Ian Priest

Hon. Secretary

Tom Knox

Hon. Treasurer

Maggie Frost

Director General

Paul Bainsfair

Secretary

Tom Mott

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Rule 2: Marketing communications/advertisements must contain nothing which promotes the use of a tobacco product or shows the use of a tobacco product in a positive light. This rule is not intended to prevent cigarette-like products being shown.

Q3: *Do you agree with the inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.*

A3: Yes we agree with the inclusion and wording of this rule. The rule needs to strike a balance between the right for advertisers to show their products on the one hand and the need to prevent the promotion of tobacco products on the other.

Q4: *Do you have any comments or evidence which can help to inform CAP and BCAP's goal of preventing the indirect promotion of tobacco products while still permitting e-cigarettes to be advertised?*

A4: No.

Rule 3: Marketing communications/advertisements must not contain health or medicinal claims [unless the product is licensed for those purposes by the MHRA]. E-cigarettes may however be presented as an alternative to tobacco.

Q5: *Do you agree with the proposal to prohibit health claims for e-cigarettes? If not, please explain why and provide any suggestions you may have for improvement.*

A5: The right to make health claims should be available provided the advertiser has sufficient evidence to do so.

Q6: *Do you agree with the proposed definition of health claims for the purposes of this rule? If not, please explain why and provide any suggestions you may have for improvement.*

A6: Yes.

Q7: *Do you agree with the proposal to prohibit medicinal claims? If not, please explain why and provide any suggestions you may have for improvement.*

A7: Yes.

Rule 4: Marketing communications/advertisements must make clear that the product is an e- cigarette.

Q8: *Do you agree with the inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.*

A8: Yes.

Rule 5: Marketing communications/advertisements must state clearly if the product contains nicotine [or if it does not]. They may include factual information about other product ingredients.

Q9: *Do you agree with the inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.*

A9: Yes. Whether or not a product contains nicotine is material information which ought to be made clear to the consumer.

Rule 6: Marketing communications/advertisements must not encourage non-smokers or non-nicotine-users to use e-cigarettes.

Q 10: *Do you agree with the inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.*

A10: Yes, we agree with the inclusion of this rule, though we would suggest that the wording be amended to "...must not seek to encourage..." (or similar). An advertiser should not be held in breach of the rule if a marketing communication/advertisement inadvertently encourages a non-smoker/non-nicotine-user to use e-cigarettes.

Q11: *Do you consider that this rule is proportionate? If you consider that advertising of e-cigarettes expressly to non-users of nicotine is acceptable or if you would prefer a rule which required all marketing to be explicitly addressed only to existing nicotine users please provide your comments and any evidence.*

A11: Yes, bearing in mind our comments on Q10, we believe the rule to be proportionate.

Rule 7: Marketing communications/advertisements must not link e-cigarettes with gambling, alcohol or illicit drugs.

Q12: *Do you agree with the proposal to prohibit linking e-cigarettes with illicit drugs? If not, please explain why and provide any suggestions you may have for improvement.*

A12: Yes.

Q13: *Do you consider that alcohol should be included in this rule? Please explain why and provide any evidence you consider relevant.*

A13: We agree with CAP/BCAP's point that responsible advertising executions for e-cigarettes featuring alcohol or gambling ought not to be prohibited.

Q14: *Do you consider that gambling should be included in this rule? Please explain why and provide any evidence you consider relevant.*

A14: Please see A13.

Rule 8: Marketing communications/advertisements must not link e-cigarettes with activities or locations in which using them would be unsafe or unwise; such as driving.

Q15: *Do you agree with the inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.*

A15: We do not object to this rule in principle but it does seem unnecessary considering, for example, the social responsibility rules in both codes (CAP Code rule 1.3 and BCAP Code rule 1.2).

Q16: *Are there any other situations, other than driving, in which you consider that e-cigarette use is so demonstrably harmful that their depiction in advertising should be prohibited?*

A16: No.

Rule 9: Marketing communications/advertisements must not be likely to appeal particularly to people under 18, especially by reflecting or being associated with youth culture. They should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18. People shown using e-cigarettes or playing a significant role should not be shown behaving in an adolescent or juvenile manner.

Q17: *Do you agree with the inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.*

A17: Yes.

Rule 10: People shown using e-cigarettes or playing a significant role must neither be, nor seem to be, under 25. People under 25 may be shown in an incidental role but must be obviously not using e-cigarettes.

Q18: *Do you agree with the inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.*

A18: Yes.

Rule 11: Marketing communications/advertisements must state that products are not suitable for under 18s.

Q19: *Do you consider that a rule is necessary which requires that ads state that products are not suitable for under-18s? Please provide any evidence which may you (sic) consider may assist CAP and BCAP's consideration of this rule.*

A19: For the reasons given by CAP/BCAP, we would be concerned about the introduction of a rule requiring unnecessary, mandatory wording in marketing communications/advertisements. The effect of such warnings is questionable and the remaining rules should ensure that advertisements are neither attractive to, nor aimed at, children.

Rule 12: Marketing communications must not be directed at people under 18 through the selection of media or the context in which they appear. No medium should be used to advertise e-cigarettes if more than 25% of its audience is under 18 years of age.

Q20: *Do you agree with the inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.*

A20: Yes.

Rule 13: [Addition of e-cigarettes to scheduling restrictions in section 32.2 BCAP Code]

Q21: *Do you agree with e-cigarettes being included in this list of scheduling restrictions?*

A21: Yes.

Rule 14: Radio Central Copy Clearance – Radio broadcasters must ensure advertisements for e-cigarettes are centrally cleared.

Q22: *Given BCAP's policy consideration, do you agree that all advertisements for e-cigarettes must be centrally cleared? If you disagree, please explain why.*

A22: Yes.

Q23: *To what extent, if any, do you consider that new rules should apply to e-cigarettes that do not contain nicotine? Please provide any relevant evidence in support of your response.*

A23: Our understanding is that the recent amendments agreed by the European Commission, Council and Parliament to the EU Tobacco Products Directive, deal only with nicotine-containing products (NCPs).

Q24: *Do you consider that any additional rules should be considered specifically in relation to the advertising of e-cigarettes that do not contain nicotine? Please provide any relevant evidence in support of your response.*

A24: Please see A23.

Q25: *To what extent, if any, do you consider that the above rules for e-cigarettes should apply to those which are licensed as medicines?*

A25: We consider that such products should be subject to rules which, in particular, prohibit the promotion of tobacco products and discourage take-up by non-smokers/non-nicotine-users and by children.

Q26: *Do you agree with the proposed definition of e-cigarette? If not, please explain why.*

A26: Yes.

Q27: *Are there any other rules which you believe CAP and BCAP should consider implementing in relation to the advertising of e-cigarettes? Please provide as much detail as possible and any evidence you consider supports the relevant restrictions.*

A27: No.

Q28: *Are there any other comments you wish to make in relation to the advertising of e-cigarettes and BCAP's consideration of this issue?*

A28: The IPA strongly supports rules intended to protect consumers, and particularly children, from harm. We also strongly support the right of advertisers to advertise lawful products and services which the law allows to be advertised. We believe the proposed rules aim to strike a sensible, proportionate balance.

Yours sincerely

Legal Director

5. General rules

Rule 1: *Marketing communications / advertisements for e-cigarettes must be socially responsible.*

It is a general rule in the CAP and BCAP Codes that advertisements must be socially responsible. The Committees see fit to repeat the rule in certain Code sections so that it can provide more detail in recognition of specific concerns or risks for the sector in question. For example the corresponding rule in the Alcohol sections of the Codes explicitly requires marketers not to encourage styles of drinking that are unwise or immoderate, or the exploitation of the young and vulnerable. CAP and BCAP have considered whether the rule might, for example, prevent “excessive” use, though they question whether excessive use can be defined in a useful way for this product. Likewise they question whether there is a need to prohibit advertising treatments which, for example, link e-cigarettes with toughness or aggression. CAP and BCAP welcome comments and evidence from respondents that can inform their view on any specific approaches that might be prohibited within the wording of this rule.

Question 1: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Agree but this needs further clarity on **the definition of “socially responsible”, “excessive use” and “harm”**. We suggest the below additions to the rule.

Furthermore communication **should only be targeted to smokers**. Therefore, there should be included a **legal superscript to this effect**, e.g. “only for existing/established smokers”.

Question 2: What specific advertising approaches, if any that are not covered by the following rules do you consider might be identified as problematic within the wording of the rule?

Additionally, we suggest that there should be **no normalisation or glamorisation of the use of nicotine as that may encourage use by non-smokers or former smokers**:

- by celebrities, healthcare professionals or look alikes endorsement or use; e.g <http://www.e-lites.co.uk/e-cigarette-celebrities/>
- by glamorous activities such as sponsorships (e.g. sport events; <http://www.e-lites.co.uk/e-lites-blog/category/team-e-lites-2/>);
- Advertisements must neither imply that e-cigarettes can contribute to an individual’s popularity or confidence nor imply that e-cigarettes can enhance personal qualities;
- Advertisements must not imply that the use of e-cigarettes is a key component of social success or acceptance or that refusal is a sign of weakness. Advertisements must not imply that the success of a social occasion depends on the presence or use of e-cigarettes.

