



Stockholm den 16 Januari 2023

Submission to the consultation on non tobacco nicotine products for “oral use”, particularly pouches (portions, pouches, nic-pouches, non-tobacco snus, all white snus etc.)

Preamble:

INNCO is a global community of ex-smokers helping smokers quit and defending the rights of 115 million adult People Who Use Safer Nicotine (PWUSN) to avoid toxic forms of tobacco. In our view, current global efforts to prevent or discourage the 1.3 billion people who smoke cigarettes (or use toxic oral smokeless forms of tobacco) from shifting to safer alternatives is a form of mass murder. Safer alternatives include TPD products like vapes, medical like nicotine patches, nicotine gum, nicotine lozenges, prescription nicotine inhalers, banned in EU like snus, partly unregulated like nicotine pouches and HTPs almost all politically opportune and arbitrary in relation to effect, possible positive effect, risk of and magnitude of negative effect and other considerations we normally employ rigorously to reach good policy decisions.

Nicotine has been demonised so thoroughly by old-school “experts” without really having any evidence to support singling out nicotine as the evil agent that despite being thoroughly debunked, new versions of old claims mistaking combustion of tobacco and nicotine without combustion are back in circulation again. The earlier demonisation was not ethical but perhaps understandable, however doing it again in the tobacco control field by RIVM, INWAT, ENSP, Bloomberg funded other entities including but not limited to WHO in Geneva and WHO EURO in Copenhagen, with the attentive ear of the Dutch MoH to discourage orders of magnitude safer alternatives to smoking is egregious and unacceptable.

These are all affiliated and have on staff highly trained medical professionals charged with our health given our choices. Engaging in organised violations of medical ethics, Truth-Telling, transparency in governance and its unethical. Smokers deserve the truth, switchers deserve the truth, non users and youth deserve the truth: Nicotine itself does not cause cancer, cardiovascular or lung disease. It's the smoke created from combustion that causes almost the entire burden of harm, dangerous additives and lousy production techniques for toxic smokeless. It is not tobacco itself and absolutely not the nicotine in tobacco that is harmful for otherwise healthy human beings or deserve to be seen as a global threat to health. Therefore, given that even daily smoking will not cause any permanent disease before 15 years minimum, the 100 million established smokers in the EU must be, MUST BE, the No 1 Priority for health policy decisions in the nicotine space. Attractive nicotine alternatives to toxic forms of tobacco must according to recognised health principles be accessible and affordable and promoted to save smokers' lives. Not doing so is negligent homicide and finding a common ground saving adult lives at risk and protecting vulnerable youth is not a mutually excluding goal conflict. Even if it were that, by logic we would look to established adults at risk and realise we still have the coming generations, but that by triage needs to be second priority. Snus is already banned and that is terrible, flavours will be banned in many non-combustible products too and that will cause further unnecessary deaths without anything but high hopes and fancy models that youth will just stop. We know youth smoking goes up, we know other uses that are perhaps even more problematic go up, banning nicotine pouches entirely in the Netherlands will open up for EU wide harmonisation like the de facto current ban utilising food safety simply cannot do. The constructed arguments in the proposal are not going to materialize as providing any benefits to lowering youth initiation or lowering cancer incidence in the Netherlands compared to status quo, simply a thinly veiled excuse by puritans to unwittingly use



The Netherlands as a stepping stone to ban all consumer product harm reduction in nicotine across the EU and then go for global exports.

To reduce the horrendous death toll from toxic forms of tobacco, people who use the toxic products should be incentivized to quit or switch to safer nicotine alternatives. To boost that switch rate, those alternatives must be appealing to smokers, and they must be accurately informed of the relative risks compared to cigarettes. And they must be available to try.

To save lives, safer nicotine alternatives must be Acceptable, Affordable and Available to people who use toxic forms of tobacco. These “three ‘A’s” now guide all efforts to ensure access to life-saving drugs and vaccines in low-income countries. They should also guide all regulatory efforts to reduce the horrendous disease and death toll from smoking.

