DHSC Open call for evidence: Tobacco and vapes: evidence to support legislation

Purpose: This document presents the RPS's proposed response to the DHSC open call for evidence: Tobacco and vapes: evidence to support legislation. It is being shared with the RPS National Pharmacy Boards for review and sign-off ahead of submission.

Method: The draft responses have been developed through a rapid literature search conducted by the **RPS Science and Research Team**, supplemented by expert input from the RPS Science and Research Committee to ensure the response reflects current evidence, recent policy changes, and new legislative developments. **National Pharmacy Board members are invited to review the proposed positions and provide any final comments or approval.**

RPS Submission

About you

In what capacity are you responding to this survey?

- An individual sharing my personal views and experiences
- An individual sharing my professional views
- On behalf of an organisation

Do you have any direct or indirect links to, or receive funding from, the tobacco industry?

- Yes
- No

What is the main area of focus of your work?

- Academic
- Advocacy
- Distribution
- Education
- Emergency services
- Enforcement agencies
- Healthcare
- Justice system
- Legal
- Local government
- National government
- Production or manufacturing
- Retail
- Social care
- Wholesale

Questions for organisations and those sharing their professional views

Do you work for, or are you providing views on behalf of, any of the following? Select all that apply.

- Manufacturer or producer of a tobacco product
- Manufacturer or producer of a vape or nicotine product
- Importer of a tobacco product
- Importer of a vape or nicotine product

- Distributor of a tobacco product
- Distributor of a vape or nicotine product
- Retailer of a tobacco product
- Retailer of a vape or nicotine product
- None of the above

Where does your organisation operate or provide services? (Optional) Select all that apply.

- England
- Wales
- Scotland
- Northern Ireland
- The whole of the UK
- Outside the UK
- Online

What is the size of your organisation? (Optional)

- Small (0 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more employees)

What is the name of your organisation? (Optional)

Royal Pharmaceutical Society (RPS)

Vape and nicotine flavours and ingredients

We are seeking evidence on ingredients and substances within vaping and nicotine products. We are particularly interested in evidence on:

- *ingredients used to create flavours (and emissions from these ingredients)*
- *the presence of heavy metals*
- *nicotine limits*

Do you have evidence to provide on flavours, ingredients and substances, nicotine limits or heavy metals within vaping and nicotine products?

- Yes
- No

If you select 'no' you will go straight to the next section of the call for evidence on tobacco flavours and accessories.

Flavours in vapes and nicotine products

Please provide evidence on how vape flavours are currently created. For example, the number of different substances typically used to create a flavour or the strength of such substances. (Optional, maximum 500 words)

RPS Response: Vape flavours are typically created using mixtures of food-grade flavouring concentrates dissolved in a base of propylene glycol (PG), vegetable glycerine (VG) or a mixture of both, with or without nicotine. Commercial formulations often use complex blends of dozens of individual flavouring chemicals (esters, aldehydes, ketones, terpenes and sweeteners) to reproduce fruit, confectionery, beverage or "dessert" profiles.

Analyses of refill liquids have identified hundreds of distinct flavouring chemicals across the market; typical products contain multiple flavouring compounds, often in total concentrations of several per cent by volume. Common examples include vanillin and ethyl vanillin (vanilla), benzaldehyde (cherry/almond), cinnamaldehyde (cinnamon), menthol and related cooling agents, and a range of fruity esters.

Critically, these substances are evaluated for safety when ingested as foods, not when heated and inhaled. The concentrations used in e-liquids may be within the range used in food, but the route of exposure, target organs (airways and lungs), and pattern of chronic inhalation differ markedly from oral consumption. The Flavour and Extract Manufacturers Association has explicitly stated that its "generally recognised as safe" (GRAS) determinations for flavourings do not apply to inhalation.

From a public-health perspective, the key points for regulation are:

- **Complexity:** flavours are not single molecules but multi-component mixtures, making toxicological assessment challenging.
- **Lack of inhalation data:** most flavourings lack robust chronic inhalation safety data, particularly in adolescents.
- **Youth appeal:** sweet and fruit profiles are disproportionately used by young people, as shown in surveys from the US and Great Britain.

Drawing on the available evidence and supported by further feedback from the RPS Science and Research Committee, the RPS adopts a highly precautionary position. If vapes are to be retained solely as harm-reduction tools for adult smokers, we advocate moving towards unflavoured products (i.e. with no added flavourings beyond base solvents and nicotine). Ideally, products should have no characterising flavour at all, rather than being restricted to "tobacco" flavours, which still depend on added flavour chemicals.

Please provide evidence of any flavours, ingredients or substances within vapes or nicotine products that could pose health risks and that we should consider when developing regulations. For example, risks associated with regulators, binders and sweeteners. (Optional, maximum 500 words)

RPS Response: There is growing evidence that flavouring agents and other non-nicotine constituents can pose respiratory and systemic risks when heated and inhaled:

- **Diacetyl and related diketones:** Formerly used in buttery flavourings, diacetyl inhalation has been linked to bronchiolitis obliterans ("popcorn lung") in exposed workers. Although some manufacturers have reduced or removed diacetyl, related diketones (e.g. 2,3-pentanedione) have similar toxicological concerns, and surveys have still detected diacetyl or substitutes in some e-liquids.
- **Cinnamaldehyde and other reactive aldehydes:** Cinnamaldehyde, used in cinnamon flavours, can impair ciliary function and epithelial integrity in vitro at concentrations relevant to e-cigarette aerosols. Reactive aldehydes (including flavourings and thermal degradation products such as formaldehyde and acrolein) are associated with airway irritation and potential long-term respiratory effects.
- **Sweeteners and coolants:** Sucralose and related sweeteners can degrade under heat to chlorinated degradation products, while synthetic coolants and menthol analogues may alter inhalation topography and deepen puff inhalation in youth, increasing delivery of nicotine and other toxicants.

In addition, analyses of e-cigarette aerosols and liquids have repeatedly detected:

- **Heavy metals** (nickel, chromium, lead, tin) originating from heating coils, solder and other device components; concentrations vary, but some samples approach or exceed occupational or environmental reference limits when extrapolated to chronic use.

- **Carbonyls** (formaldehyde, acetaldehyde, acrolein) formed by thermal decomposition of PG/VG, particularly at higher power settings. These are established respiratory irritants and probable carcinogens (formaldehyde).

For nicotine pouches and other oral nicotine products, concerns include:

- **High nicotine strengths** (often >10–15 mg per pouch in some markets), with rapid buccal absorption and potential for dependence.
- **Flavours and sweeteners:** similar youth-appealing "candy" profiles; local oral effects (mucosal irritation, potential periodontal impact) have been reported, although long-term data remain limited.

In line with the currently available evidence and the advice of the RPS Science and Research Committee, the RPS recommends that regulators:

- Treat flavouring mixtures as potential respiratory hazards unless robust inhalation safety data exist;
- Explicitly restrict or prohibit flavours containing known or suspected respiratory sensitisers or toxicants (e.g. diacetyl and analogues, certain aldehydes);
- Address stabilisers, solvents, sweeteners and colourants alongside "headline" flavour components; and
- Move towards a default position of no added flavourings (unflavoured products) for any nicotine-containing devices intended as smoking-cessation aids.