- Advertisements must not link e-cigarettes with sexual activity, sexual success or seduction or imply that e-cigarettes can enhance attractiveness. e.g http://www.asa.org.uk/Rulings/Adjudications/2014/2/Must-Have-Ltd/SHP_ADJ_249268.aspx . That does not preclude linking e-cigarettes with romance or flirtation.
- Advertisements must not portray e-cigarettes as indispensable or as taking priority in life. Advertisements must not imply that vaping can overcome problems.
- Due to similarity with cigarettes, e-cigarettes must not be featured in movies, TV series, video games, music videos on live shows/celebrity chat shows as a product placement. Exposure to smoking in entertainment media is associated with increased smoking and favourable attitudes towards tobacco use among adolescents.

The use of an e-cigarette should not be described as smoking in adverts and/or on packaging as it is not smoking. This can be replaced by “vaping” or similar. (e.g: see slogan on starter kit at <http://www.skycig.co.uk/kits/freedom>)

Rule 2: *Marketing communications / advertisements must contain nothing which promotes the use of a tobacco product or shows the use of a tobacco product in a positive light. This rule is not intended to prevent cigarette-like products being shown.*

CAP and BCAP acknowledge that there is significant concern about the potential indirect promotion of tobacco products via advertising for e-cigarettes. However, they are mindful that the similarity of e-cigarettes to tobacco products is their chief appeal to those seeking a tobacco alternative and that new rules cannot unreasonably restrict marketers from showing their product. At the time of writing, the rules in the BCAP Code and ASA adjudications are between them operating to restrict visuals of e-cigarettes being shown on television; BCAP currently considers this to be a disproportionate restriction. Both CAP and BCAP propose that this new rule would not be breached by visuals of products, including in use, provided that it was clear from the ad as a whole that the product shown was an e-cigarette and not a tobacco cigarette. This rule should therefore be read in conjunction with Rule 4. BCAP, in particular, is keen to hear from respondents who consider that the BCAP Code may need to specify additional protections in recognition of the greater reach and intrusiveness of broadcast advertising.

Question 3: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

We do not fully agree with this rule. Due to the similarity of e-cigarettes to cigarettes the use of e-cigarettes could promote smoking indirectly. The use of the e-cigarette must not be shown in advertisements as it can be interpreted as tobacco cigarette (i.e. no vaping, no holding in hand like a cigarette). E-cigarettes which are indistinguishable from tobacco cigarettes (or their packaging) should not be depicted at all. For example, some e-cigarette adverts (e.g: In the US, a brand has been criticized for running print adverts with actor Stephen Dorff that echo the Marlboro Man, invoking the same types of images that were once used to portray smoking as

cool.) looks like an advert for a normal tobacco cigarette. Advertisements should avoid creating an impression to casual observers that this is an advertisement for cigarette eg: e-cigarette outdoor posters on bus stop where the dwell time is very low was using a pack which is very similar to a tobacco cigarette pack with the message “Cigarettes, You’ve met your match.” <http://uk.njoy.com/>

Question 4: Do you have any comments or evidence which can help to inform CAP and BCAP’s goal of preventing the indirect promotion of tobacco products while still permitting e-cigarettes to be advertised?

As stated in previous comments, the only way to ensure this is by not showing products in the advertisements and by not showing packaging that overtly uses tobacco packaging cues (e.g: <http://uk.njoy.com/njoy-kings.html> ; <http://www.e-lites.co.uk/e80-e-cigarettes-kit.html>).

Furthermore the term e-cigarette should not be used in advertising or on packs because it includes the term cigarette and therefore indirectly promotes tobacco. Alternatively these products can be referred as electronic nicotine delivery systems or vapours.

Rule 3: *Marketing communications / advertisements must not contain health or medicinal claims [unless the product is licensed for those purposes by the MHRA]. E-cigarettes may however be presented as an alternative to tobacco.*

For the purposes of this rule CAP and BCAP consider that a “health claim” is any claim that states, suggests or implies that a relationship exists between an e-cigarette or one of its constituents and health. It has adapted this definition from the one provided in Regulation (EC) No 1924/2006 on nutrition and health claims made on foods. The Regulation can be found [here](#). CAP and BCAP consider this an appropriate general definition for use in this context. Under current UK legislation, any product that makes a medicinal claim must be appropriately authorised as a medicine or medical device. Any claim that a product can be used to cut down or quit smoking or to provide a form of nicotine replacement therapy is likely to be seen as medicinal by the MHRA and the ASA. A claim that an e-cigarette is an alternative to tobacco is not a medicinal claim and may be made. The Committees have yet to decide whether these rules should apply to e-cigarettes licensed as medicines and welcomes respondents’ views on that subject in section 11.

Question 5: Do you agree with the proposal to prohibit health claims for e-cigarettes? If not, please explain why and provide any suggestions you may have for improvement.

Agree with the proposal unless the product has received a medicinal licence from the MHRA.

Question 6: Do you agree with the proposed definition of health claims for the purposes of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Agree with the proposal but additional detail will provide clarity and help avoid confusion. Some examples (but not limited by the examples below) can be added to the code:

- E-cigarettes should not be presented as aids to smoking cessation, e.g. http://www.asa.org.uk/Rulings/Adjudications/2014/2/1111-EC-Services-Ltd/SHP_ADJ_250336.aspx ;
http://www.asa.org.uk/Rulings/Adjudications/2014/2/Nicocigs-Ltd/SHP_ADJ_245645.aspx
- E-cigarettes should not be presented as aids to harm reduction, e.g. http://www.asa.org.uk/Rulings/Adjudications/2014/4/Vapourlites-Ltd/SHP_ADJ_252488.aspx
- E-cigarettes should not use any claims relating to being “safe/safer...” e.g. http://www.asa.org.uk/Rulings/Adjudications/2014/4/E_Cigilicious/SHP_ADJ_252279.aspx
- E-cigarettes should not use craving relief claims,
- E-cigarettes should not use any claims relating to health including implied health benefit imagery (e.g: sports, physical activity)., for example see claims made at <http://www.e-lites.co.uk/believe-you-can/>

Question 7: Do you agree with the proposal to prohibit medicinal claims? If not, please explain why and provide any suggestions you may have for improvement.

Agree and furthermore advertising should clearly state that e-cigarettes are not licensed as smoking cessation aids or as a safer alternative to smoking for tobacco harm reduction (as per UK licensed indication). Nor should e-cigarette advertising campaigns be allowed to associate with established health campaigns focussed on tobacco cessation or harm reduction e.g. NHS campaigns such as “Stoptober”..

http://www.asa.org.uk/Rulings/Adjudications/2014/2/1111-EC-Services-Ltd/SHP_ADJ_250336.aspx

Additionally see attached article on how Stoptober has been renamed ‘Swaptober’ by an e-cigarette brand <http://www.thedrum.com/news/2013/10/01/e-cigarette-brand-nicolites-launches-swaptober-campaign-coincide-government>

If e-cigarette companies associate with charities or bodies who are closely associated with smoking cessation or health or other similar organisations, they must ensure that the output of such collaboration does not mislead consumers that their product can help quit smoking or imply a health benefit.

There should be no comparison with any licensed products in e-cigarette advertisements as that might mislead consumers into believing that e-cigarettes are licensed medicines.

Rule 4: *Marketing communications / advertisements must make clear that the product is an e-cigarette.*

In 2013 the ASA Council considered a number of complaints about e-cigarette advertising and adjudicated that, because of the novel nature of the product, ads for them should make clear what was being advertised. CAP and BCAP endorse that view and also seek with this rule to further answer concerns about the indirect promotion of tobacco use by providing clarity about what is being advertised.

Question 8: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Agree but it is very subjective as the degree of clarity will depend on the advertisement, media and dwell time. The only way to ensure there is no indirect promotion of tobacco is to not to include products in the advertisements and to not show packs that overtly use tobacco packaging cues as above (question4).

Furthermore the term e-cigarette should not be used in advertising or on packs because it includes the term cigarette and therefore indirectly promotes tobacco. Alternatively these products can be referred as electronic nicotine delivery systems or vapours.

Rule 5: *Marketing communications / advertisements must state clearly if the product contains nicotine [or if it does not]. They may include factual information about other product ingredients.*

In 2013 the ASA Council adjudicated that whether or not an advertised e-cigarette contained nicotine was material information which a consumer would need to avoid being misled regarding the nature of the product. CAP and BCAP endorse that view but wish to make clear that this is not intended to limit advertisers from describing other product ingredients.

CAP and BCAP have yet to decide whether some or all of these rules should apply to advertisements for e-cigarettes that do not contain nicotine. Responses on that point should be made in section 11.

