
From: Richard Hyslop [richard@endeavourpublicaffairs.co.uk]

Sent: 08 July 2013 18:14

To: SCHLYTER Carl

Subject: Smoking is a moral issue for electronic cigarette manufacturers and politicians

Please find below a letter from our client Totally Wicked Ltd regarding the vote in ENVI on the revision of the Tobacco Products Directive.

Dear Mr Schlyter,

Vote on the revision of the Tobacco Products Directive (McAvan, S&D, UK)

The market for e-cigarettes exists because tobacco cigarettes exist. If you take away tobacco cigarettes you take away the market for e-cigarettes. It is as simple as that.

It is through smoking tobacco cigarettes that people become addicted to nicotine. E-cigarettes simply deliver clean nicotine – without the tar, carbon monoxide, and volatile hot gasses of tobacco cigarettes. For people who switch from tobacco cigarettes, they hugely reduce risk.

Survey evidence and research carried out by scientific and public health professionals, comes to the same conclusion: e-cigarettes are not a gateway to smoking and 99 per cent of e-cigarettes users are people who have switched from smoking tobacco cigarettes.

Tobacco cigarettes are the gateway to smoking, not e-cigarettes, and every year in the EU 700,000 people die prematurely as a direct result of smoking tobacco cigarettes. If MEPs are genuinely concerned about public health then they will vote on Wednesday to ban tobacco cigarettes and we will happily close down our business. However, while tobacco cigarettes continue to be freely sold we have a moral obligation to manufacture and sell e-cigarettes, because they offer a proven way for smokers to satisfy their nicotine craving by switching from a product containing several thousand chemical compounds and hundreds of toxic ones to one that contains simply nicotine, propylene glycol, and simple flavourings.

If policy makers are unwilling to ban tobacco cigarettes then they too have a moral obligation, a moral obligation to ensure that any regulatory regime they introduce to regulate electronic cigarettes continues to allow them to be sold freely and in a way that is attractive to existing tobacco cigarette smokers, therefore:

Do not vote to regulate electronic cigarettes as a medicinal product

As we clearly set out [here](#), e-cigarettes are not a medicinal product and regulating them as such constitutes a ban as the Parliament's own Legal Affairs committee [has made clear](#).

The European Commission made it [clear](#) in 2008 that it would be very difficult to regulate e-cigarettes as a medicinal product. [Four European courts](#) have also rejected the medical definition and there is [considerable case law](#) from the European Court of Justice that suggests it would fail at the EU level too.

Do not vote to ban flavours

As we set out [here](#), a ban on flavours will simply lead to more people smoking. The desire to remove all flavourings is aimed at making e-cigarettes less appealing to non-smokers and in particular younger people. However research from a variety of eminent bodies including ASH, the American Cancer Society, and the Consumer Advocates for Smoke Free Alternatives Association all demonstrate that young people and non-smokers are not attracted to e-cigarettes in the first place. Remember, it is the positive discriminators between e-cigarettes and tobacco cigarettes that enable electronic cigarettes to be credible lifesaving saving alternatives to conventional cigarettes. These should be reinforced not condemned.

Do not vote for the introduction of arbitrary restrictions on nicotine levels

A typical smoker, smoking 20 cigarettes a day, is likely to need between 18 to 24 milligrams of nicotine per

millilitre for an electronic cigarette to offer a plausible alternative to conventional tobacco products. The market effect of the health ministers' (one milligram of nicotine per millilitre) and Commission's (two to four milligrams of nicotine per millilitre) proposal would be that consumers would be denied the choice which is currently available and without any intervention is rapidly transforming the smoking demographic to a significantly safer alternative in the e-cigarette. Note also, that the UK's Medicines and Healthcare Regulatory Agency (MHRA) has tested the nicotine strength of a range of e-cigarettes and concluded that: '...none of the tested products (e-cigarettes) delivered nicotine levels as high as conventional cigarettes'.

Do vote for rigorous regulation of e-cigarettes as a consumer product

Totally Wicked is a responsible business. We do not knowingly sell our products to those under the age of 18 or to non-smokers.

The products we manufacture and sell are already highly regulated as a consumer product, and the flavours used in our UK manufactured fluids are regulated by the Food Standards Agency. Importantly, the nicotine we use is from a UK supplier of European and USA pharmacopeia standard assured source. In short we do not fear appropriate regulation; actually, we positively embrace it.

The choice is between existing or strengthened consumer regulation or moving to the stricter and damaging regime of medicinal regulation. What problem do policy makers see that requires further regulation?

Cigarettes are incredibly harmful, yet their toxicity is barely regulated with only peripheral measures regarding additives and flavours. Over-regulating the low-risk alternatives will only serve to protect the cigarette industry from competition and contribute to death and disease.

In revising the TPD MEPs should be guided by one key principle: lowering the rates of death and disease caused by smoking tobacco cigarettes. Do policy makers really want to protect an industry that kills 700,000 people at the expense of a market-based, consumer-led public health revolution that has the potential to save millions of lives?

Yours sincerely

Fraser Cropper

Chief Executive Officer
Totally Wicked Ltd