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From: Charles Hamshaw-Thomas [Charles@e-lites.co.uk] Sent: Wed 3/6/2013 6:19 PM

To: HARMS Rebecca

Cc:

Subject: EU Tobacco Product Directive 2012/0366 (COD)/last week's meeting & electronic cigarettes (e-cigs)

Attachments:  [E lites briefing_note re EUTPD e-cigs February 2013.pdf\(399KB\)](#)

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Dear Ms Harms

Noting your comments at last week's meeting I thought it would be helpful for you to be aware that the Directive's proposal for e-cigs, as currently drafted, will require removal from the market of virtually all e-cigs. This will ignore the fact that they are proven to be an increasingly popular alternative to cigarettes and are now widely recognised as being safer than cigarettes.

I attach a briefing note which summarises the facts about e-cigs, the market, our concerns and who we are. Please let me know if you want any more information.

Please also be aware we are in contact with Carl Schlyter's office.

Kind regards

Charles

Ps We are not part of the tobacco industry, there is no tobacco in our products and we have no association or links with the industry. There seems to have been an assumption by many others that we are.

Strictly Private & Confidential – February 2013
Briefing Note re European Tobacco Products Directive 2012/0366(COD) (EUTPD)
and electronic cigarettes (e-cigs)

"... nicotine containing products that either have a nicotine level exceeding 2 mg, a nicotine concentration exceeding 4 mg per ml or whose intended use results in a mean maximum peak plasma concentration exceeding 4 mg per ml may be placed on the market only if they have been authorised as medicinal products..."

Chapter V Article 18

The effect of the above (the Proposal) will be to require removal from the market of virtually all e-cigs pending their authorisation as medicinal products, despite being proven to be capable of being a satisfactory alternative to cigarettes.

- 1. Why would governments restrict their availability and make it harder to put e-cigs on the market than the harmful products they are designed to replace?**
- 2. Removing existing e-cigs from the market would be detrimental to the overall aim of the European Union (EU) to promote the well-being of its people, it would do more harm than good and it would be counter-productive.**

WHAT ARE E-CIGS?

- an electrical **consumer product proving popular with smokers as an alternative to cigarettes**
- battery powered, the smoker inhales a vapourised liquid solution containing nicotine to simulate the act of smoking
- **e-cigs are widely recognised as being safer than cigarettes**
- the benefits of e-cigs:
 - **no tobacco, smoke or tar ie no exposure to the 4,000 toxins and carcinogens found in tobacco smoke** (the e-cig's liquid solution has four ingredients: pharmaceutical grade nicotine, propylene glycol, food grade flavourings and water)
 - **no risk posed to non-smokers from environmental tobacco smoke/'passive smoking'**
 - **no smell, no litter, no fire risk**
- they are widely **recognised by leading public health experts and bodies as being able to reduce the harm caused by smoking**

"... if all the smokers in Britain stopped smoking cigarettes and started smoking e-cigs we would save 5 million deaths a massive potential public health prize ... "

Professor John Britton, Leader of Tobacco Advisory Group Royal College of Physicians February 2013

".... there is little real world evidence of harm from e-cigs to date, especially in comparison to smoking... consequently they represent a safer alternative to cigarettes"

UK Action on Smoking & Health (ASH) January 2013

"... informing smokers about e-cigarettes and increasing access to these products is the best way we have to save millions of lives"

Dr Gilbert Ross, Executive Director American Council on Science and Health (ACSH)



E-Lites™

- e-cigs are marketed and sold only to adults who are smokers
- **described by UK Trading Standards as ‘... a code any industry would be proud to have .’ the Electronic Cigarette Industry Trade Association (ECITA)’s Industry Standard of Excellence (ISE) provides a regulatory framework for e-cigs;** ISE certification (with a bi-annual audit process) ensures compliance with (and in many cases surpasses) all relevant consumer protection legislation, rules and regulations relating to product/quality/safety & marketing standards and is being used and reviewed for adoption and formal recognition in certain Member States
- e-cigs are **designed as an alternative to smoking cigarettes** - they don’t contain tobacco and they deliver levels of nicotine directly comparable to cigarettes which, with the ‘hand to mouth’ behavioural component, provides an overall product **acceptable to smokers**
- **e-cigs are not nicotine replacement therapy (nrt) products** – those products are designed by pharmaceutical companies and are presented as aides to help smokers stop smoking cigarettes (which necessitates medicinal authorisation)

OUR POSITION RE THE PROPOSAL

- **we are not selling a tobacco product** (there’s no tobacco in an e-cig)
- **we are not selling a medicinal product** (we don’t present e-cigs as having health benefits and they are not functionally a medicine)
- **we are selling a consumer product** (a proven alternative to cigarettes)
- **e-cigs are an exciting, breakthrough and potentially ‘transforming’ product which are increasingly widely being recognised as making a very significant contribution to tobacco harm reduction (THR)**
- we want smokers to have access to an alternative and be able to make an informed choice between cigarettes and e-cigs; we also believe all smokers have the right to benefit from technological advances that provide an alternative to cigarettes which is widely recognised as being safer
- **regulation as a medicine is not necessary and will stifle THR progress across Member States**
 - existing consumer protection legislation and other regulations, proven by ISE to be capable of codification and adoption, provide the necessary regulatory framework
 - removing already popular e-cig products from shelves would eradicate the contribution they are making to THR (sales of E-Lites in 2012 reduced consumption of cigarettes by 200million), it could drive millions of smokers back to cigarettes and provide impetus to an illicit trade in e-cigs
- we want freedom to compete against cigarette companies - **limitations on the wider availability of e-cigs will give cigarette companies an unfair competitive advantage and perversely ‘protect’ their existing markets**
- **in the best interests of public health across the EU we believe it is important:**
 - **e-cigs and nrt products are made as widely available as possible (ideally wherever cigarettes are sold and consumed)**
 - **to have a framework of different regulations to accommodate 1.harmful cigarettes (as tobacco products), 2. pharmaceutical nrt products (as medicinal products) and 3. e-cigs (as consumer products)**

ABOUT US

- Since 2007 we have made significant investment in R&D, consumer research and new product development, to enable trading to start in 2009
- E-Lites G9 (9th generation) range is recognised as the world’s most technologically advanced e-cig
- Based in Bromsgrove England, employing 128 people (58 employees in head office and 70 full and part-time sales & merchandising agents and franchisees) across the UK
- 300-500% yr on yr sales growth for the three years ending 03/2013
- +£20m forecast sales for 2012/13; one of the UK’s fastest growing companies with **sales, into 26 European markets, replacing equivalent of +200million cigarettes in 2012**

25 February 2013



E-Lites

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