



Tobacco and vapes: evidence to support legislation
Closing date 11.59pm on Wednesday 3rd December 2025
Call for evidence questions
Fresh response 02.12.25

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

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)

Fresh is not in a position to comment at this stage

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)

We are responding to the questions in this call for evidence in the context of our clear North East Declaration for a Smokefree Future. This declaration from Fresh, the Association of Directors of Public Health North East and the North East and North Cumbria NHS Integrated Care Board (NENC ICB), states that: “A smokefree future, free of the death and disease from tobacco, is needed, wanted and workable. This would improve the health and wealth of our region’s most disadvantaged communities more than any other measure”. We are focussing our efforts to achieve zero smoking and would welcome national commitment to this ambition.

Our starting point for discussions on vapes is to reinforce the evidence base, primarily taken from the [OHID-commissioned evidence review](#) of nicotine vaping in England, i.e. that cigarettes are the most lethal consumer product available; that vaping poses a fraction of the risks of tobacco smoking; that people who smoke should be supported to

quit including by completely switching over to vapes, but that vapes are not risk-free and should not be used by children or by adults who do not already smoke.

It is also important to note that harm misperceptions of vapes have been getting worse over the last decade, with [56% of adults](#) inaccurately believing that vapes are equally as, or more harmful than, tobacco, leading to reluctance among some smokers to completely switch. With any policy decision on vapes, the Government needs to communicate effectively the relative risks of smoking versus vaping to ensure that these harm misperceptions do not worsen.

The Government needs to consider the potential health risks of any flavours, ingredients or substances within vapes or nicotine products that could pose health risks. At the same time, we urge the Government to be mindful of clear evidence that flavoured vapes are vitally important in supporting people to switch completely away from tobacco smoking to nicotine vaping. For example, through the Swap to Stop scheme delivered by the NENC ICB Smokefree NHS programme smokers wishing to quit tobacco showed a clear preference for fruit flavours, with this category making up 79% of the flavours requested. The next most popular flavour was spearmint at 16%. Smooth tobacco flavour represented just 5% of the total given out. This order of preference is also reflected at the national level.

Any decisions on flavours therefore must be based on solid evidence to avoid unnecessarily taking choices away from consumers. Once decisions have been made, there must also be the ability to monitor effectiveness as well as flexibility to alter regulations should there be any unintended consequences.

Our key message to the Government is to progress with urgency the planned regulations on restricting the marketing and promotion of vapes and allocating sufficient time for in-depth research on flavours, ingredients and substances in order to develop policy which maximises the potential to improve public health. (478 words)

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)

Fresh is not in a position to comment at this stage

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

As we have outlined in previous consultation responses on vape policy, the Government's immediate priority should be to regulate the descriptors of flavours in vapes – and also other nicotine products – so that they are not appealing to children while undertaking urgent research on the potential impact of limiting flavours on people who have previously smoked and are currently using a flavoured vape to quit.

Flavours play a role in the appeal of vapes for both adults and children. Efforts to limit flavours to protect children have a high chance of inadvertently impacting on adult behaviour too. This trade-off will need to be carefully considered to ensure that overall rates of smoking do not increase as a result of any flavour restrictions.

Evidence from countries that have limited or prohibited flavours is mixed and uncertain. For example, in the Netherlands, in an effort to reduce youth vaping, the Dutch

government implemented a ban in January 2024 on all ingredients except for those used in tobacco flavour and unflavoured options only. [Research](#) conducted nine months after implementation suggests that e-cigarette use significantly reduced following the ban. Of those who quit vaping completely as a result of the ban, 27% did so with the use a replacement product, including 13% who reported smoking cigarettes more often than before the ban, and 9% initiating cigarette smoking.

Extrapolating this data to consider the potential impact of similar legislation in Great Britain, with a vaping population of approximately [5.4m](#), this would lead to around 42,100 people smoking more and a further 29,150 taking up smoking if a similar ban were to be implemented.

Evidence from other jurisdictions show variation in impact: for example, in evaluations from the US where individual states and cities have implemented flavour restrictions, most find reduced vaping but some also find increased smoking. In Canada, current state by state restrictions vary in nature and assessment of impact gives mixed results: findings from one study looking at sales data suggests that flavour bans in some states led to an increase in cigarette sales though there are criticisms of the validity of this measure.

While some flavour restrictions appear to reduce youth vaping, it is not possible to say with certainty that flavour restrictions in the UK would not lead to increases in smoking. Policies should therefore be pursued with caution and consideration for what action is needed to mitigate this risk. The Government needs to be mindful of any potential impact of new restrictions on key socioeconomic groups e.g. those in low education groups and those from less affluent areas, who may be more susceptible to smoking uptake or smoking relapse following the introduction of vape flavour restrictions.

People who quit smoking should be able to choose a product that suits their needs, including a vape in their choice of flavour, otherwise we will be limiting the number of choices available for quitting which will undermine the longer term goal of creating a smokefree UK. (492 words)

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

We refer to Chapter 7 of the [2022 evidence review on nicotine vaping in England](#) for this question:

“**Metals:** Ten cross-sectional studies examined a range of metals (arsenic, cadmium, lead, mercury), with none from the UK. No meta-analyses could be carried out. In general, the studies had mixed findings about relative exposure. Absolute exposure assessments were also mixed although most studies showed higher levels of exposure among vapers than non-users.

“**Need to identify and study biomarkers which are specific to vaping:** Our systematic review used the World Health Organization (WHO) priority toxic contents and emissions list for tobacco products. There are already suggestions to include vaping specific biomarkers in the WHO list when and if these emerge, which will help guide future research. Due to the variety of different metal elements used for vaping product components, there may be exposure to certain metals from vaping that are not present in exposure from tobacco. Future research is needed to identify types of metal exposure that are exclusively from vaping products and how these can be mitigated.” (175 words)

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)

Nicotine addiction potential is determined primarily by the speed and pattern of delivery to the brain, not by nicotine content alone. Combustible tobacco remains the most addictive delivery system, with nicotine reaching the brain within 10-20 seconds, producing rapid arterial peaks and strong reinforcing behaviour ([Benowitz 2010](#)). This underlies cigarettes being the most dependence-forming nicotine product and the difficulty of cessation compared to other substances ([RCP 2021](#)).