Question 9: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Agree. Furthermore the nicotine amount (e.g: 16mg/ml) in the products should be stated as well. Should state if/where there are contents/ingredients that may do harm or be considered to pose a risk to health, including the swallowing of the liquid content etc. (Dramatic rise in the number of calls made to poisons centres about e-cigarettes, PJ Online, 10th April 2014).

6. Prohibited approaches

Rule 6: *Marketing communications / advertisements must not encourage non-smokers or non-nicotine-users to use e-cigarettes.*

Although e-cigarettes are available as a consumer good, many stakeholders and the general public regard their primary purpose as being an alternative to tobacco smoking. CAP and BCAP understand that there is presently little evidence for their use in never smokers, but accept that this may change. The Committees are concerned that advertising should not be a medium by which people are encouraged to begin or re-establish the use of nicotine. Respondents should note that the rule does not require every marketing communication to target tobacco smokers / e-cigarette users explicitly, only that they must not explicitly encourage those who do not currently use nicotine to start.

Question 10: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Agree with inclusion of such a rule. Communication should only be targeted to present smokers

Question 11: Do you consider that this rule is proportionate? If you consider that advertising of e-cigarettes expressly to non-users of nicotine is acceptable or if you would prefer a rule which required all marketing to be explicitly addressed only to existing nicotine users please provide your comments and any evidence.

Targeting advertising of e-cigarettes to non-users of nicotine is not acceptable. Advertisements should include a legal superscript to this effect, e.g. "only for existing/established smokers"

Rule 7: *Marketing communications / advertisements must not link e-cigarettes with gambling, alcohol or illicit drugs.*

CAP and BCAP consider that there is an obvious benefit in prohibiting links with illicit drugs. The Committees also wish to consider preventing irresponsible creative treatments involving alcohol and gambling; the two other sectors that most provoke societal concern. However, they are mindful that the Alcohol and Gambling rules already provide protections in this regard. Additionally they consider that there may be responsible advertising executions which feature an e-cigarette being used in an environment in which alcohol is being consumed or gambling conducted. CAP and BCAP welcome respondents' views.

Question 12: Do you agree with the proposal to prohibit linking e-cigarettes with illicit drugs? If not, please explain why and provide any suggestions you may have for improvement.

Agree. E-cigarettes should not be shown with alcohol, gambling or illicit drugs.

This is not a desirable development from a public health perspective and showing e-cigarettes in an environment where illicit drugs are being taken should not be allowed in advertising.

Question 13: Do you consider that alcohol should be included in this rule? Please explain why and provide any evidence you consider relevant.

Agree. E-cigarettes should not be shown with alcohol, gambling or illicit drugs.

Even small amounts of alcohol have been shown to increase the pleasurable effects of nicotine thereby encouraging people to smoke more when drinking.

<http://alcoholism.about.com/cs/nicotine/a/bldu040322.htm>

Showing the use of e-cigarettes in situations where alcohol is being consumed will serve to further normalise the link between nicotine and alcohol which is undesirable.

Question 14: Do you consider that gambling should be included in this rule? Please explain why and provide any evidence you consider relevant.

Agree. E-cigarettes should not be shown with alcohol, gambling or illicit drugs.

Gambling, smoking and using illicit drugs are all activities with a potential for negative societal consequences.

Showing the use of e-cigarettes in situations where gambling is taking place will serve to glamorise both activities and reinforce a link between nicotine use and gambling.

Rule 8: *Marketing communications / advertisements must not link e-cigarettes with activities or locations in which using them would be unsafe or unwise; such as driving.*

CAP and BCAP are proposing this rule as a precautionary measure; but, other than driving, they have not yet identified any activities and locations where e-cigarette use might be so demonstrably problematic in all instances that it can be included in the rule. The Committees welcome respondents' views and evidence on any other such activities or locations which they consider might usefully be specified within this rule.

Question 15: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Agree

Question 16: Are there any other situations, other than driving, in which you consider that e-cigarette use is so demonstrably harmful that their depiction in advertising should be prohibited?

In addition to driving, being in charge of other transportation such as aircraft or boats, being in charge of machinery or being engaged in sporting activities

7. Protection of children and young persons

CAP and BCAP wish to prevent advertising which might, through its content or context, encourage children or young people to use e-cigarettes. Drawing on their experience setting rules for the alcohol and gambling sectors the Committees are therefore proposing the rules below to prevent ads being directed at, or appealing to, under-18s.

Rule 9: Marketing communications / Advertisements must not be likely to appeal particularly to people under 18, especially by reflecting or being associated with youth culture. They should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18. People shown using e-cigarettes or playing a significant role should not be shown behaving in an adolescent or juvenile manner.

Question 17: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Agree. Additionally, beyond real or fictitious characters, no celebrity or healthcare professional endorsement should be allowed in advertising as this is particularly likely to appeal to people under 18. Wording to that effect should be included in the rule. As previously suggested, advertising for refills should clearly state the need for care when storing refill packs, particularly around children.

Rule 10: People shown using e-cigarettes or playing a significant role must neither be, nor seem to be, under 25. People under 25 may be shown in an incidental role but must be obviously not using e-cigarettes.

This minimum age limit on people featured in a significant role has been chosen because by the age of 25 people clearly look and sound more adult than adolescent. It mirrors the minimum age limit in other Code sections. CAP and BCAP consider that this approach provides that children and young people do not identify, by age, with those playing a significant role or featured using e-cigarettes. It also gives more certainty to the advertising industry when creating advertisements and to the ASA Council when deciding if an advertisement has breached the Codes.

Question 18: Do you agree with the inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement

Agree

Rule 11: Marketing communications / advertisements must state that products are not suitable for under-18s.

At the time of writing the UK Government is progressing legislation to prevent sales of e-cigarettes to under-18s. Currently it is common for advertisers to restrict the sale of their products to over-18s and / or to include a statement to that effect in their advertising. CAP and BCAP's preliminary work suggests that there would be widespread support amongst industry for the inclusion of this rule. However, the BCAP and CAP Codes do not typically require warning messages to be included in ads. A rare example is the requirement in CAP Code rule 11.7 and BCAP Code rule 9.9 that ads for specific energy-related products must include the product's energy efficiency class. Usually when compulsory messages appear in ads, it is because other regulators, such as the Financial Conduct Authority (FCA), require them.

While CAP and BCAP welcome efforts that may further the objective of discouraging children and young persons from purchasing e-cigarettes the Committees have previously had cause to question the overall value of warning messages. During their joint gambling consultation in 2006 CAP and BCAP referred to international research on the effects of warnings in advertisements, practices in other jurisdictions and advice from problem gambling organisations, faith groups and gambling industry trade associations. Because there was little empirical literature on gambling advertising, the Committees referred to research on the effectiveness of different forms of warnings and messages in other public policy sectors. Clearly, the characteristics of the sector and the message or warning must be borne in mind. Research tends to evaluate the effectiveness of warnings or messages in terms of a measurable reduction in the prevalence or quantity of the behaviour of concern¹ or in terms of improved awareness and understanding of risk². CAP and BCAP did not identify any clear evidence that messages or warnings were effective in preventing or reducing gambling among under-18s and vulnerable adults, or that they were effective in reminding the public of the risks. Some research suggests they have a small positive effect. For example, research on warnings in TV alcohol advertisements in the U.S.A. showed a cumulatively decreasing confidence in perceived product benefits but no impact on viewers' perception of the risks and benefits associated with alcohol³. Research on health warnings in the tobacco sector in Canada showed a small impact on the quantity smoked but at a low level of confidence and no effect on smoking prevalence⁴. Other research shows that messages have no effect or that such warnings were viewed with cynicism⁵. Research in the alcohol sector showed that, because they were already well-known to consumers above and below the legal drinking age, hazards described in warnings taught consumers that reading warnings was a waste of time instead of raising awareness⁶. Lastly, some research shows that messages or warnings can have the opposite effect to the one intended, through a "boomerang effect"⁷. That effect was found in relation to drugs, tobacco, alcohol, film content and high-fat foods. Products such as gambling can appeal to under 18s and vulnerable adults because they involve impulsiveness, rebellion, risk-taking or a challenge. One theory is that warning messages can cause a "boomerang effect" by reinforcing those perceived qualities and heightening the audience's desire to use the product, leading to "reactive behaviour". Young people and particularly young men were most likely to react⁸. In the context of alcohol, heavy drinkers also reacted strongly.

Furthermore, those were the groups that were most aware of the warnings⁹. CAP and BCAP invite respondents to consider whether e-cigarettes present the same issues. Proponents often argue that, for consumers, messages or warnings “probably won’t help but they can’t hurt”. But in light of the available evidence, CAP and BCAP consider it is good policy-making practice to take into account the risk that messages or warnings can have no effect on consumers and create warning fatigue or can have a result that is opposite to the one intended. Furthermore, under better regulation principles, CAP and BCAP must consider the impact of proposed regulation on industry, in particular to ensure fair competition. The inclusion of messages or warnings in advertisements can produce an extra financial cost for advertisers, especially for radio where mandatory messages necessitate extra airtime (media space)¹⁰. CAP and BCAP share the public policy concerns behind the consideration of warnings or messages in advertising. The Committees have designed the general principles, content, and scheduling and placement of advertisements provisions in the proposed e-cigarette advertising rules to ensure that e-cigarette advertising is socially responsible. They therefore question the need for a rule that requires an 18+ message. The committees welcome respondents’ views in this area particularly.