Please provide evidence on what gives vape liquid a colour, and what risks there might be by restricting vape liquid to a clear colour. (Optional, maximum 500 words)

RPS Response: The colour of vape liquid is determined by:

- **Added colourants** (dyes or pigments) used for branding and visual appeal;
- **Intrinsic colour of flavouring chemicals** (some aroma compounds are pale yellow or amber); and
- **Oxidation products** of nicotine and PG/VG, which can cause darkening over time.

From a toxicological standpoint, added dyes provide no therapeutic benefit. Many colourants used in cosmetics or food lack inhalation-specific safety data. Restricting e-liquids to clear, uncoloured formulations would:

- Remove one dimension of youth appeal (brightly coloured liquids that match sweets or soft drinks);
- Reduce the number of poorly studied dye molecules being heated and inhaled; and
- Simplify product testing and regulatory oversight by limiting ingredient diversity.

There is no clear evidence that prohibiting added colourants would introduce harm for adult smokers using vapes to stop smoking. Nicotine, PG and VG are typically colourless or slightly yellow; mild colour related to oxidation is manageable through shelf-life and storage controls. Restricting liquids to "clear" would therefore primarily affect marketing aesthetics rather than harm-reduction potential.

Members of the RPS Science and Research Committee also highlighted that the colour of devices and canisters is a significant driver of youth appeal, particularly when products mimic the look of confectionery. Accordingly, regulation of liquid colour should be accompanied by controls on the colour schemes of devices and packaging, shifting away from bright, child-friendly palettes towards neutral, standardised designs.

Please provide evidence of effective strategies and methods to limit the flavours in vapes and nicotine products. (Optional, maximum 500 words)

RPS Response: Evidence on international experience suggests several complementary strategies:

1. **Restrict flavour categories**: Some jurisdictions have limited flavours in closed-system e-cigarettes to tobacco (and, in some cases, menthol), with partial reductions in youth use but evidence of product and user substitution. However, where **menthol and mint** remain available, these continue to be popular among young people.

2. **Ban characterising flavours entirely (unflavoured only)**: Based on the available evidence on respiratory-risk and reflecting perspectives from the RPS Science and Research Committee (SRC), the most coherent approach is to prohibit all characterising flavours, including "tobacco" flavourings, and allow only unflavoured nicotine products (base solvents plus nicotine). This directly addresses both: a) youth appeal, and b) inhalation of flavouring complexes and their stabilisers.

3. **Prohibit specific high-risk flavouring chemicals and classes:** Even where some flavouring is retained for adult cessation products, regulators can list prohibited compounds or functional classes known or suspected to be harmful when inhaled (e.g. diacetyl and related diketones, certain aldehydes, specific sweeteners).

4. **Plain or standardised packaging and device design**: Standardised packaging and restrictions on device colour and imagery are effective in reducing appeal and brand signalling, complementing flavour limits. Experience with tobacco plain packaging shows reduced attractiveness and perceived appeal among youth.

5. **Robust enforcement and product registration**: Flavour restrictions must be backed by a fit-for-purpose registration scheme, random post-market testing and strong penalties for non-compliance. Without this, illicit or "grey-market" flavoured products will remain widely available.

On balance, the RPS view is that the preferred end-state should be the removal of all characterising flavours from nicotine vapes, leaving only unflavoured products and explicitly prohibiting flavouring stabilisers and additives where evidence indicates inhalation risk. **If the government instead opts for a stepwise approach**, flavours should, at a minimum, be restricted to tobacco only in products positioned as cessation aids for adults, with a clear trajectory set towards fully unflavoured formulations as further evidence emerges on the inhalation risks associated with flavouring agents.

Please provide evidence on the presence of heavy metals in vape liquids and nicotine products and any associated risks. (Optional, maximum 500 words)

RPS Response: Multiple analyses of e-cigarette aerosols and refill liquids have detected heavy metals, including lead, nickel, chromium, tin and manganese, originating from coils, solder and other device components. Levels vary by device and use conditions; some samples approach or exceed health-based reference values when extrapolated to chronic use.

Key points are:

- **Source:** Metals leach from heating elements and other internal parts into the e-liquid and aerosol. Corrosion, high power settings and repeated heating cycles can increase metal release.
- **Toxicological concern:** Lead and cadmium are neurotoxic and nephrotoxic; nickel and chromium compounds are respiratory sensitisers and potential carcinogens; and chronic inhalation of metal-containing aerosols is associated with airway inflammation and potential long-term respiratory effects.
- **Youth vulnerability:** Adolescents are particularly susceptible to the neurodevelopmental effects of metals such as lead and manganese; combined exposure with nicotine and other toxicants is a concern.

Given these findings, RPS supports:

- **Stricter product-standard requirements** on device materials (e.g. corrosion-resistant alloys, alternative heating technologies) and explicit limits on metal emissions;
- **Independent post-market testing** of metal content in aerosols, using risk-based sampling; and

- **Clear labelling and registration requirements** so that non-compliant products can be rapidly identified and removed from the market.

Nicotine

We are seeking to better understand the nicotine content and absorption rates in nicotine products, such as nicotine pouches, including the risks and benefits which may occur at specific strengths.

Please provide evidence on how nicotine or other substances in nicotine products are absorbed by the user. You may wish to consider the risks and benefits of the amount of nicotine absorbed and the speed at which it is absorbed. (Optional, maximum 500 words)

RPS Response: Nicotine absorption and its behavioural impact depend strongly on product type and formulation:

- **Combustible cigarettes:** Nicotine is rapidly absorbed through the lungs, reaching the brain within 10-20 seconds. This rapid spike and fall in arterial nicotine are closely linked to high dependence liability.
- **Nicotine vapes:** Early "first-generation" devices delivered relatively low and slow nicotine doses; however, modern high-strength nicotine salt formulations and efficient devices can approximate cigarette-like nicotine delivery in both speed and peak concentration. Device power, aerosol particle size, pH and inhalation patterns all influence absorption.
- **Nicotine pouches and other oral products:** Nicotine is absorbed mainly through the oral mucosa; absorption is somewhat slower than cigarette inhalation but can still produce substantial systemic exposure, especially with high-strength products and prolonged use. Recent work has shown high uptake of nicotine pouches among adolescents in some settings, often in combination with e-cigarettes.

Based on available evidence and from a harm-reduction standpoint, limiting nicotine levels and moderating delivery speed may reduce dependence potential but could also reduce efficacy as a smoking-cessation aid if nicotine delivery is too weak compared with cigarettes. RPS therefore supports:

- **Maintaining and enforcing a maximum nicotine concentration for vaping products** (currently 20 mg/mL under TRPR), while monitoring real-world absorption profiles and youth use.
- **Setting appropriate upper limits for nicotine pouches** and other oral products, taking into account buccal absorption characteristics and dual use.
- **Discouraging very high-nicotine, highly reinforcing formulations** that are attractive to youth and non-smokers, including products marketed with aggressive flavouring and youth-focused branding.

More broadly, feedback from the RPS Science and Research Committee emphasises that, for young people, any nicotine exposure – regardless of route – can disrupt neurodevelopment, increase vulnerability to addiction and co-use of other substances, and is therefore incompatible with a public-health goal of a smoke-free and nicotine-aware generation.

