



27 September 2022

To Whom It May Concern,

We are the Coalition of Asia Pacific Tobacco Harm Reduction Advocates - a coalition of 11 consumer advocacy groups in Asia Pacific who work alongside government and public health officials towards risk proportionate regulation in our respective countries. All of us are former adult smokers, some of us for over a decade, and some of us for only a couple of years.

We kindly ask that you accept and review our commentary below with regards to the Amendment to the Tobacco and Related Products Order. As consumers of safer nicotine products, we are keenly and intimately aware of the benefits that these products have offered us, and we view ourselves as the evidence of their effectiveness to assist adults switch off combustible smoking.

Within the amendment, it is suggested to limit the number of approved substances for e liquid that would limit the flavours available drastically, as outlined in Article 2.12. As consumers, we find this a frightening possibility as it was flavours that enabled us to switch off combustible smoking. There is a very small minority of us who utilised tobacco flavoured e liquid as the last thing any of us wanted was something that tasted like the thing we were trying to remove from our lives.

Individuals have different preferences and it is the ability to choose, not only the product, but the flavour, that enables people who smoke to find a way out of smoking. To limit those choices would be, in our estimation, a de facto ban on the life saving properties of the products.

We fully understand the concerns around youth access and, as shown in New Zealand and the UK, these issues can be addressed by risk proportionate and pragmatic regulation that is enforced in a compassionate and consistent way.

As we have seen in Australia, where e-cigarettes and nicotine are medicalised, punitive restrictions only lead to black markets, where youth have more of an ability to access the products, and those unregulated products are a danger to public health. There has also been an increase in youth uptake of combustible tobacco when bans and punitive restrictions have been placed on the marketplace, such as what has been seen in San Francisco, California, USA.

A regulated market provides for product controls, enforcement and, risk proportionate taxation that can benefit the government as a whole. This is especially important in

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countries where the smoking rate is above 15%, and from our research, the Netherlands has a 20% smoking rate amongst adults.

A country with such a good track record of pragmatic public health measures such as inclusive sex education for youth and the decriminalisation of cannabis, would be hypocritical in its aims to ban a product that could save thousands of Dutch lives if allowed into a regulated market, with no punitive restrictions on flavours or equipment. As signatories to the WHO FCTC, the goal is to have all countries in the treaty reaching for less than 5% of the population using harmful tobacco products by 2030.

It defies logic that the product that is harm reduced is subject to stringent restrictions, whilst the product that is known to kill half its users (combustible tobacco) is allowed free marketing and availability to citizens of the Netherlands. This policy, if implemented, only serves to protect tobacco and pharmaceutical companies, with the harms placed fully on the citizens themselves. It is eerily reminiscent of the meddling from overseas actors that we have seen in Asia Pacific. Actions that are predatory as the main goal is to implement policy that benefits a few, at the detriment of the whole.

The Kingdom of the Netherlands is viewed as a liberal, progressive country when it comes to public health policy and harm reduction. This proposed policy is discriminatory at best and in direct opposition to the major public health policy thinking and regulations that are the cornerstone of public health.

We thank you for taking the time to review this submission. If you have any questions, please feel free to contact us.

Regards,

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