Question 19: Do you consider that a rule is necessary which requires that ads state that products are not suitable for under-18s? Please provide any evidence which may you consider may assist CAP and BCAP’s consideration of this rule.

Requirement completely justified. “Not suitable for under 18s” (or similar) should be mentioned in any type of e-cigarette advertising. As this category is new and to date e-cigarettes have been widely promoted and used without any restriction, it is necessary to educate the general public (e.g. parents, teachers, carers, retailers, etc) that the product is not suitable under 18s.

However, this rule will need to be reviewed for e-cigarettes regulated as medicines in the UK as providing the terms of their marketing authorisation is similar to that of presently available NRT, they could be licensed for use by smokers over 12s.

8. Protection of children and young persons: targeting (CAP Code only)

Rule 12: Marketing communications must not be directed at people under 18 through the selection of media or the context in which they appear. No medium should be used to advertise e-cigarettes if more than 25% of its audience is under 18 years of age.

For other sectors that present societal concerns around the protection of children and young persons, such as alcohol and gambling, CAP applies a rule which requires non-broadcast marketing communications not to appear in media which has an audience of under-18s of more than 25%. CAP proposes to replicate this principle in its e-cigarette rules.

Question 20: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Agree

In addition TV advertising should be after 21:00 to avoid targeting under 18s.

Furthermore e-cigarette websites should also ask for age verification from consumers before allowing access to website content.

9. Protection of children and young persons: scheduling (BCAP Code only)

Rule 13: [Amendment to existing BCAP rule]

In addition to the above rules BCAP proposes adding a scheduling restriction to its Code to reduce the chance of e-cigarette advertisements being seen by children. In practice it proposes to do this by adding e-cigarettes to the list of products and services set out in rule 32.2. The full Scheduling section of the Code can be found [here](#) and the BCAP Advertising Guidance Note on Audience Indexing can be found [here](#). The specific rule and proposed amendment are set out below:

Proposed amendment	<p>32.2 These may not be advertised in or adjacent to programmes commissioned for, principally directed at or likely to appeal particularly to audiences below the age of 18:</p> <p>32.2.1 alcoholic drinks containing 1.2% alcohol or more by volume (see rule 32.4.7)</p> <p>32.2.2 gambling except lotteries, football pools, equal-chance gaming (under a prize gaming permit or at a licensed family entertainment centre), prize gaming (at a non-licensed family entertainment centre or at a travelling fair) or Category D gaming machines (see rule 32.4)</p> <p>32.2.3 betting tipsters</p> <p>32.2.4 slimming products, treatments or establishments (an exception is made for advertisements for calorie-reduced or energy-reduced foods and drinks, if they are not presented as part of a slimming regime and provided the advertisements do not use the theme of slimming or weight control)</p> <p>32.2.5 religious matter subject to the rules on Religious Advertising in Section 15: Faith, Religion and Equivalent Systems of Belief</p> <p>32.2.6 live premium-rate services, unless those services have received prior permission from PhonePay Plus to target people under 18.</p> <p>32.2.7 electronic cigarettes</p>
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Question 21: Do you agree with e-cigarettes being included in this list of scheduling restrictions?

Agree.

10. Radio central copy clearance (BCAP Code only)

Rule 14: Radio Central Copy Clearance – Radio broadcasters must ensure advertisements for e-cigarettes are centrally cleared.

10.1 The Radio Advertising Clearance Centre (RACC)

The RACC was set up by the commercial radio industry to ensure, before they are broadcast, that radio advertisements comply with the BCAP Code. The RACC is administered by the RadioCentre, whose members consist of the majority of UK Commercial Radio stations who fund the organisation. The RadioCentre aims to maintain and build a strong and successful commercial radio industry.

10.2 Mandatory pre-clearance

The BCAP Code requires certain categories of radio advertisements to be centrally cleared by the RACC. Those categories of radio advertisements have in common a clear potential to mislead, offend or harm, for example alcohol. BCAP proposes that all radio advertisements for e-cigarettes must be centrally cleared by the RACC. This proposal ensures that such advertisements receive the necessarily high level of pre-broadcast scrutiny to ensure they are appropriately scheduled and do not cause harm.

Question 22: Given BCAP's policy consideration, do you agree that all advertisements for e-cigarettes must be centrally cleared? If you disagree, please explain why.

Agree.

11. Additional questions

In addition to the above rules, CAP and BCAP invite responses to aid in their consideration of various related issues, including how extensively these rules should be applied and whether other rules may be necessary:

11.1 E-cigarettes which do not contain nicotine

Although some e-cigarettes do not contain nicotine, CAP and BCAP consider that their advertising may still present the same or similar issues as nicotine-containing e-cigarettes.

Question 23: To what extent, if any, do you consider that new rules should apply to e-cigarettes that do not contain nicotine? Please provide any relevant evidence in support of your response.

The same rules should apply to all e-cigarettes, nicotine-free included. Having e-cigarette product ranges that include both nicotine and nicotine-free variants under the same name should not be used as a means to advertise nicotine containing e-cigarettes.

Question 24: Do you consider that any additional rules should be considered specifically in relation to the advertising of e-cigarettes that do not contain nicotine? Please provide any relevant evidence in support of your response.

Having e-cigarette product ranges that include both nicotine and nicotine-free variants under the same name should not be used as a means to advertise nicotine containing e-cigarettes.

11.2 E-cigarettes which are licensed as medicines

Advertisers may obtain a licence for their product from the MHRA. This would permit them to make smoking cessation claims and marketing for such products would be subject to the rules in section 12 (Medicines, medical devices, health-related products and beauty products) of the Code which can be found [here](#).

Question 25: To what extent, if any, do you consider that the above rules for e-cigarettes should apply to those which are licensed as medicines?

Fully agree. Licensed e-cigarettes should be treated as other forms of licensed NRT and be controlled by the PAGB Code and Medicines legislation and CAP code for medicines.

11.3 Definition of electronic cigarette

Notwithstanding the need to decide to what extent these rules will apply to e-cigarettes that do not contain nicotine, for the purposes of these rules CAP and BCAP propose to use the definition of e-cigarette provided in the *Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products*.

That definition is as follows:

“Electronic cigarette’ means a product, or any component thereof, including cartridges and the device without cartridge, that can be used for consumption of [nicotine-containing] vapour via a mouth piece. Electronic cigarettes can be disposable, refillable by means of a refill container or rechargeable with single use cartridges.”

Question 26: Do you agree with the proposed definition of e-cigarette? If not please explain why.

The definition needs to include reference to a heating element to distinguish it from products such as Nicorette Inhalator.

E liquid also needs to be included in the definition.

“Electronic cigarette’ means a product, or any component thereof, including cartridges and the device without cartridge, that can be used for consumption of [nicotine-containing] vapour [generated through a heating element] via a mouth piece. Electronic cigarettes can be disposable, refillable by means of a refill container [e-liquid] or rechargeable with single use cartridges.”

11.4 Further comments

Question 27: Are there any other rules which you believe CAP and BCAP should consider implementing in relation to the advertising of e-cigarettes? Please provide as much detail as possible and any evidence you consider supports the relevant restrictions.

Free sampling or vouchers relating to the supply of free samples of e-cigarettes should not be allowed as this is likely to encourage use by non-smokers. Sampling would encourage a blasé attitude to their use which may encourage younger individuals to try them before their attitudes to nicotine use have become established.

Question 28: Are there any other comments you wish to make in relation to the advertising of e-cigarettes and BCAP’s consideration of this issue?

As per latest EU Tobacco Directive all e-cigarettes not licensed as medicines should have a maximum nicotine concentration level no more than 20mg/ml, therefore we advise e-cigarettes with a level above this concentration should not be advertised.

Response needs to be submitted by 5pm on Monday 28th April

<http://www.cap.org.uk/News-reports/Consultations/~media/Files/CAP/Consultations/CAP%20and%20BCAP%20consultation%20on%20the%20marketing%20of%20e-cigarettes.ashx>

Rule 1: *Marketing communications / advertisements for e-cigarettes must be socially responsible.*

Question 1: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

There should be a rule that governs the communications and advertisements for e-cigarettes. This should be explicit in what is considered to be socially responsible, including for example responsibilities in relation to the harms relating to nicotine addiction.

Question 2: What specific advertising approaches, if any, that are not covered by the following rules do you consider might be identified as problematic within the wording of the rule?