Please provide evidence or information on the impacts on businesses from having to adjust manufacturing or operating practices to meet new regulatory changes, such as those set out in this section of the call for evidence document. (Optional, maximum 500 words)

RPS Response: The RPS does not generate primary economic data but can draw on experience from previous regulatory changes (e.g. TRPR implementation, tobacco plain packaging, and upcoming single-use vape regulations). Likely impact include:

- **Reformulation costs:** Manufacturers will need to reformulate e-liquids to remove prohibited flavourings, colourants or metals-releasing components. This entails R&D, toxicological assessment and stability testing.
- **Device redesign:** Stricter limits on heavy metals, child-resistance and digital features may require redesign of hardware and supply chains.
- **Compliance and testing:** Enhanced requirements for ingredient disclosure, emissions testing and registration will incur recurring costs but create a more predictable regulatory environment for compliant businesses.
- **Market rationalisation:** Smaller operators relying on unregulated or highly flavoured products may exit the market, while larger, compliant firms could consolidate.

However, these costs must be weighed against a) reduced long-term healthcare and societal costs from youth nicotine initiation and respiratory disease; and b) regulatory certainty that benefits responsible businesses and protects consumers.

As with prior tobacco control measures, industry will likely overstate compliance burdens; independent assessments following implementation of tobacco plain packaging and display bans have found limited long-term negative impact on legitimate retail once systems adjust.

Please provide evidence on whether the limits on nicotine levels in nicotine vapes should be re-assessed, or if the current maximum limit of 20mg per ml is sufficient. (Optional, maximum 500 words)

RPS Response: The current UK limit of 20 mg/mL for nicotine in e-liquids (implemented via TRPR) has a) broadly enabled effective smoking-cessation in many adult smokers using modern devices; and b) limited the availability of ultra-high strength liquids (50–60 mg/mL) seen in some other jurisdictions, which are strongly associated with youth uptake.

On balance, RPS considers the 20 mg/mL limit should be maintained, strictly enforced and not increased, for several reasons:

1. **Pharmacokinetic data** indicate that many current closed and open systems using 20 mg/mL nicotine salts can already deliver cigarette-like nicotine exposure.
2. **Youth surveys** show that even at current legal strengths, vaping is common among children who have never smoked. ASH data from Great Britain indicate that a growing proportion of 11–17-year-olds report current vaping, often using disposable devices.
3. Raising the cap risks making products more addictive for inexperienced users, particularly adolescents and young adults, without clear cessation benefit for smokers.

If anything, there is a case for closer monitoring and potential downward adjustment in certain product categories where high device efficiency and nicotine salts deliver rapid, high-dose exposure. Any reassessment should be based on:

- Real-world pharmacokinetic data across devices;
- Population-level patterns of smoking cessation versus youth uptake; and
- The availability of alternative, regulated nicotine-replacement therapies (NRT) that can provide adequate nicotine for cessation with lower youth appeal.

If you have any other evidence on flavours, ingredients or emissions for vaping products and nicotine products, please include it here. For example, you may wish to consider the risks to oral health when using nicotine pouches. (Optional, maximum 500 words)

RPS Response: Additional points RPS wishes to emphasise based on the available evidence:

- **Oral health and nicotine pouches:** Emerging reports describe gingival irritation, mucosal lesions and potential periodontal effects associated with frequent pouch placement in the same area of the

mouth. Long-term data are limited, but the combination of high local nicotine concentrations, pH modifiers and flavouring agents warrants caution.
- **Dual and poly-use:** Many adolescents use nicotine pouches alongside vapes, and some smoke cigarettes as well. This undermines harm-reduction arguments and increases overall nicotine exposure. Regulatory measures should therefore address the full ecosystem of nicotine products, not vapes in isolation.
- **Non-nicotine vapes:** Even nicotine-free products can deliver flavouring agents, solvents and metals to the respiratory tract, with similar inhalation risks for flavourings and emissions. Regulation based solely on nicotine content risks overlooking harm from other constituents.
- **Public and parental awareness:** Members of the RPS Science and Research Committee highlighted that many parents are unaware of newer nicotine products such as pouches and high-strength disposables. RPS supports targeted campaigns, including in primary schools (years 5/6), to raise awareness among children and parents about nicotine products and their risks.

Overall, RPS supports a precautionary, system-wide regulatory framework that:

- Minimises youth appeal (via flavour, colour, packaging and device design controls);
- Restricts and simplifies ingredient profiles;
- Ensures robust, independent emissions testing; and
- Integrates nicotine vapes, pouches and other products into a coherent set of controls aimed at a "smoke-free and nicotine-aware generation".

Tobacco flavours and accessories

We are seeking evidence to better understand the impact that flavoured tobacco products and accessories have on tobacco consumption. We are also seeking evidence on whether introducing or amending legislation is necessary.

Do you have evidence to provide on tobacco flavourings or tobacco accessories?

- Yes
- No

If you select 'no' you will go straight to the next section of the call for evidence on vapes.

Please provide evidence on the effectiveness of banning characterising flavours for cigarettes and hand-rolled tobacco on reducing tobacco consumption. (Optional, maximum 500 words)

RPS Response: Evidence on international and European experience indicates that banning characterising flavours in cigarettes and hand-rolled tobacco contributes to reduced youth initiation and changes in product use:

- The EU Tobacco Products Directive (TPD) banned characterising flavours (including menthol) in cigarettes and roll-your-own tobacco, with full menthol bans implemented in 2020. Early evaluations reported reductions in sales of menthol cigarettes and some switching to non-flavoured products, with evidence of decreased initiation among young people.
- Flavoured products, especially menthol, are disproportionately used by younger smokers and those starting smoking, due to reduced harshness and cooling sensations that facilitate inhalation. Removing these products therefore acts on the gateway into regular smoking.

While some smokers may switch to non-flavoured products or alternative nicotine sources, flavour bans a) remove targeted marketing tools used to attract young and marginalised groups; b) support denormalisation of tobacco use by reducing product diversity and "lifestyle" branding; and c) complement other measures such as plain packaging and display bans.

For Great Britain, RPS supports maintaining and, where needed, strengthening bans on characterising flavours in tobacco products. Any residual flavouring that materially alters taste, smell or inhalation experience should be in scope, including additives in filters or papers that generate flavour during use.

Please provide evidence on the use of ingredients that give cigarettes or hand-rolled tobacco a particular flavour or sensation. (Optional, maximum 500 words)

RPS Response: Tobacco manufacturers have historically used a range of additives to impart flavour or sensory effects, including:

- **Menthol and related cooling agents:** impart cooling and local anaesthetic effects, reducing perceived harshness and facilitating deeper inhalation, particularly among novice smokers.
- **Sugars and humectants:** enhance sweetness and smoothness; when burned they generate aldehydes and other toxicants.
- **Cocoa, liquorice and other flavourings:** modify taste and aroma; some materials alter smoke pH and thus nicotine delivery characteristics.

These additives are used to make smoke more palatable, particularly for new or younger smokers; create brand differentiation; and sustain product appeal despite regulatory constraints.

Evidence from internal tobacco industry documents and independent studies demonstrates that flavour and sensory engineering is deliberately focused on initiation and product loyalty, not harm reduction.

RPS, therefore, supports strict limits on any additive that confers a characterising flavour or materially alters the sensory experience of smoke, including agents that increase smoothness or mask harshness, as part of a comprehensive tobacco-control strategy.

