

ENC: Your email to the Department of Health and Social Care

Felipe Oliveira Dias <felipe.dias@anvisa.gov.br>

Qui, 20/08/2020 14:12

Para: Stefania Schimaneski Piras <Stefania.Piras@anvisa.gov.br>

Cc: Coordenacao de Cooperacao Internacional - COCIN <cooperacao@anvisa.gov.br>

Prezada Stefania,

Encaminho resposta recebida do Ministério da Saúde do Reino Unido.

Atenciosamente,
Felipe Dias

De: Department of Health and Social Care <DoNotReply@dhsc.gov.uk>

Enviado: quinta-feira, 20 de agosto de 2020 12:27

Para: Felipe Oliveira Dias <felipe.dias@anvisa.gov.br>

Assunto: Your email to the Department of Health and Social Care

Our ref: DE-1242684

Dear Mr Dias,

Thank you for your correspondence of 15 July about the regulation of electronic nicotine delivery systems (ENDS), electronic non-nicotine delivery systems (ENNDS) and heated tobacco products (HTP). I have been asked to reply, and apologise for the delay in doing so.

I shall answer each of your questions in turn.

Question 1: Are ENDS, ENNDS and HTP authorized in your country? If so, through which health legislation/standard are they authorized?

ENDS, ENNDS and HTP are all permitted in the UK. ENNDS, as non-nicotine products, are not covered under our tobacco legislation but under the General Product Safety regulations 2005, which can be found at the link below. There are no age restrictions

<https://www.legislation.gov.uk/ukxi/2005/1803/contents/made>

These products are regulated through the Tobacco and Related Products Regulations 2016 (TRPR), which are transposed from the EU's Tobacco Products Directive. The Regulations can be found at the following link:

<https://www.legislation.gov.uk/ukxi/2016/507/contents/made>

Question 2: Can these products be marketed with the claim that they pose reduced risks to users' health? If so, which risks are reduced, and which scientific evidence supported this decision?

ENDS, ENNDS and HTP cannot be marketed with any health claims in the UK.

However, for e-cigarettes, although health claims cannot be made on the product's packaging (under the TRPR) they can be made in the product's marketing. This must be cleared by the Advertising Standards Authority, within its own rules. You can find more information at the following link:

<https://www.asa.org.uk/advice-online/electronic-cigarettes-health-and-medicinal-claims.html>

Public Health England (PHE) publishes an annual evidence review on e-cigarettes. The most recent edition is available at the following link:

<https://www.gov.uk/government/publications/vaping-in-england-evidence-update-march-2020>

Regulations pertaining to marketing can be found at the following links:

Tobacco and Related Products Regulations: <https://www.legislation.gov.uk/ukxi/2016/507/contents/made>

Tobacco Advertising and Promotion Act 2002: <https://www.legislation.gov.uk/ukpga/2002/36/contents>

Question 3: If the products can be marketed with the claim that they reduce risks, how is this information disclosed by the health authority? Are risk-reduced products subject to the same regulation as conventional smoking products (fees, advertising and indoor use prohibition)?

Please see Question 2.

Question 4: If the products can be marketed with the reduced risks to users' health claim, does this information appear on the product label? If so, are there regulations to define how this information should be displayed on the label?

Please see Question 2.

Question 5: Are there any records of non-compliance with the health legislation/standard by the Tobacco Industry? If so, in which aspects?

The Department of Health and Social Care is not responsible for the enforcement of the relevant Regulations. This would be a matter for the Ministry of Justice. You can find the contact details at the following link:

<https://www.gov.uk/government/organisations/ministry-of-justice>

Enforcement is carried out on the Department's behalf by Trading Standards authorities. The Chartered Institute of Trading Standards publishes information pertaining to enforcement by English Councils. The latest edition can be viewed at the following link:

<https://www.tradingstandards.uk/media/documents/news--policy/tobacco-control/ctsi-tobacco-report-201819-final-version.pdf>

If you have any further questions, please contact the Department's Healthy Behaviours team direct at healthybehaviours@dhsc.gov.uk.

I hope this reply is helpful.

Yours sincerely,

Maxine Kocura
Ministerial Correspondence and Public Enquiries
Department of Health and Social Care

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