The rules should ensure that advertising does not appeal to children and young people, create a social norm for e-cigarettes or lead e-cigarettes to be perceived as anything other than a method to manage nicotine withdrawal as part of the tobacco smoking cessation process. It should be emphasised that there is no peer-reviewed research on the safety or effectiveness of e-cigarettes.¹

Rule 2: *Marketing communications / advertisements must contain nothing which promotes the use of a tobacco product or shows the use of a tobacco product in a positive light. This rule is not intended to prevent cigarette-like products being shown.*

Question 3: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

This rule should be strengthened to ensure that e-cigarettes are not linked through any form of promotional material or branding with tobacco products.

Question 4: Do you have any comments or evidence which can help to inform CAP and BCAP's goal of preventing the indirect promotion of tobacco products while still permitting e-cigarettes to be advertised?

The potential benefits to the tobacco industry from marketing e-cigarettes have been described by Hastings *et al*² and should be avoided.

Rule 3: *Marketing communications / advertisements must not contain health or medicinal claims [unless the product is licensed for those purposes by the MHRA]. E-cigarettes may however be presented as an alternative to tobacco.*

Question 5: Do you agree with the proposal to prohibit health claims for e-cigarettes? If

¹ BMA calls for stronger regulation of e-cigarettes. A briefing from the Board of Science and the Occupational Medicine Committee, 2013. <http://bma.org.uk/working-for-change/improving-and-protecting-health/tobacco/e-cigarettes> (accessed 22.4.14)

² Hastings G, de Andrade M & Moodie C (2012) Tobacco harm reduction: the devil is in the deployment. *British Medical Journal* 345. http://www.bmj.com/highwire/filestream/620688/field_highwire_article_pdf/0.pdf (accessed 22.4.14)

not, please explain why and provide any suggestions you may have for improvement.

Question 6: Do you agree with the proposed definition of health claims for the purposes of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Question 7: Do you agree with the proposal to prohibit medicinal claims? If not, please explain why and provide any suggestions you may have for improvement.

The wording of rule 3 is supported since NICE draft guidance³ does acknowledge that for some people other forms of nicotine replacement may be an alternative approach in the smoking cessation process.

Rule 4: *Marketing communications / advertisements must make clear that the product is an e-cigarette.*

Question 8: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

This rule is supported. In addition it should be strengthened by the inclusion of information that the best option for health improvement is complete cessation.⁴

Rule 5: *Marketing communications / advertisements must state clearly if the product contains nicotine [or if it does not]. They may include factual information about other product ingredients.*

Question 9: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

This rule is supported.

Rule 6: *Marketing communications / advertisements must not encourage non-smokers or non-nicotine-users to use e-cigarettes.*

Question 10: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Question 11: Do you consider that this rule is proportionate? If you consider that advertising of e-cigarettes expressly to non-users of nicotine is acceptable or if you would prefer a rule which required all marketing to be explicitly addressed only to existing nicotine users please provide your comments and any evidence.

This rule is supported but also needs to be strengthened to recognise the subtle approaches used by tobacco companies to create both explicit and implicit attractions of tobacco use.

Rule 7: *Marketing communications / advertisements must not link e-cigarettes with gambling, alcohol or illicit drugs.*

Question 12: Do you agree with the proposal to prohibit linking e-cigarettes with illicit drugs? If not, please explain why and provide any suggestions you may have for improvement.

³ National Institute for Health and Clinical Excellence, public health draft guidance, Tobacco: harm-reduction approaches to smoking, 2012. <http://www.nice.org.uk/nicemedia/live/13018/61198/61198.pdf> (accessed 22.4.14)

⁴ National Institute for Health and Clinical Excellence, public health draft guidance, Tobacco: harm-reduction approaches to smoking, 2012. <http://www.nice.org.uk/nicemedia/live/13018/61198/61198.pdf> (accessed 22.4.14)

Question 13: Do you consider that alcohol should be included in this rule? Please explain why and provide any evidence you consider relevant.

Question 14: Do you consider that gambling should be included in this rule? Please explain why and provide any evidence you consider relevant.

This rule is supported.

Rule 8: *Marketing communications / advertisements must not link e-cigarettes with activities or locations in which using them would be unsafe or unwise; such as driving.*

Question 15: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Question 16: Are there any other situations, other than driving, in which you consider that e-cigarette use is so demonstrably harmful that their depiction in advertising should be prohibited?

This rule is supported.

Rule 9: *Marketing communications / Advertisements must not be likely to appeal particularly to people under 18, especially by reflecting or being associated with youth culture. They should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18. People shown using e-cigarettes or playing a significant role should not be shown behaving in an adolescent or juvenile manner.*

Question 17: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

This rule is supported. The danger that e-cigarettes can undermine tobacco control policies and glamorise the act of smoking has been articulated by de Andrade *et al.*⁵

Rule 10: *People shown using e-cigarettes or playing a significant role must neither be, nor seem to be, under 25. People under 25 may be shown in an incidental role but must be obviously not using e-cigarettes.*

Question 18: Do you agree with the inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

This rule is supported.

Rule 11: *Marketing communications / advertisements must state that products are not suitable for under-18s.*

Question 19: Do you consider that a rule is necessary which requires that ads state that products are not suitable for under-18s? Please provide any evidence which may you consider may assist CAP and BCAP's consideration of this rule.

This rule is supported.

⁵ de Andrade M, Hastings G, and Angus K. Promotion of electronic cigarettes: tobacco marketing reinvented? *BMJ* 2013;347 http://www.bmj.com/highwire/filestream/678668/field_highwire_article_pdf/0/bmj.f7473 (accessed 22.4.14)

Rule 12: *Marketing communications must not be directed at people under 18 through the selection of media or the context in which they appear. No medium should be used to advertise e-cigarettes if more than 25% of its audience is under 18 years of age.*

Question 20: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement.

This rule is supported.

Rule 13: [Amendment to existing BCAP rule]

Question 21: Do you agree with e-cigarettes being included in this list of scheduling restrictions?

Rule 14: *Radio Central Copy Clearance – Radio broadcasters must ensure advertisements for e-cigarettes are centrally cleared.*

Question 22: Given BCAP's policy consideration, do you agree that all advertisements for e-cigarettes must be centrally cleared? If you disagree, please explain why.

This rule is supported. It is important given the evolving nature of this market.

11. Additional questions

Question 23: To what extent, if any, do you consider that new rules should apply to e-cigarettes that do not contain nicotine? Please provide any relevant evidence in support of your response.

Question 24: Do you consider that any additional rules should be considered specifically in relation to the advertising of e-cigarettes that do not contain nicotine? Please provide any relevant evidence in support of your response.

E-cigarettes not containing nicotine could potentially cause confusion if subjected to different rules from nicotine-containing products, however may be useful for some former tobacco-users who are seeking to give up nicotine. Therefore they should be subject to the same rules as other electronic cigarettes.

Question 25: To what extent, if any, do you consider that the above rules for e-cigarettes should apply to those which are licensed as medicines?

The same rules should apply, except that licensed products should be able to include health claims where they are well supported by evidence. For example, licensed products should be able to advertise as products licensed as aids to cutting down and stopping smoking.

Question 26: Do you agree with the proposed definition of e-cigarette? If not please explain why.

Yes

Question 27: Are there any other rules which you believe CAP and BCAP should consider implementing in relation to the advertising of e-cigarettes? Please provide as much detail as possible and any evidence you consider supports the relevant restrictions.

Question 28: Are there any other comments you wish to make in relation to the advertising of e-cigarettes and BCAP's consideration of this issue?

The fundamental principle that should be adopted is that e-cigarettes should not be advertised or promoted in any way that could reasonably be expected to promote smoking of tobacco products, or that could make them appealing to non-tobacco users (especially children and young people). The fact that e-cigarettes contain nicotine should be made clear. Use of social media could be particularly effective, particularly for young people.

Public Health, Lancashire County Council's Response to CAP and BCAP Consultation on the Marketing of E-Cigarettes

April 2014

About the Director of Public Health, Lancashire County Council

This response to the CAP and BCAP consultation document has been developed by the Director of Public Health (DPH) for Lancashire County Council. The Director of Public Health is a statutory chief officer of Lancashire County Council and the principal adviser on all health matters to elected members and officers. The DPH has the responsibility for the management of the public health services, with professional responsibility and accountability for their effectiveness, availability and value for money to promote wellbeing, improve population health and reduce inequalities. This includes tobacco control programmes to reduce rates of smoking and exposure to secondhand smoke in the Lancashire community to ensure that all residents live tobacco free lives.

Relevant Facts

The following are relevant facts about "electronic cigarettes" that should guide the final rules on how they are advertised.