Please provide evidence on how the use of flavours for other tobacco products (such as heated tobacco, shisha or chewing tobacco) impacts tobacco consumption. (Optional, maximum 500 words)

RPS Response: Flavours in other tobacco products similarly a) increase product appeal, particularly among young people and those who do not consider themselves “smokers”; b) mask the harshness of tobacco and combustion products; and c) support misperceptions that such products are less harmful or “social” alternatives. For example:

- **Shisha and waterpipe tobacco** commonly use sweet, fruit and confectionery flavours, often combined with social settings. Young users may underestimate harms, despite significant exposure to nicotine, carbon monoxide and carcinogens.
- **Chewing tobacco and snus-like products** use mint, fruit and spice flavours that can make initiation easier and sustain use.
- **Heated tobacco products (HTPs)** are positioned as reduced-harm alternatives but often incorporate flavour capsules, menthol or other flavours that can attract non-smokers and youth.

Based on available evidence, RPS considers that characterising flavour bans should extend consistently across **all tobacco products**, including heated and oral forms, to prevent displacement of youth initiation from cigarettes to other flavoured tobacco products.

Please provide evidence on the use of ingredients that give other tobacco products (such as heated tobacco, shisha or chewing tobacco) a particular flavour or sensation. (Optional, maximum 500 words)

RPS Response: Evidence suggests that ingredients include:

- **Flavouring mixtures** similar to those used in e-liquids (fruit esters, sweeteners, aromatic compounds) added to shisha, chewing tobacco and heated tobacco sticks;
- **Cooling agents and menthol** in heated tobacco and oral products;
- **Sweeteners and syrups** in shisha mixtures, contributing to sticky, palatable preparations.

These additives a) increase palatability and mask harshness; b) create a perception of “premium” or “gourmet” experiences; and c) encourage more frequent and prolonged use sessions.

A consistent, product-agnostic approach to flavour regulation is needed so that any substance used to impart a characterising flavour or sensation (including cooling, sweetness or reduced harshness) is controlled across all tobacco product categories.

Please provide evidence on how the use of flavoured tobacco accessories (for example crush balls and flavoured filters) impacts tobacco consumption. (Optional, maximum 500 words)

RPS Response: Flavoured accessories (e.g. crush balls, flavoured filter tips and flavour-infused papers) allow users to convert an otherwise non-flavoured product into a flavoured one at the point of use. This a) undermines bans on characterising flavours in finished products; b) re-introduces menthol and other flavours that reduce harshness and increase appeal; and c) provides a marketing tool to attract young and experimental users via novelty and customisation.

Experience from the EU menthol ban suggests that such accessories have been used to maintain menthol use despite product-level bans. RPS therefore supports regulating flavoured accessories (including crush balls, flavour capsules, infused filters and papers) within the same framework as tobacco flavour bans, to prevent circumvention.

Please provide evidence or information on the impacts on businesses from having to adjust manufacturing or operating practices to meet new regulatory changes, such as those set out in this section of the call for evidence document. (Optional, maximum 500 words)

RPS Response: As with vape flavour restrictions, tobacco product and accessory flavour bans require manufacturers to reformulate products, redesign filters and papers and adjust branding and marketing strategies. Evidence from the EU menthol ban suggests some initial reformulation costs and market adjustments and shifts in brand portfolios; but no catastrophic or persistent adverse impact on legitimate retailers following transition. Given the substantial healthcare and productivity costs of tobacco-related disease, RPS considers this impact justified and proportionate.

If you have any other evidence on tobacco flavours or flavoured accessories, please include it here. (Optional, maximum 500 words)

RPS Response: RPS emphasises that:

- Flavour bans should be comprehensive and coherent across tobacco products and accessories, to prevent product-type substitution and regulatory loopholes.
- Communication with the public and health professionals must clearly explain that "flavour" restrictions aim to reduce initiation and protect youth, not to deprive existing smokers of support; appropriate cessation services and alternative nicotine-replacement options must be available and well promoted.

Vapes

We are seeking to limit features of vapes to reduce the appeal to children and young people. In particular, we are interested in:

- *the role that a device's size and shape plays in the appeal of vaping to young audiences*
- *the role that digital screens should have in vapes*
- *the effectiveness of child resistant measures on vapes*

Do you have evidence to provide on vapes?

- Yes

- No

If you select 'no' you will go straight to the next section of the call for evidence on heated tobacco devices.

Size and shape

We are interested in any evidence relating to the size and shape of vapes, including:

- *how different vape sizes and/or shapes appeal to young people*
- *the potential benefits of introducing maximum or minimum size limits*
- *the potential benefits of standardising size and/or shapes*

If you have any evidence relating to the size and shape of vapes, please include it here. (Optional, maximum 500 words)

RPS Response: Evidence suggests that device size and shape strongly influence youth appeal and concealability:

- **Small, USB-stick or highlighter-like devices** and slim disposables are easy to conceal in school settings and can be mistaken for stationery or cosmetic items.
- **Novelty shapes** (e.g. resembling toys, sweets or cosmetics) explicitly target younger demographics and undermine messages that vapes are adult cessation tools.

Regulatory options include:

- Setting **minimum size thresholds** to reduce concealability and alignment with toys or school equipment;
- Limiting device shapes to simple, standardised forms, avoiding novelty or child-like designs; and
- Aligning device-shape regulation with packaging and colour controls.

RPS supports a design framework in which any remaining nicotine-containing devices are clearly adult products, not accessories that blend into children's environments.

Tank sizes

We are interested in evidence relating to vape tank sizes, including:

- *the effectiveness of current limits (2ml for a device tank and 10ml for a refill tank)*
- *the optimal capacity for a vape tank*
- *the benefits and risks of connecting vape refill tanks to the device*
- *how many refill tanks should be connected to a device at one time*

If you have any evidence on vape tank sizes, please include it here. (Optional, maximum 500 words)

RPS Response: Current TRPR limits tank capacity to **2 mL** and refill containers to **10 mL**. These constraints a) limit the maximum volume that can be consumed before refilling or replacing, and b) were intended to reduce nicotine exposure per device and facilitate dosage control.

However, experience with disposables (which often combine compact devices with prefilled tanks) shows that puff counts and capacities can exceed what is consistent with 2 mL/20 mg/mL limits in some illicit products, and children may consume high volumes due to sweet flavours and social patterns.

Based on available evidence, RPS recommends:

- Maintaining stringent limits on tank volume and nicotine strength;
- Improving enforcement against oversized or mislabelled tanks, especially in disposables; and

- Exploring whether lower capacities are warranted in single-use products, given their high youth appeal.

Any move to connect refill tanks directly to devices (for example via pod chains) should be carefully considered; larger connected capacities can undermine consumption controls.

Digital screens

Please provide evidence on the role of digital screens on vapes. For example, whether there may be benefits or harms, and whether there is a need to place limits on the use of digital screens. (Optional, maximum 500 words)

RPS Response: Digital screens can display useful information (battery status, power settings, puff count), which may help some adult users monitor consumption, but also provide opportunities for gamification, animations, branding and social-media-style features that increase youth appeal and encourage higher use.

