

**Irish Heart Foundation opening statement to the Joint Oireachtas Committee  
on Health on Public Health (Tobacco and Nicotine Inhaling Products) Bill,  
November 17<sup>th</sup> 2021**

Thank you, Chairman for the invitation to appear before the Committee today.

Our legislators, health authorities and health NGOs have forged a powerful alliance over many years that has made Ireland a leading global force in tobacco control. Through bold action – enabled by political consensus – many thousands of lives have been saved in Ireland and countless more in other countries where policies pioneered here have been replicated.

Today, the Irish Heart Foundation urges you to act boldly again to revitalise the faltering quest for a Tobacco Free Ireland and to protect young people from the misery and destruction that nicotine and tobacco addiction causes.

We fully support this Bill, although we have made some suggestions to strengthen it in our submission. And we greatly appreciate the Department of Health's efforts to get the legislation to this point. But we don't believe it goes far enough.

After falling from 41% to 13%, the smoking rate among 15-16 year-olds here is now increasing for the first time in a quarter-of-a-century. Additionally, 39% of this age group have used e-cigarettes and 15.5% are regular users.

There is serious concern that this is the result of a gateway effect from soaring youth vaping rates, with HRB research concluding that adolescents who vape are up to five times more likely to take up smoking.

So far from achieving a Tobacco Free Ireland, we now risk losing the hard won gains of the last 25 years, as the world's Big Tobacco firms that now control much of Ireland's vaping market seek to addict a new generation of young people to nicotine.

To turn the tide of youth smoking back in the right direction and robustly address the dangers of vaping to young people, we believe four further measures are needed:

- Increase the legal age of sale of cigarettes and e-cigarettes from 18 to 21
- Outlaw all e-cigarette flavours bar tobacco
- Ban all e-cigarette advertising
- Introduce plain packaging of e-cigarette products

We don't want to delay crucial provisions in the Bill that must be implemented urgently and therefore suggest complex age-of-sale legislation could be enforced through subsequent amending legislation.

We believe a new age of sale law is justified on the basis of three key tests.

**Is it proportionate?** Yes, because of the unique harm smoking causes; that many young people move from casual use to addiction between 18-20; and for every three young smokers one will die of tobacco-related causes, whilst for every death 30 more will suffer long-term chronic disease.

**Will it be effective?** Yes. Tobacco 21 laws effected in various US States before becoming federal law have reduced smoking among 18-20 year-olds by as much as a third. The US Institute of Medicine says 223,000 lives will be saved among those born between 2000-2019. We can also be confident it will work due to the hugely positive impact of increasing the age of sale here in 2002 from 16-18.

Thirdly, **would it breach young people's rights?** No. The notion that young people automatically acquire all rights possessed by adults at 18 is incorrect. Under 21s are already prohibited by law from activities such as adopting children, driving large passenger vehicles, supervising learner drivers, and standing in national and European elections.

This measure also has overwhelming public support. Our Ipsos MRBI poll found that 73% of Irish adults support the move – including 69% in the 15-24 age group. We regard this a clear message to policymakers that the Irish public wants decisive action to end the blight of smoking.

As in the US, such a law would have to be accompanied by similar restrictions on e-cigarette sales – or risk further fuelling youth vaping rates.

The need for further tough measures on e-cigarettes is a product of the duplicity of an international vaping industry whose lobbyists promote e-cigarettes as a quit tool for long-term smokers whilst their marketers relentlessly target young people with tactics that are as aggressive as they can get away with. The truth is e-cigarettes are far from safe – they can damage the heart, blood vessels, and lungs, whilst exposure to nicotine can have long-term damaging effects on young people's brain development.

The industry's business model betrays everything. Would Marlboro manufacturer Altria have paid €12.8 billion for a 35% stake in Juul Labs, just to help long-term smokers quit, ultimately putting itself out of business? Of course not. The reality is underlined by their recent €40 million settlement, just with the State of North Carolina, after being sued for using deceptive practices targeting young people.

Long-term smokers represent only a small part of the target market of big e-cigarette brands. The main objective – and profits – lie in addicting young people who have never smoked.

By banning child friendly flavours and advertising, along with plain packaging of e-cigarette products, the State could remove the key methods used to target young people

Many e-cigarette liquids are currently sold in bright, attractive packaging with cartoon characters and come in various sweet, fruity flavours such as bubblegum and strawberry milkshake designed to entice young people.

Vaping industry claims that such flavours are not intended for young people, but are necessary to assist long-term smokers, are nonsense. US research shows that almost 80% of youth users gave the availability of flavours as the reason why they vape. US Food and Drug Administration research also found that 97% of youth vapers had used a flavoured e-cigarette in the last month and were more than three times more likely to use fruit-flavours as older adults.

This was backed up by research we conducted with the Cancer Society showing unanimous agreement among focus groups of third and fourth-year students that sweet and fruity flavours, along with bright colourful packaging were aimed solely at young people.

Meanwhile, e-cigarette advertising is banned in print, radio and on TV, but permitted on billboards, public transport and at point of sale. This means young people are exposed to advertising near their schools, on high streets, in shops, on buses, trains etc as part of their everyday lives. Research shows this advertising is effective.

Whilst online e-cigarette marketing is illegal, accounts are permitted on social media platforms like Instagram and Facebook. This enables targeting of young people by social media influencers and celebrities promoting e-cigarette brands. Companies claim they only engage with adult audiences, but research shows they circumvent these rules by using hashtags like #gaelicfootball to communicate with young people.

Despite the success of tobacco control policies in Ireland, smoking still claims almost 6,000 lives here every year, more than have sadly died throughout the pandemic. Without decisive action now we will condemn this generation of children and young people to a similar and completely avoidable catastrophe. We cannot let that happen.

Thank you.