Heated tobacco products (HTPs) deliver nicotine faster than oral nicotine replacement therapy products but generally lower peaks than cigarettes ([RCP 2021](#)).

Vape devices vary in the speed and dose of nicotine delivery and users of some models – particularly experienced users – can achieve similar blood nicotine levels to smoking ([RCP 2021](#)). Nicotine salt e-cigarettes can deliver nicotine faster than most NRT and, in experienced users, may approach cigarette-like absorption profiles ([St Helen et al., 2020](#)).

However, vaping is substantially less harmful than smoking and high-certainty evidence shows nicotine vaping products increase quit rates more than NRT ([Cochrane Review, Hartmann-Boyce et al., 2025](#)). [NCSCT guidance](#) & [NICE \(NG209\)](#) supports vapes as an effective first line stop-smoking aid for adults who smoke.

Nicotine replacement products provide slower-delivery therapeutic nicotine with low addiction risk. Nicotine patches provide the slowest, steadiest delivery, taking many hours to reach peak plasma nicotine levels. Oral NRT products (gum, lozenges, inhalator) and nicotine pouches have a slow mucosal absorption with plasma peaks over 20–60 minutes. Combined nicotine patch and oral NRT product is recommended as an effective first line stop smoking aid for those aged 12 and over ([NCSCT 2025](#), [NICE NG209](#)).

Whilst uncommon, some individuals, particularly relapsed smokers, use NRT long-term and there is no evidence of harm or addiction from sustained therapeutic NRT use ([Shahab et al., 2016](#), [NICE Review 3](#)).

NG209 frames tobacco dependence as a chronic relapsing condition, which implies that longer-term use of nicotine replacement may be appropriate if it supports abstinence from combustible smoking. The key public health principle which underlies all of this is that nicotine itself is not the primary driver of smoking-related disease; combustion and toxic smoke constituents are, therefore regulation should be proportional to delivery profile and harm, not nicotine presence alone. (361 words)

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)

Manufacturers are adept at adjusting manufacturing or operating practices to meet new regulatory challenges

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)

The Government must do more to improve understanding of nicotine, which itself is not the primary driver of smoking-related disease: instead it is the combustion of tobacco and the toxic smoke it produces.

The priority is to ensure that former smokers who are using a vape – or other nicotine product – to stay quit, continue to have access to products with enough nicotine to prevent relapse. Being able to access the right nicotine levels has played a vital role in supporting quitting in the North East. Stop Smoking Service (SSS) monitoring data in 2024/25 shows that vape usage accounted for 29% of all treatment provided in the region. 48% of people accessing support and treatment who used vapes used them concurrently with nicotine replacement therapy and the quit rate was 61%, compared to a regional quit rate from all pharmacotherapies of 54%.

Data from the UCL Smoking in England Toolkit Study indicate the North East is performing better than the national average for England in several ways:

1. Motivation to quit smoking is higher
18% vs. 14% current smokers really want to quit and intend to within the next 3 months*
2. More people are trying to quit
33% vs. 28% past-year smokers made a serious attempt to quit in the past 12 months*
3. Quit attempts are more likely to be successful
33% vs. 29% of those who tried to quit in the past 12 months were still not smoking at the time of the survey*
4. More people are motivated to quit by mass media campaigns
1.6% vs. 0.8% of those who tried to quit in the past 12 months cited a TV/radio/press advert as a motive**
5. More people are using evidence-based support to quit
43% vs. 37% used vapes, 26% vs. 20% used NRT, 3.1% vs. 2.3% used one-to-one behavioural support**

Unpublished data from the Smoking Toolkit Study – shared by Professor Sarah Jackson UCL- October 2025.

* January-September 2025

** January 2022-September 2025 (aggregated across years to boost sample size)

The current nicotine levels in vape liquids appear to be appropriate for most adult users. Lowering the levels of nicotine could risk requiring users to inhale more vape liquid to absorb the same level of nicotine which could increase their risk of being exposed to harms from other ingredients in vape liquids. While several methods exist to measure and regulate nicotine delivery, users will ultimately be able to access the nicotine levels they need.

One of the main concerns about nicotine is the impact it may have on the developing brain. It is important to note that, if there were impairments to the brain associated with nicotine use among young people, this would be noticeable in the adult population among those who smoked as teenagers and there is no evidence to support this.

Regulation should be proportionate to delivery of harm, not the presence of nicotine alone and any regulations relating to nicotine levels in vapes must be flexible so that changes can be made if needed. (500 words)

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)

We believe there should be communications for both the public and the health workforce which outlines clearly the lethal nature of exposure to tobacco smoke, particular in indoor settings e.g. in homes and in vehicles.

In terms of vaping product emissions, we believe more needs to be done to improve public understanding around the relative harms: the [NHS Better Health website pages on vaping](#) articulates this well and this needs to be more widely promoted in order to provide reassurance:

“While secondhand smoke from cigarettes causes serious harm to others, there is no evidence so far that vaping is harmful to people around you, and any risks are likely to be very low.

But as a precaution, it is best not to vape around babies and children if you can avoid it. Young children often copy what adults do.

Always be considerate when vaping around anyone else, especially people with health conditions like asthma who might be more sensitive to vape aerosol.”

We support a cross-government approach to nicotine vaping to ensure policy coherence between different Government departments and improve public understanding of the rationale for new policy measures, for example DHSC working on smokefree generation in partnership with HMT on the introduction of the new vaping products duty in October 2026.

