

Submission on Personal Vaporisers (e-cigarettes)

The Eros Association is a membership-based organisation and represents adult-related businesses. Many of our members are major retailers or wholesalers of personal vaporisers.

Personal vaporisers are a direct competitive product to combustible tobacco products and the evidence suggests that these products have a lower risk to health than smoked products. They are not a therapeutic product intended to help people stop smoking - they are a competitive product that consumers may choose over tobacco.

However there are many anecdotes which have now provided by people who have reduced or ceased their use of smoked tobacco due to their use of a personal vaporiser. Although vaporisers may pose some risks to health, the majority of reputable, independent research suggests that the risks are lower than that of smoked tobacco.¹

Any regulation of personal vaporisers needs to take into consideration these two important but misunderstood points:

- 1. Personal vaporisers are a direct competitor to combustible tobacco products.**
- 2. Personal vaporisers are not tobacco products.**

In Western Australia, the decision to ban personal vaporisers because they 'resemble a tobacco product', but are not one, effectively gives market monopoly to combustible tobacco products. This form of market protectionism in favour of large tobacco companies is not only shameful but probably illegal under national competition law. The full extent of this under WA law, is currently being considered by the industry.

We strongly support people's personal freedoms and liberties, including their right to choose to consume a product that they enjoy. What is considered 'normal behaviour' is not something we believe should be decided by governments however we recognise that government has a responsibility to provide quality information to its constituents in order for them to make informed decisions on their health.

The Eros Association welcomes the discussion around regulating personal vaporisers and makes the following comments on recommendations in the Discussion Paper:

We support community education and awareness raising activities, so long as they are honest and present the evidence, rather than move into the domain of ineffective and expensive scare campaigns.

We support regulation that restricts sales to adults only, as these are adult products.

We support the protection of consumer rights which allow people to vaporise. There is a large body of evidence that exists to support smoking restrictions. This evidence cannot be used to justify bans on vaporising in the same areas as smoking is banned.

Attempts at banning vaporisers through prohibition will and have failed. Our industry intelligence shows that there are as many vaporisers being sold in WA at the moment as

¹ Environmental Health Perspectives, *Vaping and Health: What Do We Know about E-Cigarettes?*, vol 122, Issue 9 Sept 2014. <<http://ehp.niehs.nih.gov/122-a244/>>

ever before, except that they are being sold for twice the price as in other states and under the counter, in a grey-market situation. Who benefits from this? Possibly ill informed politicians who want to run a 'tough on drugs' rhetoric for certain elements in the community but the reality is that they have made the situation worse by encouraging second rate (and possibly dangerous) products into the market.

We believe that vaporisers also have an application outside of recreational use such as in mainstream medical and alternative medical practices. For example, traditional Indian (Ayurvedic) and Chinese medicines frequently involve smoking and vaporising of herbal products.

We would encourage the ACT government to view the retailing of vaporisers along with the retailing of other adult products such as adult media, sexual health products, sexual novelties, fireworks (if re-legalised), some gambling products, legal social tonics and of course, the elephant in the room - tobacco. As per our submission to ACT Health on the future of tobacco sales, we believe that many of the problems with these products (both perceived and actual) are solved by expanding the now defunct X Film License to become an ACT Adult Products License, that takes in all these products under one roof from where they can be best regulated.

Robbie Swan

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