1. Electronic cigarettes are not cigarettes in any meaningful sense; they are nicotine delivery systems that do not contain tobacco, where the nicotine is delivered orally to the user in the form of vapour. They are therefore much closer in kind to other non-tobacco products such as licensed Nicotine Replacement Therapy (NRT), including sprays, patches and gum, than they are to cigarettes.
2. Nicotine is an addictive drug that can be toxic in relatively low doses. However, by far the greatest harm caused by cigarettes results from other toxic ingredients of cigarette smoke.
3. Using electronic cigarettes is much less dangerous than smoking, and a number of current consumers¹ use them as an aid to cut down on cigarette consumption or to replace smoking altogether.
4. Nonetheless, advertising and promotion of products containing an addictive drug should always be subject to close supervision by regulatory authorities, since addiction undermines the principle of informed consent by adult consumers.
5. Many electronic cigarette devices replicate smoking and normalise smoking behaviour for children and young people. A 2013 Trading Standards Survey with 3,471 young people aged 14-17 years across Lancashire County highlighted that more than one in four (27%) had bought or tried electronic cigarettes². This could potentially facilitate a lifelong addiction to nicotine and provide a route into smoking conventional cigarettes³. Indeed, further analysis of 5,845 young people

¹ Survey of smokers' attitudes to e-cigarettes. YouGov 2010. Total sample size was 1380 UK adult smokers.

² Young Persons Alcohol and Tobacco Survey 2013, North West Results. Trading Standards 2013. TSNW, June 2013

³ Cobb NK, Abrams DB (2011) E-cigarette or drug-delivery device? Regulating novel nicotine products. *New England Journal of Medicine* **365**:193-5. Choi K et al (2012) Young adult's favourable perceptions of snus, dissolvable tobacco products, and electronic cigarettes: Findings from a focus group study. *American Journal of Public Health* **102**(11):2088-93. Wagener TL, Siegel M, Borrelli B (2012) Electronic cigarettes: achieving a balanced perspective. *Addiction* **107**:1545-8.

participating in the Trading Standards North West survey from Cheshire and Merseyside has revealed that one in eight (12.3%) of those who had tried electronic cigarettes had never smoked tobacco cigarettes⁴. This could be compounded if advertising and promotion of electronic cigarettes was allowed to glamorise the use of these products and promote their use to young people.

General Principles

We therefore recommend that the revised set of rules adopted by CAP and BCAP following this consultation should be consistent with the following principles:

1. Electronic cigarettes should not be advertised or promoted in ways that could reasonably be expected to promote smoking of tobacco products.
2. As far as possible, electronic cigarettes should be advertised as an alternative to smoking cigarettes or other tobacco products to current tobacco users.
3. Electronic cigarettes should not be advertised in ways or through channels that could reasonably be expected to make them appealing to non-tobacco users.
4. Electronic cigarettes should not be advertised in ways or through channels that could reasonably be expected to make them appealing to children and young people aged less than 18 years.
5. Electronic cigarette advertising should always include a clear warning that they contain nicotine, an addictive drug, and a toxic substance that should be stored and consumed safely and away from children.
6. Where e-cigarette products do not have a medicines licence, advertising and marketing should not include claims of health benefits e.g. that they can be used as a smoking cessation tool.

Answers to Consultation Questions

Rule 1: Marketing communications/advertisements for e-cigarettes must be socially responsible.

Question 1: Do you agree with the inclusion and wording of this rule? If not, please explain why and provide any suggestions you may have for improvement?

Question 2: What specific advertising approaches if any, that are not covered by the following rules do you consider might be identified as problematic within the wording of the rule?

We agree with the principle that e-cigarette advertising and promotion should be socially responsible. This rule should be more tightly worded, so that it establishes some key tests of social responsibility. These would include:

1. Explicit reference to the fact that electronic cigarettes are an alternative to tobacco, and that they are therefore not suitable for use by people who do not

⁴ Hughes K et al (2014) *E-cigarette access among young people in Cheshire and Merseyside: Findings from the North West Trading Standards survey*. Liverpool: Centre for Public Health, Liverpool John Moores University.

currently consume tobacco products, particularly children and young people aged less than 18 years.

2. A prohibition on wording that suggests that consumption of electronic cigarettes has positive qualities that may be mistakenly perceived to exist by consumers, as a consequence of the addictive nature of the product. An example would be the use of the word “satisfying”, which was frequently used in relation to cigarettes in the era of widespread tobacco advertising. Any “satisfaction” for consumers is likely to be largely a consequence of relief from nicotine withdrawal symptoms.
3. All advertising should contain a prominent reference to the toxicity of nicotine and the need to store and use e-cigarettes and refill containers safely and away from children.

Rule 2: Marketing communications / advertisements must contain nothing which promotes the use of a tobacco product or shows the use of a tobacco product in a positive light. This rule is not intended to prevent cigarette-like products from being shown.

Question 3: Do you agree with inclusion and wording of this rule? If not please explain why and provide any suggestions you may have for improvement.

Question 4: Do you have any comments or evidence which can help to inform CAP and BCAP’s role of preventing the indirect promotion of tobacco products while still permitting electronic cigarettes to be advertised?

We agree with the proposed rule as a starting point but believe it needs to be strengthened. We would recommend the inclusion of a general prohibition on any design, colour, imagery, logos or styles that could create an association with or confusion with any existing tobacco product, or any promotion of smoking-like behaviour. This is in line with the CAP code for tobacco products as set out in 10.3 and 10.4. The need for such a prohibition is clear, since some electronic cigarette brands are or will be produced and promoted by tobacco manufacturers, and it is important that advertising for such brands cannot be used as a covert means of promoting the brand identity of tobacco products. See below for suggested additional wording to rule 2 in bold and italics.

“Marketing communications / advertisements must contain nothing ***which promotes any design, colour, imagery, logo style that might be associated in the audiences’ mind with a tobacco product. They must also contain nothing*** which promotes the use of a tobacco product or shows the use of a tobacco product in a positive light. This rule is not intended to prevent cigarette-like products from being shown, ***but they must not be shown in ways that promote smoking or tobacco products.***”

Public Health, Lancashire County Council Response to CAP/BCAP Marketing E-Cigarettes

Rule 3: Marketing communications / advertisements must not contain health or medicinal claims [unless the product is licensed for those purposes by the MHRA]. E-cigarettes may however be presented as an alternative to tobacco.

Question 5: Do you agree with the proposal to prohibit health claims for e-cigarettes? If not, please explain why and provide any suggestions you may have for improvement.

Question 6: Do you agree with the proposed definition of health claims for the purposes of this rule? If not, please explain why and provide any suggestions you may have for improvement.

Question 7: Do you agree with the proposal to prohibit medicinal claims? If not, please explain why and provide any suggestions you may have for improvement.

We agree with the proposed wording (including square brackets) of this rule. This ensures that all e-cigarette advertising and promotion is directed at existing tobacco users and not at potential new users of nicotine.

Rule 4: Marketing communications / advertisements must make clear that the product is an e-cigarette.

Question 8: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you have for improvement.

We agree with the inclusion this rule. However, we would prefer the use of the term “electronic cigarette” to “e-cigarette”, as we consider this on balance to be a more informative description. Advertising of such products should not describe them as “smoked”, or use any other descriptor (other than the generic name “electronic cigarettes”) that is misleading and could create confusion with cigarettes.

Our suggestion for revised wording is: “Marketing communications / advertisements must make clear that the product is an electronic cigarette ***and should not use any descriptor that might reasonably be expected to create confusion with cigarettes.***”

Rule 5: Marketing communications / advertisements must state clearly if the product contains nicotine [or if it does not]. They may include factual information about other product ingredients.

Question 9: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you have for improvement.

We agree with the inclusion and wording of this rule, including the words in square brackets. (See question 24 below).

Public Health, Lancashire County Council Response to CAP/BCAP Marketing E-Cigarettes

Rule 6: Marketing communications / advertisements must not encourage non-smokers or non-nicotine users to use e-cigarettes.

Question 10: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you have for improvement.

Question 11: Do you consider that this rule is proportionate? If you consider that advertising of e-cigarettes expressly to non-users of nicotine is acceptable or if you would prefer a rule which required all marketing to be explicitly addressed only to existing nicotine users please provide your comments and any evidence.

We agree with the inclusion and wording of this rule. However, we do not agree that it is sufficient to set a principle that such adverts “must not *explicitly* encourage those who do not currently use nicotine to start”. *Implicit* promotion to intended target groups of consumers is of course an important and well understood part of advertising and marketing, and we therefore wish the rules, taken together, to be so worded as to make it as difficult as possible for any e-cigarette manufacturer to target those who do not currently use tobacco. Therefore, after “encourage” we would wish to insert the words “either explicitly or implicitly” to read as follows: Marketing communications / advertisements must not encourage ***either explicitly or implicitly***, non-smokers or non-nicotine users to use e-cigarettes.

Rule 7: Marketing communications / advertisements must not link e-cigarettes with gambling, alcohol or illicit drugs.

Question 12: Do you agree with the proposal to prohibit linking e-cigarettes with illicit drugs? If not please explain why and provide any suggestions you may have for improvement.

Question 13: Do you consider that alcohol should be included in this rule? Please explain why, and provide any evidence you consider relevant.

Question 14: Do you consider that gambling should be included in this rule? Please explain why, and provide any evidence you consider relevant.

We agree that electronic cigarettes should not be associated with illegal drugs, alcohol and gambling.

No advertisements or communications should present electronic cigarettes in such a way as to glamorise and hence promote their use to non-tobacco users and children and young people aged less than 18 years.