In terms of other nicotine products, pouches have grown in popularity as a result of sustained marketing in the absence of a regulatory framework. They are less harmful than smoking – as they do not contain tobacco – and are likely to be less harmful than vaping as they do not require inhalation. Levels of nicotine and flavours should be regulated in these products although at this stage it remains unclear at what levels nicotine should be capped in order to best support smoking cessation nor what flavours are necessary for this purpose. Further research and expert opinion should be commissioned. (311 words)

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

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

The ban on characterising flavours was an important step in reducing the appeal of tobacco. However, there are significant limitations to the ban which means it has not been as effective as it could be.

First, the ban relates to 'characterising flavours' and not the ingredients and flavourings themselves. This has left the ban open to exploitation by some manufacturers and the wording of the current regulations make this difficult to enforce, given the focus on identifying a "characterising" flavour by means of user experience, rather than a more scientific, measurable methodology.

To ascertain whether a cigarette contains a characterising flavour, it currently requires detailed chemical analysis as well as the opinion of an expert user panel which has to be convened each time. This is both costly and time-consuming. Even having established that a flavour is present, any ruling is subject to industry challenge and further delay. A recent investigation commissioned by DHSC and conducted by Kings College London found that 4 out of 16 products tested had a characterising menthol flavour, but this work was lengthy and is not sustainable with current funding levels. The authors are therefore recommending that the legislation about banning characterising flavours is too ambiguous, difficult to enforce and easily worked around.

An example of how the industry can effectively circumnavigate the current regulations is by withdrawing products under review and replacing them with a similar product with only minimal changes to formulation/naming, thereby starting the investigation timetable anew.

We would recommend changing the regulations to ensure that the identification of a characterising flavour is based upon the presence of prescribed chemicals which are known to give a flavour other than tobacco. Permissible limits of such chemicals would be allowed up to a minimal level, beyond which a product would be defined as having a characterising flavour. This would ensure that such determinations are based on scientific analysis only, rather than a subjective user panel. Furthermore, tobacco companies found to be in regular breach of the characterising flavour ban should be subject to fines, as opposed to the current sanctions which effectively amount to a removal of the offending product/s.

Second, the ban has had the unintended consequence of encouraging innovation in other tobacco and related products so that people who smoke can still consume tobacco products that are flavoured, including cigarillos, flavour capsules and cigarette papers.

A recent example of innovation in this area includes the cigarette paper product from the [Monkey King](#) brand which not only has clear marketing that could be directly appealing to children, it includes the option to 'scratch and sniff' in order to 'add a unique twist to your rolls.'

To address this, the ban on flavours should apply to all tobacco and related products, not just cigarettes and hand-rolling tobacco. (463 words)

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

Fresh is not in a position to comment at this stage

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)

Like cigarillos, shisha and oral tobacco products are also subject to fewer regulations to restrict flavours and packaging than cigarettes and hand rolled tobacco. It is likely that the inclusion of flavours in products like shisha undermines understanding that these are harmful tobacco products. The impact of continued use of these tobacco products is concentrated in some ethnic groups in the UK exacerbating inequalities.

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)

Fresh is not in a position to comment at this stage

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)

We believe that all tobacco products should be covered by a flavour ban in order to improve understanding of the lethal nature of tobacco and to avoid any circumvention of the existing ban.

In order to develop this policy area further, a topic for future investigation could include working closely with those who provide stop smoking support to better understand the tobacco products used by some of their clients and why they choose some products over other ones, particularly where flavours can be introduced through products like capsules or papers.

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)

Manufacturers are adept at adjusting manufacturing or operating practices to meet new regulatory challenges.

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

The tobacco industry is using loopholes to circumvent existing legislation on flavours as has been seen in the increase of flavoured tobacco products other than cigarettes and hand-rolling tobacco.

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

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)

Trading Standards in the North East have seized a variety of vapes in different shapes and sizes, some which are clearly designed to appeal to young people e.g. vapes shaped like milkshakes. The priority therefore needs to be to move quickly with marketing restrictions on vapes.

Factors that DHSC may wish to consider when regulating the size and shape of vapes are:

- The impact that this may have on use of a vape to quit smoking and whether changes in the size and shape may inadvertently create a barrier to switching
- The impact on the environment of different sizes and shapes of vapes, for example how easy they may be to recycle.

It will be vital that any new regulations on size and shape are straightforward to comply with and enforce.

On the broader point of enforcement, noting that Trading Standards services have faced significant cuts both in terms of budget and capacity, we encourage the Government to consider options to future-proof the service given the range of new regulations they are expected to enforce and the opportunities that greater collaboration among local authorities could bring.

One possible option is to scope out benefits and risks of certain local Trading Standards services taking the lead role in enforcing tobacco regulations on behalf of neighbouring authorities, potentially aligned with the geographical footprint of police forces. While each

local authority would retain its local Trading Standards service, this model would ensure that particular expertise is developed in supporting compliance and taking forward enforcement action, as well as realising economies of scale.

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)

In order to maximise the effectiveness of vapes as a quit aid, the tank must be a suitable size to provide the individual with enough e-liquid for a given period of time. Having to refill the tank too often may become a barrier to switching completely from smoking to vaping.

Larger tank sizes would last longer, therefore there will be benefits for the environment, preventing the disposal of smaller pods or refill containers.

Taken together, these points suggest there is a good case to be made for larger tank sizes. If tank sizes are increased, the device must be manufactured to a sufficient standard in order for it to be safe for the duration of use.

As with any changes to how vapes are manufactured and used, it is imperative that healthcare workers are supported to feel confident to show a potential quitter – who is interested in vaping instead – how to use a vape as part of stop smoking support.

It will also be vital that any new regulations on tank sizes are straightforward to comply with and enforce.

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)

The use of digital screens on vapes may be beneficial for the consumer if it displays important information about the product and its status e.g. the amount of e-liquid left in the tank and battery charging levels.

Screens should not be used as a promotional tool e.g. to make vapes appealing to children by allowing games to be played.

