

By email

To: Clerk to Panel on Health Services (panel_hs@legco.gov.hk)

Date: 22 June 2015

Re: Legislative proposals to strengthen tobacco control – comments on e-cigarettes for consideration by the Panel on Health Services

Dear Sir/Madam,

We write as Zandera Ltd, which was founded in 2009 and which manufactures the E-Lites range of e-cigarettes. E-Lites has rapidly become the most widely recognised e-cigarette brand in the UK and the company has played an active role in supporting the development of e-cigarette regulation in the European Union and the UK. Zandera is now part of the JTI group of companies.

We are writing in response to the Hong Kong Food and Health Bureau's recommendation that Hong Kong should "prohibit import, manufacture, sale, distribution, and advertising of e-cigarettes."

We find this an extraordinary proposal that risks undermining Hong Kong's reputation as being a technically and scientifically literate home to the world's biggest businesses. If this proposal were to be adopted it would likely expose the government to extensive criticism from public health experts, scientists, the media and the general population. Business travellers arriving in Hong Kong would be perplexed by why they could not purchase products which are widely accepted elsewhere in the world. The only contribution this ban would make would be to help fuel growth of the criminal groups who also profit from the sale of counterfeit products.

We note that interest groups who have collectively written to the Hong Kong government in support of a ban on e-cigarettes base their case on the allegation that "*youngsters are the main target of the marketing strategies adopted by the sellers... The flavours, designs and packaging of e-cigarettes are diverse and all appeal to youth*".¹ The authors also say that e-cigarettes are marketed as non-addictive or as smoking cessation aids.

At Zandera, we are committed to responsible advertising and marketing practices and fully support the UK Committee of Advertising Practice code for e-cigarettes.² We do not, and never have, targeted minors or non-smoking adults. We also do not make any health claims on our products that cannot be substantiated.

Two years ago Goldman Sachs described e-cigarettes as one of the world's most disruptive new technologies. Whenever such a breakthrough technology emerges, regulators need an agile approach that both allows society to harness the benefits and respond immediately to demonstrated risks. It is this approach that has been behind the thoughtful, patient response of major regulators including the governments of China, the United States and the European Union. Faced with a transformational product, which is hugely popular with adult smokers, these regulators have decided "not to fix something that is not broken." Indeed, we note that all of these major regulators have seen no reason to date to introduce bans on the manufacturing and sale of e-cigarettes.

We also note that, within the United Kingdom, in June 2015 the government in Wales proposed a ban on the use of e-cigarettes in public places. This is a much more limited regulation than is proposed in Hong Kong yet has resulted in very strong critique from UK public health bodies including Action on Smoking

¹ http://smokefree.hk/UserFiles/attachments/news/2015/20150508_Letter_to_FHB_en.pdf

² <https://www.cap.org.uk/News-reports/Media-Centre/2014/-/media/Files/CAP/Consultations/ecig%20consultation/Regulatory%20Statement.ashx>



and Health, the British Heart Foundation, Cancer Research UK and the Royal College of Physicians. Several major UK newspapers were critical about the action, seeing it as a major setback for public health and personal liberty. We would strongly encourage the authorities in Hong Kong read these articles before they impose a much more draconian policy.

These public health bodies base their views on the results of the hundreds of scientific studies on e-cigarettes which have already been published. These include findings about the levels of nicotine, formaldehyde and propylene glycol in the vapor from e-cigarettes. They have seen nothing that they consider justifies the regulatory response proposed in Wales, let alone the far more restrictive proposals in Hong Kong.

In the absence of long-term scientific evidence with devices ranging from mobile phones to e-cigarettes, regulatory best practice is to run an impact assessment reviewing the scientific evidence on the likely impact of proposed actions. Regulation should always be proportionate to the risks involved. Unjustified and overly risk averse application of the precautionary principle serves no useful purpose and will stifle innovation in, and scientific understanding of, these products.

At Zandera, we have worked closely with top regulators and scientists worldwide. We are concerned that unless you adopt a more proportionate approach to the regulation of this category of products, the government of Hong Kong risks severe reputational damage in the eyes of many stakeholders for years to come.

Yours sincerely,

Michael Ryan
Company Director

Zandera Ltd, 18 Buntsford Park Road, Bromsgrove, Worcestershire B60 3DX, UK

Direct: +44 (0) 1527 573 444

www.e-lites.co.uk