Dear Sir/Madam

The British Medical Association is an apolitical professional association and independent trade union, representing doctors and medical students from all branches of medicine across the UK and supporting them to deliver the highest standards of patient care. The Association welcomes the opportunity to respond to the CAP/BCAP consultation on proposals to allow health claims for e-cigarette advertisements, and for public health messaging.

Proposal to remove the prohibition on health claims from unlicensed nicotine-containing e-cigarettes

In the previous CAP/BCAP consultation on allowing substantiated health claims for e-cigarettes, we indicated that medicines licensing is the appropriate mechanism for manufacturers wishing to make health and medicinal claims for their products. We remain of the position that to make medicinal claims – of efficacy for smoking cessation – products should have received a licence for this purpose from the MHRA (Medicines and Healthcare Products Regulatory Agency).

While the use of e-cigarettes is likely to be substantially safer than smoking, the consultation’s proposals would allow commercial advertisement without nuance, and promote e-cigarettes beyond their use as a substitute for tobacco. We therefore do not support the proposed amendment.

Proposals for public health messaging on e-cigarettes in non-broadcast media

There is value in allowing public health messaging on the relative risks associated with e-cigarettes compared to tobacco. However, in addition to allowing public health messaging from government agencies and independent health organisations these proposals would allow promotion by e-cigarette companies and third parties acting on their behalf. This has the potential to lead to the promotion of these devices beyond their use as a substitute for tobacco. We therefore do not support the proposed amendment.

Yours faithfully

Lena Levy
Head of Public Health and Healthcare