The potential impact on the environment of screens on these products also needs to be taken account of.

Requirement to be child resistant

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

This is an area where some general principles are needed. Ensuring the safety of children is paramount, but at the same time, the Government must ensure that any measures brought in do not act as a barrier to someone who may be interested in switching from tobacco to a vape, particularly from a health inequalities perspective.

This includes ensuring that vapes are easy to use without too much support; that they do not over rely on the use of technology and that healthcare workers are able to easily show relevant clients how to use a vape. It is also worth considering this measure in the light of how easy it is for children currently to access and use cigarettes, matches and other products. We do not want to end up in a situation where it is easier to smoke a cigarette than to use a vape.

However, there are some important research developments which the Government may wish to be aware of in developing policy proposals.

Legislation implemented by New Zealand in October 2024 mandates a 'child safety mechanism' for vapes. This goes beyond child-resistant packaging regulations that are common-place in other countries, as mechanisms must be device-activation based.

Specifically, a mechanism is required to have at least two simultaneous operations (e.g. pressing two buttons at once) or five sequential operations (pressing one button 5 times) to make it harder for a child to activate the device. In addition, all vapes must automatically deactivate within 10 minutes of last use and include a removable battery to aid safety and reduce tampering. Retailers must ensure that all vaping products are sold with the required child safety mechanisms in place. Failures in compliance amongst retailers, importers, and manufacturers can result in significant fines.

Any other evidence

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

Given the importance of supporting smokers to stop, and the efficacy of nicotine vaping in achieving this among many people who smoke, a cross-governmental approach on vaping is needed, framed within a broader tobacco control context, to prevent the public health potential of vaping to quit smoking from being undermined.

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

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)

Devices for heated tobacco products (HTPs) should be subject to the same standards and requirements as for all tobacco products given that they contain tobacco. HTPs are not risk-free and are not currently recommended for smoking cessation by NICE. While it is possible that they expose users to fewer toxins than cigarettes, all tobacco products are harmful to health and heated tobacco products contain many of the same harmful chemicals as combustible tobacco.

HTPs are relatively new to the market, and as a result, there is limited independent research on their long-term health impact. A [recent large independent analysis](#) of the health impacts of heated tobacco products revealed a complex picture: while heated tobacco products showed both potentially harmful and beneficial effects compared to traditional cigarettes, the observed benefits among smokers were inconsistent. Concerns were also raised about the methodological rigour of the evidence base with many of the trials being of short duration and conducted in conditions that do not reflect real-world use. Further more, three quarters of the studies included in the review were sponsored or conducted by tobacco companies.

While use of HTPs is small in the North East compared to tobacco cigarettes, more research – independent from the tobacco industry – is needed to determine the levels of harm.

Any regulations which are applied to vaping products to reduce youth appeal should also be applied to HTP devices. It will be important to ensure that no restrictions on vapes are stricter than those applied to heated tobacco devices. Regulation of HTPs should reflect the increased risk of tobacco compared to vapes.

Heated tobacco products have been used by the tobacco industry to exploit tobacco advertising laws and there have been several prominent examples of HTP brands being advertised in convenience stores and major supermarkets in the North East. The Tobacco and Vapes Bill is a key opportunity to close this perceived loophole in advertising rules and this needs to be acted on urgently.

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)

While digital screens may play a beneficial role for vapes – e.g. providing the consumer with information about the product they are using – we do not believe the same applies for heated tobacco products. This is because HTPs, by definition, contain tobacco and as such we do not believe that regulations should allow the consumer experience to be improved for HTP users.

If screens are to be considered, then they should be used to communicate the health risks of using tobacco and the importance of quitting.

Screens should also not be used as a promotional tool e.g. to make vapes appealing to children by allowing games to be played.

The potential impact on the environment of screens on these products also needs to be considered.

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)

Children need to be protected from accessing all tobacco and nicotine products. As in our response to the similar question on vapes, it is also worth considering this measure in the light of how easy it is for children currently to access and use cigarettes, matches and other products. We do not want to end up in a situation where the easiest product of all to access and use is a cigarette.

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)

The ability to easily recycle products needs to be taken into account.

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

HTPs should be regulated like cigarettes and hand-rolling tobacco in terms of packaging, health warnings, flavour restrictions and levels of excise duty/taxation.

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

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)

To maximise the effectiveness of a licensing scheme – and the Tobacco and Vapes Bill as a whole – the Government needs to urgently consider their ultimate vision for tobacco smoking. Does it support of the key recommendation from the Javed Khan [Review](#) to make tobacco smoking obsolete? Given the North East Declaration for a Smokefree Future we would support this. There was resounding support for this at the November 2025 Fresh Tobacco Crime and Regulation Forum attended by all 12 Local Authorities including public health, Trading Standards, Licensing and also police partners.

Tobacco smoking is an addiction with heavy costs justifying bold measures. Decisive action is being taken through the Bill which we support, but the Bill alone will not end smoking. We endorse the APPG on Smoking and Health report "[Roadmap for a Smokefree Country](#)" and we back their ask for a national tobacco control plan which sets out the long-term vision e.g. a country where no one smokes, but some may be using much less harmful forms of nicotine delivery to prevent relapse to smoking. This plan should be DHSC-led with buy-in from across Government.

We strongly recommend that licensing discussions are set within this context of a long-term goal of zero tobacco use across all groups.

We would welcome DHSC convening roundtable discussion/s to consider the evidence around licensing, looking at different options and their impact. The suggested area for discussion is to consider the recommendations from the Khan review and create a health-led licensing system that:

(1) treats tobacco as a highly restricted product which will be phased out

- (2) separates licensing for tobacco and nicotine products
- (3) funds robust enforcement and cessation services from fees (NB the relevance of this would be superseded if a tobacco levy was introduced – discussed later)
- (4) embeds measurable milestones to reach zero smoking.