From a public-health perspective, based on available evidence, RPS considers that:

- Non-essential digital features (animations, games, social sharing, custom images) should be prohibited;
- Any permitted screen functions should be limited to basic operational information (e.g. battery, power, remaining liquid) and health-oriented prompts (e.g. usage summaries); and
- Devices used as licensed cessation aids should be simple and functional, not entertainment devices.

Requirement to be child resistant

Please provide evidence on the effectiveness of child resistant measures on vapes. (Optional, maximum 500 words)

RPS Response: Current child-resistance requirements primarily target packaging of refill containers and outer cartons, which must be child-resistant and tamper-evident under existing regulations. Once packaging is discarded and the device is in routine home use, however, these protections largely disappear.

Poison-centre data show increasing paediatric exposures to e-liquids and vapes, particularly among toddlers who find devices on tables, sofas or in bags. Feedback from the RPS Science and Research Committee stresses that device-level child-resistance is essential (e.g. multi-click firing locks or slide-to-unlock mechanisms; mouthpiece caps or lids that must be opened before each use and remain attached) and clear consumer messaging on safe storage in homes with children is needed (akin to medicines and cleaning products).

Therefore, RPS recommends that future product standards explicitly require a) child-resistant device designs, not just packaging; b) testing and certification of child-resistant features; and c) prominent user guidance on storage and disposal.

Any other evidence

Please provide evidence on other elements of a vape that the government should consider regulating and why. (Optional, maximum 500 words)

RPS Response: Based on current evidence, RPS highlights several additional design elements:

- **Colour and aesthetics:** Bright, pastel or "candy-coloured" devices and packaging are strongly associated with youth uptake. Moving towards standardised, muted colour schemes (e.g. plain or limited palette) would reduce appeal to children and align with tobacco plain-packaging principles, as noted by members of the RPS Science and Research Committee.
- **Integrated disposables:** Fully integrated single-use devices raise both environmental and youth-use concerns. We support strong restrictions or prohibition of disposables in line with environmental regulations, complemented by robust enforcement.
- **Aroma intensity:** Even within allowed flavour categories, limits on overall flavour intensity could reduce palatability and inhalation volumes among young users.

RPS also supports **enhanced public-health education**, including:

- Age-appropriate education in primary schools (years 5/6) on vaping and newer nicotine products;
- Information for parents about the appearance and risks of vapes and nicotine pouches; and
- Prominent health messaging at points of sale.

Heated tobacco devices

We are interested in evidence relating to heated tobacco devices. In particular, we are interested in:

- *evidence relating to the size and shape of heated tobacco devices*
- *the role that digital screens should have in heated tobacco devices*
- *the effectiveness of child resistant measures on heated tobacco devices*

Do you have evidence to provide on heated tobacco devices?

- Yes
- No

If you select 'no' you will go straight to the next section of the call for evidence on licensing.

Size and shape

We are interested in any evidence relating to the size and shape of heated tobacco devices, including:

- *how different heated tobacco device sizes and/or shapes appeal to people*
- *the potential benefits of introducing maximum or minimum size limits*
- *the potential benefits of standardising size and/or shapes*

If you have any evidence relating to the size and shape of heated tobacco devices, please include it here. (Optional, maximum 500 words)

RPS Response: Many of the same principles applicable to vape devices apply to heated tobacco devices (HTPs):

- Compact, sleek devices that resemble electronics or cosmetics may appeal to younger users and normalise nicotine use.
- Device designs that mimic consumer tech can obscure their function from parents and teachers.

Based on current evidence, RPS supports aligning heated-tobacco device design requirements with those for vapes:

- No toy-like or novelty shapes;
- Size and design that clearly signal an adult, regulated product; and
- Restrictions on bright or youth-targeted colour schemes.

Digital screens

Please provide evidence on the role of digital screens on heated tobacco devices. For example, whether there may be benefits or harms, and whether there is a need to place limits on the use of digital screens. (Optional, maximum 500 words)

RPS Response: Digital displays on HTPs mainly show device status and heating cycles, but could also be used for branding and visual appeal; gamified elements (e.g. usage rewards); or connectivity features.

Based on available evidence, RPS recommends similar controls as for vapes, including:

- Screens should be restricted to essential device information;
- No animations, games or connectivity features that could appeal to young people;
- Any messaging use should prioritise health warnings and quit-support information.

Requirement to be child resistant

Please provide evidence on child resistant measures on heated tobacco devices and whether there would be a benefit to mandating specific child resistant measures. (Optional, maximum 500 words)

RPS Response: Heated tobacco devices contain nicotine and tobacco sticks or capsules that can pose poisoning risks if accessed by young children. RPS supports:

- Applying the same device-level child-resistance standards as for vapes (e.g. locks, lids, storage warnings);
- Considering mechanisms to limit ease of activation by children (e.g. multi-step activation sequences); and
- Ensuring that used sticks and devices are disposed of safely.

Existing evidence on paediatric nicotine intoxication from tobacco and nicotine products supports a precautionary, cross-product approach to child-resistant design.

Any other evidence

Please provide evidence on other elements of a heated tobacco device that the government should consider regulating and why. (Optional, maximum 500 words)

RPS Response: There are several additional elements of heated tobacco devices (HTDs) that merit regulation to protect public health, particularly children and young people.

1. Device power, temperature control and aerosol generation: HTDs typically heat sticks or capsules to 240–350°C, generating complex aerosols containing nicotine, volatile organic compounds, carbonyls and metals, albeit generally at lower levels than cigarettes. Independent analyses (including WHO and national agencies) show marked variation in emissions between devices and across puffing regimes. Regulators should therefore consider setting maximum operating temperatures, power output limits and standardised puffing protocols for emissions testing, with requirements for manufacturers to demonstrate that "real world" use does not generate toxicant levels above agreed benchmarks. Devices should not allow user-adjustable "boost" modes that significantly increase toxicant yields.

2. Cross-compatibility and unauthorised consumables: Some devices can be used with third-party or modified sticks not covered by the original safety dossier, potentially altering emissions. Regulations should address cross-compatibility, adaptors and home-made/refilled sticks, requiring that devices are only used with consumables that have been specifically assessed and registered for that device.

3. User interface, digital functions and data use: An increasing number of HTDs incorporate Bluetooth connectivity, smartphone apps or digital displays. These functions may: gamify or normalise use (usage badges, streaks, animations); enable targeted marketing or behavioural profiling; and facilitate sharing of content on social media.

Governments should consider limits on in-built behavioural nudges, marketing functions and social-sharing features, and require transparency about what data are collected, how they are stored and whether they are used for direct-to-consumer promotion, particularly for younger adults.

4. Design, appearance and co-branding: The physical design of HTDs (colours, finishes, form factor, accessories) can substantially influence appeal to adolescents and young adults, similar to vapes. Regulation could therefore extend standardised/neutral design principles to devices (for example, restricted colour palettes, prohibition of cartoonish or cosmetic-like designs, limits on decorative LEDs) and restrict co-branding with youth-oriented products such as fashion, gaming or confectionery.

5. Battery safety, durability and end-of-life management: HTDs are rechargeable electronic products containing lithium-ion batteries. There have been isolated reports of overheating and fires with comparable devices and growing concern about electronic waste and littering. Minimum standards are needed for battery safety, durability, repairability, and safe charging, alongside clear obligations on producers for take-back, recycling and safe disposal, to reduce environmental and fire-safety risks.

