

12 September 2016

Ministry of Health
PO Box 5013
Wellington 6140
New Zealand

Via email: ecigarettes@moh.govt.nz

To whom it may concern

Policy Options for the Regulation of Electronic Cigarettes

The Royal Australasian College of Surgeons (RACS) is pleased to provide feedback on the *Policy Options for the Regulation of Electronic Cigarettes Consultation Document*.

RACS is the leading advocate for surgical standards, professionalism and surgical education in New Zealand and Australia.

RACS is a not-for-profit organisation that represents more than 7000 surgeons and 1300 surgical trainees and International Medical Graduates across New Zealand and Australia. As part of its commitment to standards and professionalism, RACS strives to take informed and principled positions on issues associated with the delivery of health services. The harm caused to the health of New Zealanders by the consumption of tobacco and related products is one such issue.

The health of all New Zealanders is important to the Royal Australasian College of Surgeons. RACS is a strong supporter of the Government's vision for a Smokefree 2025 and is pleased to see that, although there is considerable work still to be done, progress is being made towards achieving this goal. As part of meeting this target, RACS believes that it is appropriate for the Government to implement tighter controls around the sale and supply of e-cigarettes. RACS does however wish to note that by supporting the regulation of e-cigarettes, and consequently their lawful sale in New Zealand, it is not endorsing their use in any way, either for therapeutic or recreational purposes.

As provided in the consultation document, there is currently inconclusive evidence regarding the efficacy of e-cigarettes as a means for smoking cessation. The long-term health effects of e-cigarette use are also still relatively unknown. For these reasons, RACS agrees with the Ministry that a precautionary approach to the sale and supply of e-cigarettes in New Zealand is warranted. Until the risks and any such benefits of e-cigarettes are better understood through further research, RACS is supportive of a regulatory regime which treats the devices with an appropriate degree of caution.

To this end, RACS supports the policy objectives of the consultation document and agrees that the amendment of the Smoke Free Environments Act (SFEA) to regulate all e-cigarettes in a manner similar to that by which smoked tobacco products are regulated is an appropriate way of achieving these objectives.

The consultation document notes that there are number of risks associated with maintaining the status quo. While these risks may be largely limited by amending the SFEA to prohibit the sale and supply of e-cigarettes to those under 18 years of age, the advertising of e-cigarettes, and the use of e-cigarettes in areas designated Smokefree under the SFEA, RACS believes that further controls would still be needed to limit the appeal of e-cigarettes to young people.

RACS therefore recommends that the SFEA be amended so that the following also apply to e-cigarettes:

- Prohibition on the display e-cigarettes in sales outlets.
- Prohibition on the sale of e-cigarettes via vending machines.
- Introducing and tightening regulations concerning e-cigarette ingredients, with particular regard to flavours which appeal to children and young people.
- Prohibition on free distribution and awards associated with sales of e-cigarettes.
- Prohibition on advertising and sponsorship associated with e-cigarettes.

Thank you for this opportunity to comment on the *Policy Options for the Regulation of Electronic Cigarettes Consultation Document*.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Richard Lander', written in a cursive style.

Mr Richard Lander FRACS
Executive Director for Surgical Affairs, New Zealand