We also believe that some basic principles need to be acknowledged:

- That tobacco is the most lethal consumer product available, killing up to two thirds of those who use it long-term
- Any sales of tobacco pose a risk to the health of the public
- That health-first licensing is needed with decisions made on public health criteria e.g. smoking prevalence reduction, proximity to youth settings, contribution to health equality.
- That licences are granted on the understanding that retailers are required to apply and to meet explicit public health conditions
- That retailers need to be supported to understand and adjust to the long-term outcome of ending tobacco sales, including understanding the positive economic impact of ending smoking
- The Licensing Act 2003 has done nothing to improve public health. Both alcohol availability and harms have increased since its introduction and the Government must not repeat this for tobacco.

In terms of objectives, we agree with the importance of protecting public health and preventing crime but we would also urge the Government to consider establishing a separate objective that focuses on the protection of children and young people, so that the public health objective can focus solely on public health matters. (500 words)

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)

Once the overall context for the introduction of tobacco licensing has been established, it will be vital for the Government to work with relevant national and local authority regulators on how the scheme could work. This includes HMRC, Licensing, Trading Standards and the police.

Issues for consideration include:

- Whether the licence being applied for relates to tobacco, vapes or both
- The location of the premises and whether it is near locations where children are likely to be, e.g. schools, libraries
- How many other retailers nearby will have a licence
- Whether businesses are fixed or mobile.
- Whether the business will be trained in offering advice on smoking cessation and how customers can switch to a vape.

Given that we believe we should all be working towards a totally smokefree future, we want to use this opportunity to reduce the number of outlets selling tobacco products but

at the same time we need to ensure that regulated vapes are accessible for those who are trying to stay quit from tobacco.

We also wonder if the premises licence/personal licence approach is the only structure to consider and whether there are alternative options.

Key components of a licensing system that *could* be considered looking at benefits and risks etc:

1. Retailer Licensing

- Mandatory licensing for all tobacco retailers, including online vendors.
- Potential caps on the number of licences issued per local authority area.
- Restrictions on retail locations (e.g., near schools, mental health facilities).
- Tiered licensing fees based on volume, location, and compliance history.

2. Vendor Accountability

- Personal licences for individuals selling tobacco, requiring training on cessation and legal responsibilities.
- Premises licences with conditions on signage, hours of sale, and surveillance.

3. Phased Reduction Strategy

- Licence buy-back schemes to reduce retailer numbers over time.
- No new licences issued after a designated cut-off date.
- Annual reduction targets for licence numbers.

4. Enforcement and Compliance

- Local authority powers to inspect, suspend, or revoke licences.
- Fixed penalties and criminal sanctions for non-compliance.
- Public reporting mechanisms for violations.

5. Equity-Focused Measures

- Targeted licensing restrictions in areas with high smoking rates.
- Integration with NHS mental health and cessation services.

It was raised at our recent Regulation Forum that support will be needed for local authorities who may face appeals and challenges from businesses who are refused a licence. To pre-empt this, robust regulations and guidance will be needed.

(384 words)

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

We believe that different factors need to be taken into account depending on whether a licence is sought to sell tobacco, vapes or both, but there are some general principles that apply to both.

These include:

- Ensuring that the individual is a fit and proper person to supervise sale of the relevant products including declaring relevant criminal convictions for considerations and providing a basic criminal conviction disclosure form.

- Ensuring that the person has completed a course and has an accredited qualification, and that this includes information on the harms of tobacco.
- Ensuring that the person is over 18 years of age.

Many of these factors were raised at our recent Regulation Forum.

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)

The objectives of the licensing scheme should be set at a national level and we recommend consideration of a fit for purpose scheme that helps achieve a long-term goal to make tobacco smoking obsolete as outlined above.

The interpretation of the objectives through the lens of local priorities should be done at a local level through the development of local licensing policies and this should consider local harm and vulnerability, cumulative impact and how the scheme can be used to improve public health in the local context e.g. ensuring retailers are trained on tobacco harms and signposting to local stop smoking services.

Clear guidelines should be set nationally to ensure that there is clarity in the objectives of the scheme, and how they can be interpreted locally. This can include sharing best practice in using the scheme to drive forward objectives.

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)

While the priority needs to be the establishment of an overall context for a licensing scheme within the ambition of creating a smokefree country, we understand that local authorities will need clear guidance on how decisions can be reached. It makes sense that local elected members are involved in the decision-making process with input and support from local authority officers and representation from interested parties, excepting those with connections to the tobacco industry.

We also believe there is an opportunity to scope out a role for Combined Authorities in the decision-making process, to support consistency across local authorities and to provide the opportunity for elected Combined Authority Mayors to input to the health and wellbeing of their population but that this must be done with full collaboration with local Directors of Public Health.

We do not want the Licensing Act 2003 to be replicated for the purposes of a tobacco and nicotine licensing scheme. The LA2003 has done nothing for public health and, if anything, alcohol availability and harms have increased since its introduction.

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)

Points raised by North East colleagues at our Regulation Forum included:

- Linking licensing with other enforcement action e.g. closure orders
- Taking into account deprivation and health inequalities when granting licences
- Avoiding bottlenecks of applications
- The potential for online licence applications to be dealt with nationally
- The need for appropriate penalties
- Not allowing premises licences to be transferred.

We urge the Government to work closely with relevant regulatory and enforcement bodies to work through the detail of a new licensing scheme as well as with retail bodies in line with the Government's obligations under WHO FCTC Article 5.3.

We recommend again the need to scope out the strategic context for this and to have further discussion and modelling around options.

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)

Conditions imposed should all relate directly to the objectives of the licensing scheme.

In relation to a public health objective, conditions could include limits on the number of products you can buy at one time, mandatory training in smoking cessation and local support available for licence holders and staff.

To protect children, conditions could include time limits on when tobacco could be sold e.g. to avoid after school hours.

It is a given that all tobacco and nicotine laws are to be complied with.