Nicotine vapes (“e-cigarettes”) are product substitutes for combustible tobacco cigarettes. Smokers’ access to harm reduction alternatives is a human right, a social justice imperative and a life-or-death policy issue. We wish to thank the Government of The Netherlands for the opportunity to express our views on this important public health policy proposal to impose prohibition on almost all of the ‘flavours’ that adult ex-smokers use to stay smoke-free.

Our position, explained in more detail below, is based on both scientific evidence and our own lived-experience. We are ex-smokers. We are informed People Who Use Safer Nicotine (PWUSN). Nothing about us without us!

Proposed prohibition of non-tobacco products for oral use in The Netherlands:

De facto this ban is already in place in the Netherlands and causing fatalities, the main functionality of transposing to de jure is opening up for an EU wide harmonised ban on non-tobacco nicotine products particularly the discrete ones in sachets. Doing this entails the Netherlands taking on and owning a massive responsibility for the future health of 100 million in the EU and 1.3 billion globally.

Nothing resembling an inclusive functional consultation or ask for actual information has been asked for or performed for this proposed amendment, it rests on RIVM recommendation and the Amsterdam Police. We filed a complaint against a grossly misleading and scaremongering youtube video released by the Amsterdam Police department in 2022 hoping to encourage a meeting and discussion on the subject of youth and non-tobacco nicotine products. Sadly there was neither a response nor retraction of the video and to the best of our reading the Netherlands intends to disregard plenty of excellent evidence toward this action being a costly, harmful, hard to police piece of posturing only. In stark contrast to adopting as gospel, fuzzy promises based on wrong assumptions and speaking burning bushes at RIVM, that even in the best case scenario might assist in achieving the 2040 goals by 2080 instead and millions of unnecessary and avoidable fatalities in its wake.



The United Kingdom has a different view of these products and similar ones like tobacco based snus of the Swedish kind documented since at least 2007 by the Royal College of Physicians¹ and is now considering lifting the ban on snus and related products. We can document UK discussions going back as far as 1984²

When harm reduction deniers refer to ‘flavours,’ what they really mean is fruit, dessert or candy flavours. One common claim is that such flavours only exist to lure teens, or that they have been added to “to mask the harsh taste of nicotine.” Policies based on misinformation are likely to be bad policies.

Nicotine is a plant-derived molecule. It has no discernable taste or smell (other than a faint peppery smell that some people perceive).

INNCO members are accustomed to this level of mendacity in our opponents. We, in contrast, adhere to peer-reviewed evidence and logic. Let us turn first to simple logic.

In the USA, 85% of teen nicotine vapers use ‘flavours.’ 96% of Americans who actually own an e-cigarette device and buy products are adults. 90% of adult vapers prefer ‘flavors.’ So 86% of all nicotine vape products are ‘flavored’ (due to adult demand).

Imagine if 8 in 10 bicycles are red. And researchers discover that 8 in 10 teen bicycle riders ride red bicycles. No sane person would claim that the colour red causes teen bicycle riding. Or that prohibiting the red bicycles will reduce teen bicycle riding (obviously, they can all just shift to blue, green, orange or yellow bicycles).

INNCO notes further that in many cases, the same organizations that claim under-age use of ‘flavoured’ nicotine vapes is a gateway to smelly, stinky, deadly, combustible tobacco cigarettes... also claim that prohibiting flavours (other than tobacco flavour) will reduce under-age use. This is a profound logical contradiction. They are claiming that (a) vaping a gateway to tobacco cigarettes and (b) tobacco flavour a teen-repellent.

It can’t be both. In fact, it’s neither.

Beyond pure logic, there is also evidence from the real world. INNCO wishes to bring the Government of The Netherlands’ attention to our official [Position Statement on Potential Bans of ‘Flavoured’ Nicotine Vapes](#).

In this document, we recommend that no vast prohibition experiment should be implemented without first conducting a careful Health Impact Assessment. This assessment should be based on peer-reviewed evidence. Our recommendation is comparable to the environmental impact assessments required before building a bridge, a building or a factory.

The evidence-based health impact assessment that we recommend should endeavor to estimate the following. If nicotine vape ‘flavours’ are prohibited, how many:

¹ <https://cdn.shopify.com/s/files/1/0924/4392/files/harm-reduction-nicotine-addiction.pdf?15599436013786148553>

² Please contact us regarding this as it is not a public document, but will be made available immediately to relevant instances asking for it. pls contact cag@innco.org or ab@innco.org to get a copy.