6. Labelling, health warnings and instructions for use: Regulators should ensure that device-level labelling and instructions clearly explain: that HTDs are tobacco products; that they are not risk-free; appropriate cleaning and maintenance; and safe storage away from children. Prominent on-device or on-pack warnings, harmonised with those on heated sticks, would support informed choice and reduce misperceptions of safety.

If you have any other evidence on heated tobacco devices, please provide it here. (Optional, maximum 500 words)

RPS Response: Based on current evidence, RPS emphasises that:

- Heated tobacco products produce aerosols containing nicotine, particulates and toxicants; they should not be treated as benign consumer electronics.
- Regulation of device design, flavourings in sticks, and marketing should align with that for cigarettes and vapes, to prevent youth uptake and misperceptions of safety.

Licensing

We are seeking evidence on the implementation of a licensing scheme. The feedback provided in this call for evidence will inform a subsequent consultation on the proposed design of the licensing scheme.

Do you have evidence or views to provide on retail licensing?

- Yes
- No

If you select 'no' you will go straight to the section on product registration.

Licensing scheme objectives

We want to ensure that only responsible retailers who do not pose any undue public health or crime risk will be able to have a tobacco and vape licence and sell products to the public. So, we propose that the overarching objectives for the licensing scheme are to:

- *protect public health - to ensure that retailers and their practices are not posing any undue or excessive risk to the health of the public*
- *prevent crime - to ensure that retailers do not pose any undue crime risk and that only law-abiding retailers can sell these products to the public*

Do you agree or disagree with the proposed licensing scheme objectives?

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

Please explain your answer. (Optional, maximum 500 words)

RPS Response: RPS agrees that the overarching objectives – protect public health and prevent crime – are appropriate and mutually reinforcing. A robust licensing scheme can:

- Reduce youth access and exposure to nicotine and tobacco products;
- Ensure only responsible retailers, with appropriate training and compliance records, are authorised to sell; and
- Provide tools to tackle illicit trade and non-compliant products.

RPS also stresses that licensing should support:

- **Integration with local public-health priorities**, including smoke-free generation goals and youth-vaping prevention;
- **Data collection** (e.g. retailer density, proximity to schools, enforcement outcomes) for ongoing evaluation; and
- **Alignment with existing tobacco-retailer registers in Scotland and Northern Ireland**, while avoiding unnecessary duplication.

Decision making

What factors should be taken into consideration when making decisions on the granting of a premises licence? In your answer you may want to consider factors such as the location and density of retailers and whether businesses are fixed or mobile, as well as any other factors you consider relevant. (Optional, maximum 500 words)

RPS Response: Key factors should include:

- **Location and density:** proximity to schools, colleges, youth centres and playgrounds; overall density of tobacco/vape retailers in an area; cumulative impact on local public-health objectives.
- **Type of business:** fixed premises versus mobile or online operations; capacity to comply with age-verification and storage requirements.
- **Compliance history:** previous breaches of tobacco/vape legislation, sales to minors, or other relevant offences.
- **Staff training and policies:** evidence of robust age-verification policies, staff training, incident recording and refusal signage.

Local authorities should be empowered to refuse or condition licences where retailer density is already high or where premises are in sensitive locations.

What factors should be taken into consideration when making decisions on the granting of a personal licence? (Optional, maximum 500 words)

RPS Response: Factors may include:

- Criminal history relevant to fraud, age-restricted sales, illicit trade or violence;
- Previous licence suspensions or revocations;
- Completion of mandatory training covering tobacco and vape legislation, health harms, age-verification and handling of vulnerable customers; and
- Ongoing fit-and-proper-person assessments where serious concerns arise.

Should factors affecting decisions on the granting of licences be shaped by local priorities or nationally set criteria, or both? In your answer, please provide examples of criteria that you believe should be set at a national level and any criteria which should be left to local decision making. (Optional, maximum 500 words)

RPS Response: RPS supports a **hybrid model**:

- **National criteria** should set minimum standards (eligibility, basic conditions, offence thresholds for refusal/revocation, core training requirements).
- **Local criteria** should allow councils and devolved administrations to respond to local patterns of harm, for example: a) tighter controls near schools; b) local caps on retailer density; and c) additional conditions in areas with high youth vaping or illicit trade.

How should licensing authorities reach decisions about whether to grant a licence? In your answer you may want to consider what structures (such as committees) are needed to make decisions, as well as the extent to which interested parties should be engaged in the process. Please explain your answer with reference to the operation of existing licensing schemes. (Optional, maximum 500 words)

RPS Response: RPS recommends:

- Decisions made by licensing committees or equivalent bodies, drawing on experience from alcohol and gambling licensing systems;
- Input from public-health teams, trading standards, police and youth services, particularly for premises in sensitive locations;
- Transparent processes, including published criteria, clear timetables, and accessible routes for objection or comment from local stakeholders.

If there are any other factors that should be considered in the administration of the licensing scheme, please outline them here. In your answer, you may want to consider transparency of decision-making, requirements to publish information and the process for appealing decisions. (Optional, maximum 500 words)

RPS Response: RPS supports:

- A public online register of licensed retailers, including status (active/suspended/revoked);
- Clear, time-limited appeals processes;
- Regular reporting on enforcement actions, including fixed-penalty notices, prosecutions and licence withdrawals; and
- Mechanisms for integrating data with wider tobacco- and vape-control monitoring (e.g. linking retailer density with local smoking/vaping prevalence).

Licensing conditions

Please outline any examples of licensing conditions which you believe could be imposed on a premises licence to support the objectives of the scheme. (Optional, maximum 500 words)

RPS Response: Examples include:

- Mandatory age-verification policies ("Challenge 25");
- Requirements to display prominent signage on age of sale and health risks;
- Restrictions on in-store marketing and display, including placement away from sweets and children's products;
- Obligations to co-operate with inspections and provide requested records;
- Storage requirements to prevent self-service access or access by children.

Please outline any examples of licensing conditions which you believe could be imposed on a personal licence to support the objectives of the scheme. (Optional, maximum 500 words)

RPS Response: Examples of licensing might include:

- Completion and periodic renewal of training on legislation, health harms and youth-vaping prevention;
- Personal responsibility for ensuring age-verification is properly implemented;
- Duty to report suspected illicit products to enforcement authorities.

Please provide your views on which licensing conditions could be determined by local councils, and which conditions should be mandatory for all licence holders. (Optional, maximum 500 words)

RPS Response: Licensing conditions might include:

- **Mandatory national conditions:** core age-verification requirements, bans on proxy sales to minors, basic display restrictions, record-keeping obligations, and training requirements.
- **Local conditions:** additional display constraints, restricted opening hours in specific localities, tighter rules around sales near schools, and local retailer-density caps.

Licensing fees

What is an appropriate fee structure for premises licences and why is this the case? In your answer, you may want to consider fees paid in existing schemes, and/or whether fees should vary depending on the type of retailer or other characteristics, such as the size of the business and the products they sell. (Optional, maximum 500 words)

RPS Response: RPS supports:

- Cost-recovery-based fees, similar to other licensing regimes, scaled by business size and risk profile;
- Potentially higher fees for retailers focusing primarily on tobacco/vapes versus mixed retailers, reflecting enforcement needs; and
- Differential fees for online-only sellers, given distinct monitoring requirements.