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)

Applicants for a personal licence should be asked to prove their suitability to hold such a licence. They should also be required to undertake a course which outlines the importance of complying with tobacco and vapes laws as well as laws relating to other nicotine products.

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)

At a national level, conditions could be set in relation to:

- The need to comply with environmental regulations
- Age verification systems and processes
- Provision of CCTV and to make this available to enforcement officers on request
- Requirements for relevant documentation to be kept e.g. financial paperwork, refusals logs, training registers and to make this available to enforcement officers on request.

Local conditions may be set depending on the premises in question and based on the area in which it is.

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)

Discussions on fees, and the need to ensure local authorities have adequate resources in place, need to be held within the context of the APPG on Smoking and Health recommendation to establish a polluter pays levy as part of the long-term tobacco control planning.

The rationale for a levy is clear: four manufacturers are responsible for over 95% of UK tobacco sales; they make an estimated £900m per year in UK profit and they pay very little corporation tax in the UK.

A polluter pays levy would:

- Raise revenue: Up to £700m per year to fund vital smoking cessation and wider public health activities.
- Prevent industry from manipulating prices to undermine the health aims of tobacco taxes. Tobacco companies respond to tax rises by suppressing price rises on budget products while increasing prices on premium products. This reduces the incentive to quit while maximising industry profits.
- Make tobacco less profitable in the UK and reduce industry incentives to lobby against Government actions to achieve a smokefree country.
- Correct a moral wrong: smoking costs society in England £43.7 billion a year, including £1.82 billion from the NHS. It is right that industry pay their share.
- Ensure that the cost burden is not shifted to consumers: By introducing a levy alongside a cap on manufacturer pricing, tobacco companies would be prevented from passing costs onto consumers. This approach ensures the revenue is drawn directly from industry profits, not from smokers.

On licensing fees, the overwhelming response from local authority colleagues is that licence fees should be inflated each year. Licensing Act 2003 fees have never been inflated since 2003 and most Licensing Act services run on a deficit. The Government must ensure that this is not allowed to happen for the new tobacco and nicotine licensing scheme.

The cost of a licence should be determined in consultation with relevant bodies. Some general points we wish to make:

- We believe there should be higher fees for a tobacco licence to act as a disincentive to sell tobacco given its lethal nature
- We believe there should be lower fees for a vape licence given the public health benefits of consumers switching completely from tobacco to vapes
- Flexibility needs to be built into the scheme to allow changes to be made as needed.

(378 words)

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)

We would make similar points to the question above on premises licences.

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)

We understand there are good cases to be made for both national and local fee-setting.

Setting fees nationally would prevent local authorities from having to spend a disproportionate amount of time deciding on fees and subsequently dealing with any challenges that follow. It would also provide a level playing field for retailers.

Setting fees locally would enable local authorities to achieve full cost recovery and there are already good examples of this being effective.

The final decision needs to be taken in collaboration with relevant bodies, with flexibility built in to make adjustments.

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)

We believe there should be the requirement for a licence to be renewed after a period of time. Local authority colleagues tell us that small retail shops can change ownership regularly and may not change ownership details on the licence. Having a licence for life is not appropriate. A three-year renewal process feels reasonable.

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)

This needs to be discussed in detail with relevant regulatory and enforcement bodies.

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)

The new retailer scheme needs to ensure that online sales are regulated as tightly as sales from bricks and mortar premises. Longer term, the Government should consider whether online sales of tobacco products should be banned: one of the key recommendations of the Khan review included the following: *“introduce a tobacco licence for retailers to limit where tobacco is available. The government should also ban online sales for all tobacco products, ban supermarkets from selling tobacco and freeze the tobacco market to stimulate innovation in tobacco-free alternatives.”*

North East colleagues have also suggested whether licence applications for online retailers should be managed nationally.

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)

We understand that the existence of exemptions in legislation can create issues for enforcement bodies and enable those who are criminally-minded to circumvent the rules. Careful consideration of this topic will be needed, in liaison with relevant partners, to ensure that healthcare settings in particular are not dissuaded from making vapes available – either via sale or otherwise – as part of smoking cessation support.

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)

The ambition for tobacco licensing must first be clearly articulated within the broader smokefree country strategy before operational delivery is developed.

We strongly support a licensing scheme but recognise the burden it may place on local authorities. The Government should mitigate this by providing sufficient funding or managing elements nationally. A ‘polluter pays levy’ on the tobacco industry could raise £700 million annually, and allocating these funds to support local authorities would be a valuable use.

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)

Our key message to the Government is not to rush to establish the licensing scheme. It is needed, wanted and workable but there are some key fundamental principles that need to be communicated first, as outlined in earlier answers, in particular setting out what the long-term goal is for retailer licensing. We believe that more time is needed to scope out some of the fundamental aspects and strategic content for licensing before agreeing specific details of implementation.

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)

It will be vital that local authorities and retailers are communicated with throughout the process. In relation to retailers, communication would be made so much easier if data was made available on the retailers who had obtained Economic Operator IDs through the HMRC tobacco track and trace system in order to purchase tobacco from wholesalers.

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)

Previous changes to tobacco regulations have not significantly burdened retailers, such as banning point of sale displays and introducing standardised packs. Three quarters of retailers say these have been no burden or had a positive impact. 81% of small convenience retailers support the introduction of a tobacco retail licence. Retailers will need to be supported throughout this process with clear communication and guidance.

Local authorities will also need to be supported to ensure they have the right resources in place both from the point of view of processing applications and to be able to support retailers in their community.

Close working across Government is needed, particularly between DHSC and the Department for Business and Trade to ensure that the appropriate balance is struck between protecting health and promoting growth, noting that improving public health brings about positive economic benefits. A joint approach between Government departments would provide clarity for business and for those who are tasked with making decisions about licences.