- Fewer teens will vape nicotine?
- Teen vapers will shift to combustible tobacco cigarettes?
- Teen vapers will shift to other drugs (e.g., cannabis)?
- Adult vapers will relapse to smoking?
- Fewer adult smokers will quit?
- Illicit products will arise and be sold with no excise revenue, quality control or age checks?

Our position statement provides links to government surveys and peer-reviewed science that can be a good starting point for that Health Impact Assessment. If anyone cares about evidence, they should be concerned by what the evidence actually shows. ‘Flavour’ prohibition may-or-may-not reduce teen nicotine vaping. It will cause some teen vapers to switch to deadly cigarette smoking, and cause a significant number of adult vapers to relapse to smoking. It will also reduce smoking cessation rates.

Ignoring this evidence from peer-reviewed studies is equivalent to ignoring evidence on climate change, vaccine safety, and the roundness of the Earth. There is a legitimate tension between the laudable goal of reducing under-age use vs. reducing adult death from toxic forms of tobacco. However, INNCO notes that use (which can, and does, change) carries a different moral weight than death (which is final).

The stated goal of any nicotine vape ‘flavour’ ban is to reduce under-age use and protect children. This is the first question in the Health Impact Assessment that we recommend you conduct. INNCO notes that the answer to each of the other five questions is very likely to show that the prohibition you are considering will, literally, kill people. In healthcare ethics, killing people is generally considered to be bad.

INNCO respectfully wishes to remind the Government of The Netherlands that we already know cigarettes kill people. We wish to point out, further, that all efforts to make safer nicotine alternatives less acceptable to adult smokers (e.g., ‘flavour’ bans); less affordable to adult smokers (taxes); and less available to adult smokers (e.g., online sales and mail shipment prohibitions that are now being imposed in some parts of the USA) will - inevitably - be seen by history as a form of mass murder.

We are ex-smokers. Saving smokers’ lives matters. We are informed ex-smokers who use safer nicotine alternatives. We have lived-experience (our health has improved dramatically). Finally, we note that it is now ethically ideal to include people in the LGBTQ community and People Living with HIV/AIDS, in high-level discussion of policies that affect them. We stand ready to contribute to respectful debate.

About us: INNCO is a global community of ex-smokers helping smokers quit, and defending the rights of 112 million People Who Use Safer Nicotine (PWUSN). We believe that current global efforts to deny 1.3 billion people — who use toxic forms of tobacco — access to consumer-satisfactory safer nicotine alternatives is a form of mass murder. Safer alternatives include nicotine patches, nicotine gum, nicotine lozenges, prescription nicotine inhalers, nicotine pouches, nicotine vapes, snus and heated tobacco products. Almost all of us have lost a loved one to smoking. Almost all of us experienced health improvements after we quit smoking. This is neither a game nor a personal affectation. Access to harm reduction for as long as the vastly more dangerous combustible products are legal and widely sold is a human right, a social justice imperative, and a life-or-death issue. INNCO is a non-profit alliance of 35 independent volunteer-led Member Organizations around the world. We are funded by individual in-kind contributions and small donations from thousands of adult ex-smokers. INNCO’s Secretariat (but not our Member Organizations or Governing Board) is supported by a grant from the Foundation for a Smoke-Free



World (FSFW), a US non-profit 501(c)(3) private foundation with a mission to end smoking in this generation. The FSFW is funded by a tobacco company. We are not comfortable with that. But we are transparent about it. INNCO is independent. We were founded in 2016, two years before FSFW came into existence. Our mission, purpose and goals are driven solely by our Members and Governing Board. Our Member Organizations are led by unpaid volunteers who, as a condition of membership, accept no funding from industry. In contrast, numerous organizations around the world oppose safer nicotine alternatives. Many, if not most, are funded by wealthy harm reduction deniers. None declare this as a conflict of interest (COI). And that is a profound violation of public trust. The contents, selection and presentation of facts in this document are the sole responsibility of the author.

Atakan Erik Befrits
+46 764 156046