What is an appropriate fee structure for personal licences and why is this the case? In your answer, you may want to consider fees paid in existing schemes. (Optional, maximum 500 words)

RPS Response: Personal licence fees should be a) modest but sufficient to cover vetting and administration; b) comparable with existing schemes (e.g. alcohol personal licences), with periodic renewal fees tied to refresher training.

Please provide your views on whether fees should be set at a national or local level. In your answer, you may want to refer to the operation of existing schemes. (Optional, maximum 500 words)

RPS Response: RPS favours nationally set fee bands, with limited local flexibility within prescribed ranges to reflect local costs. This balances equity across areas with the need for cost recovery.

Duration and renewal of licences

How long should a licence be granted for? In your answer, please consider both personal and premises licences. (Optional, maximum 500 words)

RPS Response: Licences should be granted for:

- **Premises licences:** typically multi-year (e.g. 3–5 years) with ongoing compliance monitoring and the ability to suspend or revoke at any point, possibly through unannounced inspections.
- **Personal licences:** longer duration (e.g. 5–10 years) with requirements for periodic training or refresher modules.

How should the renewal of licences be managed? Please consider the renewal of both personal and premises licences. You may also want to refer to the operation of existing schemes. (Optional, maximum 500 words)

RPS Response: Renewal of licences should require:

- Confirmation of compliance history;
- Updated training where required;
- Payment of renewal fees;
- Opportunity for public-health input where serious concerns exist.

Licences with repeated breaches should face shortened renewal periods or additional conditions.

Online sales licensing

How should a retail licensing scheme be administered for online retailers and compliance monitored? In your answer, you may want to consider whether the approach taken should differ from the approach for physical premises, and/or refer to the operation of existing schemes. (Optional, maximum 500 words)

RPS Response: RPS supports:

- A requirement that online retailers hold a licence in the same way as physical retailers;
- Mandatory robust age-verification at purchase and delivery;
- Obligations to display licence numbers on websites; and
- Cooperation with regulators to remove listings for unregistered products or unlicensed sellers.

Monitoring will require collaboration with payment providers, delivery companies and online platforms.

Exemptions from licensing

Please provide evidence of any exemptions which you believe are necessary as part of the retail licensing scheme. (Optional, maximum 500 words)

RPS Response: RPS favours minimal exemptions. Possible limited exemptions might include:

- Borderline medical-use settings under existing medicines regulation (e.g. pharmacy supply of licensed NRT within the medicines framework);
- Temporary events where sales are conducted by already-licensed retailers.

Implementing a licensing scheme

How can the licensing scheme be implemented effectively? In your answer, you may want to consider the application process for existing retailers during the implementation of the scheme and whether it should differ from applications after the scheme has been implemented. (Optional, maximum 500 words)

RPS Response: Key considerations should include:

- Transitional period for existing retailers to apply for licences;
- Clear guidance and communication campaigns;
- Staged enforcement, starting with education and moving to penalties;
- Integration with existing tobacco-retail registers in Scotland and Northern Ireland to avoid duplication.

How long is required to implement the licensing scheme? In your answer, please consider the time required, following the introduction of regulations, to set up the scheme as well as the time required for applications to be processed. (Optional, maximum 500 words)

RPS Response: RPS anticipates: a) 12–18 months to establish systems, develop guidance and train enforcement staff; b) a further 6–12 months transition for existing retailers to apply and be processed.

If there is anything else that should be considered in the implementation of the scheme, please outline it here. In your answer, you may want to consider any support retailers and local councils will require to effectively implement the scheme. (Optional, maximum 500 words)

RPS Response: Support should include centralised guidance and training materials; funding for local authorities to cover start-up and enforcement costs; and tools for retailers to understand their obligations and implement age-verification systems.

Impact of a licensing scheme

Please provide evidence of the impacts on retailers or any other businesses of implementing a licensing scheme. In your answer, you may want to consider any relevant evidence from the implementation of existing licensing schemes for other products and relevant international examples. (Optional, maximum 500 words)

RPS Response: Evidence from tobacco and alcohol licensing schemes suggests initial administrative costs and adaptation; but longer-term benefits in terms of better compliance, reduced illicit trade and clearer market conditions.

Please provide evidence of potential public health benefits as a result of implementing a licensing scheme. In your answer, you may want to consider any relevant evidence from the implementation of existing licensing schemes for other products and relevant international examples. (Optional, maximum 500 words)

RPS Response: Evidence suggests that potential benefits include reduced youth access and initiation; more effective enforcement against illicit and non-compliant products; and ability to align retailer

numbers and locations with public-health goals. These benefits echo experience from alcohol licensing and tobacco-retailer registration schemes.

Please provide any additional evidence or views on the development of a retail licensing scheme, providing a clear rationale for any views that you offer. (Optional, maximum 500 words)

RPS Response: RPS stresses that licensing should be seen as part of a wider system including product standards, registration, taxation and public-health campaigns, all aimed at a smoke-free and youth-protected UK.

Product registration

We are clear that we need a different process to ensure that products are safe and comply with our regulations. This call for evidence seeks further detail on the existing notification schemes and where registration will go further than current notification requirements. We welcome views from interested parties on implementing such a scheme.

This will inform the development of policy proposals, which we will consult on in due course.

Please note that this section is not seeking evidence on the retail registers in Scotland and Northern Ireland.

Do you have evidence or views to provide on product registration?

- Yes
- No

If you select 'no' you will go straight to the end of the survey.

Please provide evidence on the effectiveness or ineffectiveness of the current notification system for tobacco and herbal smoking products. (Optional, maximum 500 words)

RPS Response: The current notification system has improved transparency around product composition but has limitations:

- It relies heavily on manufacturer-submitted data, with limited routine independent verification;
- Information is not easily accessible or understandable for the public;
- Processes for acting on concerns about specific products can be slow.

RPS supports moving from simple notification to a more robust registration regime with clearer eligibility criteria, stronger enforcement and better public access.

Please provide evidence on the effectiveness or ineffectiveness of the current notification system for nicotine vaping products. (Optional, maximum 500 words)

RPS Response: Similar limitations apply to nicotine vapes:

- Non-compliant products (e.g. with oversize tanks or excess nicotine) have been found on the market despite notification requirements.
- Public awareness of the notification database is low; consumers cannot easily verify products.

Feedback for the RPS Science and Research Committee highlighted the need for a user-friendly, open-access product database, where consumers, retailers and enforcement can check registration status via licence numbers or QR codes.

Please provide evidence of any product registration schemes and their advantages and disadvantages. These could be international or other UK government schemes. (Optional, maximum 500 words)

RPS Response: Relevant comparators include tobacco-product registration schemes in the EU under TPD; cosmetic and chemical product registers; and device and medicine registration with MHRA.

Advantages:

- Clear legal status of registered vs unregistered products;
- Ability to impose specific conditions;
- Better data for surveillance and research.

Disadvantages:

- Administrative burdens if poorly designed;
- Risk of over-reliance on pre-market data without strong post-market surveillance.

RPS supports a tiered, risk-proportionate registration system with strong post-market testing.