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)

Provided that the licensing scheme is established as an integral part of the Government's overall ambition for a smokefree future, the main public health benefit would be that

tobacco is less available in communities, which could lead to reductions in smoking prevalence and therefore reductions in smoking-related death and disease.

If the scheme is developed in such a way that it clearly distinguishes between tobacco and vape products, then a further public health benefit would hopefully be improved understanding of the differences between the two products.

Implementing a tobacco licensing system could offer substantial economic and public health benefits for example:

- Healthcare savings: Smoking-related diseases cost the NHS over £2.4 billion annually. Reducing smoking prevalence will significantly lower these costs.
- Productivity gains: Smoking contributes to lost productivity through illness and premature death. A 1% reduction in smoking prevalence could add 24,000 people to the workforce and generate 40,000 new jobs through spending shifts.
- Retail adaptation: Evidence from the US and UK shows that convenience stores adapt successfully to reduced tobacco sales, with increased profits from food and beverage sales.
- Public finance impact: The net benefit to public finances from tobacco control investment is positive from year one. A £125 million annual investment could yield returns exceeding £700 million through reduced healthcare and social care costs.
- Polluter pays principle: A levy on tobacco industry profits (currently around 50%) could generate £700 million annually, funding tobacco control measures multiple times over.

(239 words)

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)

There needs to be an effective communication strategy for retailers but also for the public, to explain why a retail licensing scheme is being introduced and to make clear the difference between vapes and tobacco.

A scheme that does not have distinct licences for tobacco and other nicotine products could increase the number of places licensed to sell tobacco as many more places sell vapes than sell tobacco. To mitigate, the Government must establish distinctive schemes with separate licensing conditions.

The licensing scheme may have limited benefits for reducing illicit trade; those involved in illicit sales typically operate outside formal regulatory frameworks and it's unlikely that they apply for licences. To mitigate, the Government must ensure that its comprehensive enforcement strategy continues and that a retail licensing scheme is not seen as the main way to tackle the illicit trade.

A risk is that a vape licensing scheme reduces the variety of places that sell vapes, for example in hospital settings, which could in turn deter some people from quitting. To mitigate, the government should consider carefully how to ensure 'pro-quitting' and trusted public sector settings can still make vapes available, as outlined above.

The licensing scheme for tobacco must align with the existing HMRC-led Tobacco Track and Trace system. For example, anyone who applies for a tobacco licence must be registered via Track and Trace and have an Economic Operator ID (EIOD) to enable them to legally purchase tobacco for onward sale. Losing the EIOD for breaching Track and Trace regulations should result in having the tobacco licence removed. There will need to be close working between HMRC and DHSC to ensure alignment across the two systems.

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

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

The current notification system has several key limitations which the new registration scheme must address:

Powers: Under the current system, the competent authority does not have the powers to carry out routine pre- and post-market testing of products, or additional activity to improve compliance. This limitation was demonstrated following the ban on menthol cigarettes, when the government was unable to routinely test products to identify compliance with the ban. This meant that they had to rely on product marketing and brand names to identify non-compliant products. Manufacturers also reported their competitors' products for breaching the ban (for example, BAT wrote¹ to DHSC to report several JTI products). This issue was compounded by a lack of clarity on whether the competent authority could use revenue raised through notification fees to fund product testing. The competent authority must have the powers and funding to carry out pre-and post-market testing.

Fees: The current fee level for notifying tobacco products is insufficient to fund the current notification system and will need to be significantly increased for the new registration system. Currently, rolling tobacco is significantly cheaper for manufacturers to notify as is not subject to the annual testing fee of £1,000 (which only applies to cigarettes). The fees for cigarettes, rolling tobacco and all other tobacco products should be equalised to reduce the profitability of non-cigarette tobacco products which are already taxed at a lower rate than factory made cigarettes. The fee level should reflect that tobacco is the most lethal consumer product in existence.

Notification platform: The current notification platform requires manufacturers to submit notification information via an excel spreadsheet which then has to be manually transferred to the UK notification system. The new registration system should use a

tailored online portal comparable to the equivalent notification platforms in the EU. This will make the process more efficient and help to reduce the administrative burden on the competent authority. (335 words)

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

The current MHRA notification scheme has several important limitations which the new registration scheme must avoid:

Powers: The MHRA is only authorised to consider whether notified products are in line with the Tobacco and Related Products Regulations 2016 (TRPR) – specifically whether products include any banned ingredients, whether the nicotine strength is legal and the volume of e-liquid in products. The MHRA cannot review compliance with other regulations such as Classification, Labelling and Packaging (CLP) Regulations, food standards regulations, and secondary regulations that will be introduced using powers in the Tobacco and Vapes Bill. This means that products which are compliant with TRPR but not compliant with other regulations can still be notified and published by the MHRA. This creates confusion for retailers and consumers who understandably think ‘notified’ means compliant and puts trading standards in a difficult position when they have to seize MHRA-notified products. The competent authority must be authorised to ensure products conform with all relevant regulations and to revoke/refuse registration for non-compliant products.

Fees: Currently, manufacturers are only required to pay a one-time notification fee, meaning that they have no incentive to remove old products from the MHRA register. This means that thousands of products which are no longer sold on the UK market are still notified with the MHRA, creating an avoidable administrative burden for the agency. An annual fee would ensure that manufacturers have an incentive to cancel registration for products which they no longer sell.

Responsible person: Manufacturers are required to provide a ‘responsible person’ who can serve as a point of contact and accountability for notified products. However, this system is not sufficiently robust and must be strengthened to ensure that the responsible person is UK-based and is accountable for the products registered in their name.

Market surveillance: Pre- and post-market testing is limited by the capacity and resources of the MHRA and its powers. The competent authority must have the powers and resources to carry out pre- and post-market surveillance to ensure products are compliant.

One of the most important things for a new registration scheme are that it supports local enforcement and monitoring and gives both consumers and retailers confidence that the products on sale comply with the law.