Rules for advertising alcohol dictate that it should not be associated with social success, or to have the ability to overcome problems⁵. Using alcohol as part of a marketing campaign or advertisement which persuades a person to use an electronic cigarette as opposed to tobacco would violate those rules and could be seen as using alcohol as an incentive to use electronic cigarettes or using alcohol as an indicator of social success. Furthermore restriction of exposure to alcohol marketing is seen as best practice for alcohol policies⁶.

Research shows that exposure to advertising of alcohol impacts on when young people start to drink, as well as how risky their patterns of drinking are⁷. Additionally focus groups have shown that young people view electronic cigarettes as a separate product rather than one linked to smoking cessation⁸. This could risk young people taking up electronic cigarette use, either exclusively or in addition to cigarettes, after transferring positive associations from alcohol to electronic cigarettes, if the two are featured in advertisements together.

Indeed, a survey of 5,845 young people aged 14-17 years living in Cheshire and Merseyside has illustrated an association between electronic cigarette access and drinking behaviours in young people. Young people that drank alcohol were significantly more likely to have accessed electronic cigarettes than non-alcohol users⁹.

Rule 8: Marketing communications / advertisements must not link e-cigarettes with activities or locations in which using them would be unsafe or unwise; such as driving.

Question 15: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you have for improvement.

Question 16: Are there any other situations, other than driving, in which you consider that e-cigarette use is so demonstrably harmful that their depiction in advertising should be prohibited?

We agree with the inclusion and wording of this rule.

⁵ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive)

⁶ Alcohol: No Ordinary Commodity – a summary of the second edition 2010 Society for the Study of Addiction

⁷ Evidence for the effectiveness and cost-effectiveness of interventions to reduce alcohol-related harm World Health Organization 2009

⁸ Young People's Perceptions and Experiences of Electronic Cigarettes Katie Hardcastle, Karen Hughes, Joanne Worsley, Andrew Bennett, Robin Ireland, Suzanne Sweeney. Centre for Public Health, Liverpool John Moores University 2014

⁹ Hughes K et al (2014) *E-cigarette access among young people in Cheshire and Merseyside: Findings from the North West Trading Standards survey*. Liverpool: Centre for Public Health, Liverpool John Moores University.

Public Health, Lancashire County Council Response to CAP/BCAP Marketing E-Cigarettes

Rule 9: Marketing communications / advertisements must not be likely to appeal particularly to young people under 18, especially by reflecting or being associated with youth culture. They should not feature or portray real or fictitious characters who are likely to appeal particularly to people under 18. People shown using e-cigarettes or playing a significant role should not be shown behaving in an adolescent or juvenile manner.

Question 17: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you have for improvement.

We agree with this rule and its wording. A 2013 Trading Standards Survey with 3,471 young people aged 14-17 years across Lancashire County highlighted that more than one in four (27%) had bought or tried electronic cigarettes¹⁰. This could potentially facilitate a lifelong addiction to nicotine and provide a route into smoking conventional cigarettes. This could be compounded if advertising and promotion of electronic cigarettes was allowed to promote their use to young people. Indeed a recent qualitative research study of 45 young people aged 13-17 years in Cheshire and Merseyside highlighted that e-cigarette use was driven by youth-relevant marketing strategies such as the availability of different flavours, designs and the opportunity to customise devices to reflect individuality¹¹.

Rule 10: People shown using e-cigarettes or playing a significant role must neither be, nor seem to be, under 25. People under 25 may be shown in an incidental role but must be obviously not using e-cigarettes.

Question 18: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you have for improvement.

We agree with this rule and its wording, which is in line with the rules on alcohol advertising.

Rule 11: Marketing communications / advertisements must state that products are not suitable for under-18s

Question 19: Do you consider that a rule is necessary which requires that ads that products are not suitable for under-18s? Please provide any evidence which you consider may assist CAP and BCAP's consideration of this rule.

Yes, we agree that such a rule is necessary. A 2013 survey of 3,471 young people aged 14-17 years across Lancashire County highlighted that more than one in four (27%) had

¹⁰ Young Persons Alcohol and Tobacco Survey 2013, North West Results. Trading Standards 2013. TSNW, June 2013

¹¹ Hardcastle K et al (2014) *"Most people I know have got one": young people's perceptions and experiences of e-cigarettes*. Liverpool: centre for Public health, Liverpool John Moores University.

successfully purchased and used electronic cigarettes¹². Similarly, a qualitative research study of 45 young people aged 13-17 years in Cheshire and Merseyside highlighted low levels of awareness and uncertainty regarding the current and proposed future regulation of e-cigarettes¹³, with many reporting access to these products via family members, older friends or strangers outside shops.

Existence of this rule will assist in increasing levels of awareness of, and compliance with, the forthcoming legislation banning the sale of Electronic Cigarettes to young people aged under 18 years by retailers, young people themselves and adults. The rule could also prevent proxy purchasing of e-cigarettes by adults on behalf of children and young people.

Rule 12: Marketing communications must not be directed at people under 18 through the selection of media or the context in which they appear. No medium should be used to advertise e-cigarettes if more than 25% of its audience is under 18 years of age.

Question 20: Do you agree with inclusion and wording of this rule? If not, please explain why and provide any suggestions you have for improvement.

We agree with the inclusion and wording of this rule. Electronic cigarette marketing should only be targeted at adults aged 18 years and over and as such, should only appear on television after the watershed.

Rule 13: [Amendment to existing BCAP rules to include e-cigarettes in the list of products and services in existing rule 32.2, to prevent e-cigarettes from being “advertised in or adjacent to programmes directed at or likely to appeal particularly to audiences below the age of 18”]

Question 21: Do you agree with e-cigarettes being included in this list of scheduling restrictions?

We agree with the inclusion of electronic cigarettes in this list.

Rule 14: Radio broadcasters must ensure advertisements for e-cigarettes are centrally cleared.

Question 22: Given BCAP’s policy consideration, do you agree that all advertisements for e-cigarettes must be centrally cleared?

¹² Young Persons Alcohol and Tobacco Survey 2013, North West Results. Trading Standards 2013. TSNW, June 2013

¹³ Hardcastle K et al (2014) *“Most people I know have got one”: young people’s perceptions and experiences of e-cigarettes*. Liverpool: centre for Public health, Liverpool John Moores University.

Electronic cigarettes have been around for less than ten years and the market is still evolving. Advertising of these products is a relatively new phenomenon. Therefore we think that all electronic cigarette advertisements should be centrally cleared prior to publication/transmission.

Additional Questions

Question 23: To what extent, if any, do you consider that new rules should apply to e-cigarettes that do not contain nicotine?

Question 24: Do you consider that any additional rules should be considered specifically in relation to the advertising of e-cigarettes that do not contain nicotine?

Electronic cigarettes not containing nicotine clearly have the potential to cause confusion if subject to a different set of advertising rules from nicotine-containing products. However, they may well perform a useful function for former tobacco users who have progressed to seeking to give up nicotine use altogether. Therefore, they should be subject to the same rules as other electronic cigarettes.

Question 25: To what extent if any do you consider that the above rules for e-cigarettes should apply to those which are licensed as medicines?

The same rules should apply to electronic cigarettes that are licensed as medicines as to those that are not, except that licensed products should be able to include specific health claims in advertisements where they are well supported by scientific evidence. For example, licensed products should be able to advertise as products licensed as aids to cutting down and stopping smoking. This approach has the significant advantage of ensuring the simplest transition to the rules that will be required when the EU Tobacco Products Directive comes into effect.

Question 26: Do you agree with the proposed definition of e-cigarette? If not, please explain why.

We agree with the proposed definition of electronic cigarettes, as it is taken directly from the wording of the EU Tobacco Products Directive, with the addition of non-nicotine containing products.

Question 27: Are there any other rules which you believe CAP and BCAP should consider implementing in relation to the advertising of e-cigarettes?

Question 28: Are there any other comments you wish to make in relation to the advertising of e-cigarettes and BCAP's consideration of this issue?

Please see the general statement of facts and principles set out at the beginning of this consultation response.

There is no reference to use of social media in the rules as currently drafted. Social media is a rapidly growing medium, particularly among young people under 18 years of

Public Health, Lancashire County Council Response to CAP/BCAP Marketing E-Cigarettes

age, and sites such as YouTube and Twitter have been used to promote and market electronic cigarette use¹⁴. Public Health, Lancashire County Council believe that this poses a major challenge which needs to be considered by CAP.

¹⁴ Hua M, Yip H, Talbot P (2013). Mining data on usage of electronic nicotine delivery systems (ENDS) from YouTube videos. *Tobacco Control* **22**(2):103-6.

I would want the statement that informs users, and especially contemplators that ecigs contain nicotine to go a little further and to say something like, which is highly addictive, or more addictive than heroin.

A classic story from clients is that they tried it with friends , they only wanted to do it socially, they didn't realise they were going to get so severely addicted. Most nicotine addiction starts through such misadventure.