Products in scope

We are interested in evidence on the UK market for the following products, and any impacts of requiring registration of these products:

- *nicotine products (including nicotine pouches, nicotine gum, nicotine strips and nicotine pearls)*
- *non-nicotine vaping products*
- *cigarette papers*
- *tobacco related devices (such as heated tobacco devices)*

Evidence may include size of the market, pricing structures and information on consumer or market trends.

If you have any evidence on the market for the products in scope, please provide it here, specifying which product or products you are referring to. (Optional, maximum 500 words)

RPS Response: RPS notes:

- Rapid growth in **nicotine pouches and non-nicotine vapes**, including youth-appealing flavoured products;
- A diverse market of **tobacco-related devices**, including heated-tobacco devices and their consumables.

The market is dynamic, with new product types emerging to exploit regulatory gaps. Registration should therefore:

- Cover nicotine and non-nicotine vapes;
- Include nicotine pouches and other consumer nicotine products;
- Include accessory products that materially affect exposure (e.g. devices, flavour capsules).

Please provide evidence of the supply chain for the products in scope. This includes how they are imported to the UK, who imports them and how they are distributed. (Optional, maximum 500 words)

RPS Response: RPS does not hold primary supply-chain data but notes:

- Many products are imported via established wholesalers and direct-to-retail channels;
- Some illicit or non-compliant products enter via informal or online channels;

- Registration should require clear identification of **producers, importers and responsible persons** to enable enforcement.

Information requirements

The bill specifies that the regulations may require the following information as part of a product's registration:

- *the reasons for an ingredient's inclusion in the product*
- *images (for example, an image of the product or its label or packaging)*
- *information relevant to any risks or suspected risks to human health or safety posed by the product*
- *information about substances released into the body of a person using the product or about the emissions released by the product*
- *information about the producer's operations*
- *information about any individual nominated by the producer in accordance with regulations under clause 97 (responsible person)*

If there is any other information not listed above that should be required before a product can be registered, please outline it here and explain why this is the case. (Optional, maximum 500 words)

RPS Response: In addition to the listed items, RPS recommends requiring:

- Full quantitative ingredient lists, including all flavouring components and additives;
- Detailed emissions profiles under standardised testing conditions;
- Information on child-resistant design features;
- Clear documentation of maximum daily exposure assumptions used in risk assessment.

This will enable better assessment of cumulative exposure to complex mixtures and support future regulatory adjustments.

Product standards and testing requirements

Please provide evidence on existing testing regimes and their effectiveness and any testing standards which are used in relation to the products in scope. (Optional, maximum 500 words)

RPS Response: Existing regimes focus on pre-market testing and manufacturer-provided data. Independent reviews and Trading Standards investigations have identified discrepancies and non-compliance.

Feedback from the RPS Science and Research Committee emphasises the need for:

- Risk-based random sampling of products in retail and at the border;
- Collaboration with accredited laboratories and academic partners to assess emissions (nicotine, flavourings, metals, carbonyls);
- Rapid screening tools for local authorities.

Please provide evidence on the most effective point in a product's route to market for testing to be conducted. For example, before registration. (Optional, maximum 500 words)

RPS Response: Evidence emphasises that testing should occur at multiple points:

- **Pre-registration:** core analytical tests and toxicological assessments;

- **Post-market:** random sampling to verify ongoing compliance and detect changes in formulation or quality;
- **At import/border:** targeted checks of high-risk consignments.

Please provide evidence on the business impacts of enhanced testing requirements for these products. (Optional, maximum 500 words)

RPS Response: Based on available evidence, enhanced testing will increase costs for producers, however, it will also a) encourage higher product quality; b) protect responsible manufacturers from unfair competition by illicit operators; and c) provide assurance to consumers and health professionals. RPS considers these burdens proportionate given the public-health stakes.

Responsible person

Please provide evidence of existing schemes where a 'responsible person' can be nominated to submit information on behalf of an organisation, and their effectiveness. Please also provide any information relating to rules around who is allowed to submit information. (Optional, maximum 500 words)

RPS Response: Existing models include the "responsible person" concept in cosmetics regulation; and MHRA marketing authorisation holders in medicines regulation. These schemes show that:

- Clearly designated responsible persons facilitate compliance and enforcement;
- They must have sufficient authority and capacity within the organisation;
- Criteria should exclude individuals or entities with serious non-compliance histories.

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Notification scheme fees

Under the existing notification schemes, producers or manufacturers must pay a fee or fees as part of the notification process. For tobacco products, these fees vary depending on the product. The fees for a cigarette are:

- *£200 for a new notification*
- *£200 for a substantial modification of an existing product*
- *an annual reporting fee of £100*

Cigarettes are also subject to a testing fee of £1,000, or £167 multiplied by the number of samples required in the period if there were 5 or fewer.

The Medicines and Healthcare products Regulatory Agency charges £150 for notification of a nicotine vape.

What fees should be charged for registration and testing of a product? You may refer to the fee regimes for the existing notification systems as a basis. Please provide rationale and any supporting evidence. (Optional, maximum 500 words)

RPS Response: RPS supports: a) fees that reflect complexity and risk (e.g. higher for novel or complex products); b) alignment with existing MHRA and tobacco-notification fees, adjusted for the expanded scope and enhanced testing.

Please provide evidence on the potential business impacts of requiring fees for registration of nicotine products and non-nicotine vaping products. (Optional, maximum 500 words)

RPS Response: Fees may deter marginal or non-compliant operators and support a more stable, regulated market. Some small businesses may exit; however, public-health benefits and protection from illicit trade outweigh these impacts.

Impact on businesses

Please provide evidence of the impacts on business (such as producers and importers) from adapting to new registration and reporting requirements as established through the Tobacco and Vapes Bill. (Optional, maximum 500 words)

RPS Response: As above, businesses will need to enhance documentation and quality systems; invest in testing and reformulation; and adapt supply-chain practices. These changes should be phased with realistic timelines but are necessary to ensure safety and compliance.

Enforcement

How effective or ineffective is the current enforcement regime for ensuring that only notified products are sold in Great Britain and Northern Ireland? (Optional)

- Very effective
- Somewhat effective
- Somewhat ineffective
- Very ineffective
- Don't know

Please provide any evidence to support your view and any recommendations on how enforcement could be improved in the future. For example, on things like sale of unregistered products. (Optional, maximum 500 words)

RPS Response: Trading Standards and other bodies have repeatedly identified unregistered or non-compliant products on sale, particularly disposables with illegal tank sizes or nicotine concentrations. Improvements should include:

- Better resourcing for enforcement;
- Integration of licensing and registration data;
- Stronger penalties and rapid removal mechanisms for illegal products.

Please provide evidence or views on eligibility criteria for registration, including criteria for cancellation or suspension of a registration. (Optional, maximum 500 words)

RPS Response: **Eligibility** should require compliance with product-standard and safety requirements; full and accurate information provision; and fit-and-proper status of responsible persons.

Registration should be suspended or cancelled where serious safety concerns arise; misrepresentation of data is proven; or repeated non-compliance occurs.

Please provide any additional evidence or views on future registration powers, providing a clear rationale for any views that you offer. (Optional, maximum 500 words)

RPS Response: RPS supports strong, flexible registration powers that allow rapid response to emerging evidence (for example, on specific harmful flavourings or device types), with transparent processes and engagement with public-health bodies and professional organisations.

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