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)

Fresh is not in a position to comment at this stage

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)

Heated tobacco

- Findings from the ASH/YouGov Smokefree GB survey show that 3.3% of adults (1.7 million people) have tried heated tobacco products (HTPs), rising to 5% of 18-24 year olds and 6% of 25-39 year olds. Smokers are also more likely to have tried HTPs (14%). Less than 1% (0.7%) of all adults currently use HTPs (400,000 people).
- Current use of heated tobacco has been unchanged since 2017. The proportion of adults who have used it in the past but have now stopped has increased significantly, from 0.9% in 2017 to 2.6% in 2025.
- Awareness of HTPs is increasing. In 2025, 28% of adults were aware of heated tobacco, compared to 9% in 2017 and 19% in 2024. Awareness is higher among people who smoke (50%). Awareness is also higher in younger adults (18-24 37%, 25-39 36%) compared to those aged 40 and over (23%).
- Among 11–17-year-olds, awareness of heated tobacco has risen from 7.1% in 2022 to 24% in 2025. 0.7% of 11-17 year olds currently use heated tobacco, while 2.7% have tried it.

Nicotine pouches

- Findings from the ASH/YouGov Smokefree GB survey show that around 1.1% of adults currently use nicotine pouches, while 6% have tried them. Use of nicotine pouches is on the rise, particularly among younger adults. Between 2023 and 2025, usage among 18 to 34-year-olds increased from 1.2% to 2.6%, reporting currently using them—compared to just 0.2% among adults over 55. Young men (aged under 40) are nearly three times more likely to use nicotine pouches than women, with 3.5% of men reporting use compared to 1.2% of women. Awareness of these products is increasing. In 2025, 56% of adults were aware of them, compared to 45% in 2023.
- Nearly 4% (3.8%) of 11-17 year olds say they've tried nicotine pouches, which amounts to approximately 210,000 children. Awareness of nicotine pouches has increased among children 11-17, rising from 38% in 2024 to 43% in 2025.

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)

Fresh is not in a position to comment at this stage

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)

We believe all of the above should be required.

Furthermore, companies registering vaping products should be required to provide details of which Producer Compliance Scheme they have signed up to for recycling. If a manufacturer fails to provide this information then the registration should be rejected.

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)

Fresh is not in a position to comment at this stage

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)

Testing should be carried out before products are brought to market to ensure that they are compliant and to verify the information provided by manufacturers. However, ongoing market surveillance will be necessary to identify any emerging issues and ensure that the products supplied to consumers match those which are supplied for pre-registration testing.

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

Fresh is not in a position to comment at this stage.

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)

Manufacturers must be required to designate a responsible person for each product registered.

This person must be based in the UK and be accountable for the products registered in their name. They must be able to provide the documents required, within a reasonable time, and be responsible for recording any Yellow Card issues and taking recall action if necessary.

Checks will be necessary to ensure that manufacturers provide a valid responsible person. The competent authority must have the power to withhold registration of products from manufacturers who have not listed a responsible person who meets these requirements.

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)

We agree with ASH that the fee regime for tobacco products should be based on the following objectives:

1. Ensuring fees are sufficient to fund a comprehensive registration scheme. The current fee level for notifying tobacco products is insufficient and will need to be significantly increased to provide sufficient funding for the new registration system. This should cover the administration of the scheme, pre- and post-market testing, enforcement activity, and activity to improve compliance in the sector.

2. Ensuring that fee levels are consistent across all combustible tobacco products. Currently, rolling tobacco is significantly cheaper for manufacturers to notify as is not subject to the annual testing fee of £1,000 (which only applies to cigarettes). The fees for cigarettes, rolling tobacco and all other tobacco products should be equalised to reduce the profitability of non-cigarette tobacco products which are already taxed at a lower rate than factory made cigarettes.
3. Ensuring that fee levels sufficiently reflect the uniquely lethal nature of tobacco. There is a justifiable cost they should meet for the safe running of the market. The fees for registering tobacco products should be increased to reflect the lethality of tobacco products to consumers, the financial burden tobacco consumption places on the UK economy and public services, and the excessive profitability of tobacco manufacturers. Fees for registering tobacco products should be higher than fees for vaping products to reflect the reduced risk from vaping compared to smoking.

The fee regime for vaping and other non-medicinal nicotine products should be based on the following objectives:

1. Ensuring fees are sufficient to fund a comprehensive registration scheme. Fee levels should be sufficient to fund the administration of the registration scheme, including market surveillance and enforcement activity. However, it will be important to keep the fees at a level that does not deter smaller vape retailers from entering the market. This would risk concentrating the market in the hands of a small number of large companies, particularly tobacco manufacturers who use their monopoly status in the tobacco market to manipulate prices and maximise their profits.
2. Incentivising manufacturers to keep the registration list up to date. A registration fee should be applied for every individual product registered under the new system, along with the introduction of an annual fee. If a manufacturer fails to renew the fee annually, then the registration for the relevant product should be removed. This will ensure that manufacturers have an incentive to cancel registration for products which they no longer sell in the UK. Currently, manufacturers have no incentive to remove products from the MHRA register, meaning that thousands of products which are no longer on the UK market are still notified with the MHRA.

(448 words)

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)

Fresh is not in a position to comment at this stage

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)

Businesses are used to adapting to new regulations and this should not cause undue burdens on retailers.

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)

As outlined above, there are several weaknesses with the current system. Products can be registered without complying with all relevant legislation, and retailers should be able to be prosecuted for stocking unregistered products.

Throughout the development of a new registration system, it will be vital to liaise with Trading Standards on what is needed.

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

Fresh is not in a position to comment at this stage

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)

We encourage close collaboration with all relevant bodies, in compliance with Article 5.3, in the development of a new registration scheme.

File upload

In this section, you'll be able to provide any additional evidence or submit any files. A maximum of 10 pages in a Word document or PDF will be considered. (Optional)

Items for Fresh to upload:

- Declaration for a Smokefree Future