There is a duty now to fully inform the public about a substance that we now fully understand.

Kind Regards

Administrator Advisor
Leicester Stop Smoking Service
62-68 Valence Rd
Leicester
LE3 1AR

Date: 28 April 2014	
Report title:	Consultation response on the marketing of e-cigarettes
From:	<u>London Trading Standards Association (LOTSA)</u>

INTRODUCTION

Response on the Committee of Advertising Practice (CAP) and Broadcasting Committee of Advertising Practice (BCAP) consultation on the marketing of e-cigarettes. This written response and supporting evidence has been submitted by LoTSA – the co-ordinating body for all London Trading Standards Services. Please contact the LoTSA lead officer for tobacco for any further information.

BACKGROUND INFORMATION

New rules are required to address growing public concern about the widespread advertising of e-cigarettes. There has been a massive rise in the use and availability of e-cigarettes in recent years and they are now widely advertised in the non-broadcast media. The CAP code contains no specific rules concerning e-cigarettes. Section 21 specifically prohibits the advertising of tobacco products but this does not apply to e-cigarettes because they are a non-tobacco product. The Consultation poses 28 questions set within three broad categories: General, Prohibited Approaches and Protection of Children. Once the new rules are implemented e-cigarettes will be exempted from the specific tobacco rules.

KEY ISSUES FOR CONSIDERATION

General Rules

Rule 1: Adverts for e-cigs must be socially responsible

Q.1 Yes

Q.2 Yes

Rule 2: Adverts must not show the use of a tobacco product in a positive light. This rule is not intended to prevent cigarette-like products being shown.

Q.3 The Network does not agree with the wording of this rule. Advertising of e-cigarettes replaces the prohibited advertising of tobacco products. It fills the gap left by this prohibition and adverts for cigarette-like products are now everywhere. This is the obvious intention of the companies who place the adverts. It negates the good work done by the original tobacco advertising ban.

Marketing of e-cigarettes should be questioned until the evidence base states they are a safe product. There is very little quality control which often means there is a difference between what is on the label and what is delivered to the

user. All health professional bodies currently state not to promote e-cigarettes and monitoring and reporting the use of them is essential.

Q.4 See 3 above.

Rule 3: Adverts must not contain health or medicinal claims.

Q.5 Yes

Q.6 Yes

Q.7 Yes

Rule 4: Advert must be clear that the product is an e-cigarette.

Q.8 Yes but this should relate to the visuals as well as any wording. It should not be sufficient to create a visual advert where the product could be a cigarette or an e-cigarette then place wording nearby saying to the effect ‘...this is not a cigarette...’

The Network is concerned about the potential indirect promotion of tobacco products via advertising for e-cigarettes. E-cigarettes companies have already used STOPTOBER campaign (campaign to help stop smoking) for their benefit by producing Switchtober. Public Health England stated they had spoken to the companies concerned. All Public Health campaigns must not be linked with a substance such as the e-cigarette that is not promoted by professional bodies.

Rule 5: Advert must state if the product contains nicotine.

Q.9 Yes and the rules should apply to all e-cigarette and e-shisha products which do not contain nicotine. Analysis results have shown inaccuracies in the labeling for the concentration of the nicotine and even whether the product contains any nicotine at all. The matter is complex. Report authors should seek to structure it to ensure it is accessible e.g. sub-headings, bullet points, tables, executive summary. A number of traders of e-shisha products have been found online and do not comply with the E-Commerce Regs and again the information to the consumer is very poor. Test purchases have since been made of e-shisha pens in April 2014. This has highlighted the various issues below

- Labelling which doesn't show traceability lack of manufacturer/importer information
- Lack of clear instructions for use or of the chemical contents.
- There's concerns about how e-shisha pens work electrically and of the by-products inhaled when in use
- Does the e-shisha solvent carrier involved and the wick material have any safety impact on the user in use?
- Does the battery and its heat source pose any risk in creating possible explosive vapours?
- The refillable e-shisha pens liquid products, have CHIP warnings re toxicity but do not state the what the actual chemical is inside. One example states on the bottle '**may or may not contain nicotine**'.
- Bottles containing refillable e-shisha pens are not in child resistant packaging and looks like an eye drop bottle. Sometimes they have images of food and smell of foods. For example, strawberry thus making them more child appealing. One incident has occurred when a young child drank the liquid and

- died.
- Some of these tobacco products do not carry the necessary warnings thus making them more child appealing

The e-shisha pens are being sold by wholesalers at around 85 p per unit but at retail up to £20 each.

Prohibited Approaches

Rule 6: Adverts must not encourage non-smokers or non-nicotine users to use e-cigarettes.

Q.10 Yes

Q.11 Advertising should be explicitly addressed only to existing nicotine users. There is clear evidence that e-shisha pens are very popular with young people of school age. E-shisha pens are exactly the same product as e-cigarettes. Most e-shisha pens do not contain nicotine but some do and others incorrectly advertise they are nicotine free when in fact they contain nicotine. Many local schools in SE London have reported an increase in young people's use of e-shisha pens even some pupils selling them within schools. Examples of sponsorship deals with sporting or music events and venues (e.g. Birmingham City) which target young people indiscriminately have become evident. These link the products with a healthy, trendy, cultural or glamorous image. Given the lack of studies into the safety or long-term effects of the product, advertising should only be targeted at existing nicotine users only.

Rule 7: Adverts must not link e-cigarettes with gambling, alcohol or illicit drugs

Q.12 Yes

Q.13 Yes

Q.14 Yes

Rule 8: Adverts must not link e-cigarettes with activities or locations in which using them would be unsafe; such as driving

Q.15 Yes

Q.16 Recently the use of an e-cig in a hospital environment caused an explosion. As the quality control of most products is non-existent there is a high risk of explosions and fires in any setting. This is particularly true with rechargeable e-cigs where the charger and the battery are generally of very poor quality.

Also any settings where young children are present or there is a fire risk from flammable products.

Recent incidents with batteries and chargers has highlighted the potential risk of fires when products are left unattended so should not be used in bed.

A fire in Grimsby started after a 5 volt USB charger was left charging a 4.2 volt electronic cigarette. Officers believed the fire was caused because a different charger was used rather than the charger the e-cig was bought with.

The Fire Brigade has included e-cigarettes as one reason for fires on their reports in the last few weeks to monitor the frequency.

Protection of Children and Young Persons: General

Rule 9: Adverts must not appeal to young people under 18, especially by being associated with youth culture etc...

Q.17 As legislation will shortly make it illegal to sell the products to young people under 18 this section should be as strong as sections for other prohibited products such as alcohol and gambling.. The Rule should also prevent people being used in adverts who may be seen as a responsible adult to a young person such as teacher or as a role model such as a sportsperson or someone indulging in healthy, trendy, cultural or glamorous activities.

Rule 10: Adverts should not show under 25's using e-cigs or playing a significant role.

Q.18 See above. Under 25's should not be in adverts in any way significant or incidental. This is the age suggested for all age verification guidelines. Monitoring of the use of e-cigarettes is required. We would prefer middle age (over 45) to older actors in adverts who are relapsed quitters and current smokers.

Rule 11: Adverts must state that products are not suitable for under-18's.

Q.19 We would prefer a statement to be made that the product cannot be bought by an under 18 year old but recognise that this will be an additional cost for the advertiser and may not be effective because of the reasons given in the consultation document. However, often sellers of these products are not aware of the legal age and this would help reinforce that knowledge.

Protection of Children and Young persons: Targeting (CAP Code only)

Rule 12: Marketing communications must not be directed at people under 18 through media selection. No medium should be used if more than 25% of its audience is under 18 years of age.

Q.20 Yes

Protection of Children and Young Persons: Scheduling (BCAP Code only)

Rule 13: Amendment to existing BCAP rule to include e-cigs in scheduling restrictions.

Q.21 Yes

Radio central Clearance (BCAP only)

Rule 14: Radio Central Copy Clearance – Radio broadcasters must ensure advertisements for e-cigarettes are centrally cleared.

Additional Questions

Q.23 Yes the rules should apply to e-cigs that do not contain nicotine. Analysis of products has thrown up many label inaccuracies and efficiencies including containing nicotine when they state they do not.

Many e-cigarettes have nicotine-free options. Any exemption for nicotine free products would serve to confuse the rulings and provide a potential loophole for those who may wish to exploit it.

Q.24 No

Q. 25 Licensed products should be controlled in the same way as licensed medicines.

Q.26 There should be a phrase which indicates that new products which have essentially the same purpose will be caught even if they differ from the current versions of the e-cig or have a different name eg e-shisha pens, add "or similar products which may or may not contain nicotine" to capture new products.

Q. 27: Are there any other rules which you believe CAP and BCAP should consider implementing in relation to the advertising of e-cigarettes? Please provide as much detail as possible and any evidence you consider supports the relevant restrictions. Q 28: Are there any other comments you wish to make in relation to the advertising of e-cigarettes and BCAP's consideration of this issue?