

DEMOS

SMOKE

WITHOUT FIRE

A NEW VISION FOR VAPING
POLICY IN THE UK

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EXECUTIVE SUMMARY

In 2019, the Government set out a laudable, ambitious goal. By 2030, their stated ambition is for England to be entirely smoke-free, with the Cabinet Office and DHSC issuing an ultimatum “for industry to make smoked tobacco obsolete by 2030, with smokers quitting or moving to reduced risk products like e-cigarettes.”

Achieving this aim would prevent death and tobacco-related disease, primarily amongst the most economically vulnerable members of society. Smoking remains the leading preventable cause of illness and premature death in the UK and is a primary driver of health inequality in England.

In 2022, we are on course to miss this target. Smoking prevalence in the UK is just over 13% and falling, but the recent Khan review on smoke free policies predicts that, on our current trajectory, around 7% of the UK - over 4.8 million people - will still smoke in 2030.¹ Urgent change is needed if the Government is going to reach its smoke-free goal, reduce health inequalities and diminish the devastating impacts smoking has on people’s lives. E-cigarettes could be a key tool in encouraging this change. There is a growing body of evidence suggesting e-cigarettes are effective in increasing quit rates in smokers, and people who use e-cigarettes to quit smoking are twice as likely to be successful than people who use other nicotine replacement products like patches or gum.^{2, 3} However, the current regulatory framework is making it difficult to encourage more smokers to switch, while failing to address misinformation around risk,

prevent counterfeit goods reaching consumers, and discourage underage people from vaping.

E-cigarette use is not risk free. The vast majority of products contain nicotine - a highly addictive substance that can harm young people’s developing brains. Illicit e-cigarette products are also getting onto the market with non-compliant nicotine levels and dangerous counterfeit batteries putting consumers’ safety at serious risk.

It is, however, much less risky than smoking. Public Health England estimates that e-cigarettes are 95% less harmful than traditional cigarettes. It is vital to reach smokers with responsible switching messages to dispel misconceptions that vaping is as harmful as tobacco smoking. We also need to make e-cigarettes a more appealing and accessible option for smokers from the most deprived communities.

If England stands a chance of being smoke-free by 2030, we need an effective regulatory framework that stops young people taking up vaping and cracks down on non-compliant products, but without deterring adult smokers from switching. Drawing on research from two previous Demos reports - *Myths and Misinformation and Vaping Regulation in 2022* - this paper sets out a method through which this careful balance might be struck. We have identified four pillars of e-cigarette policy where change is urgently needed to improve public health:

- Encouraging smokers to switch
- Reducing health inequalities

1 Khan review: <https://www.gov.uk/government/publications/the-khan-review-making-smoking-obsolete/making-smoking-obsolete-summary>. Smoking population in 2030 based on ONS forecasts for population growth, retrieved from: Office for National Statistics. National population projections : 2020-based interim. Office for National Statistics, January 2022. Available at : <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/bulletins/nationalpopulationprojections/2020basedinterim#:~:text=The%20population%20of%20the%20UK,69.2%20million%20in%20mid%2D2030> [accessed 28/08/2022]

2 NHS. *Using e-cigarettes to stop smoking*. NHS. Available at <https://www.nhs.uk/live-well/quit-smoking/using-e-cigarettes-to-stop-smoking/#:~:text=A%20major%20UK%20clinical%20trial,such%20as%20patches%20or%20gum> [accessed 24/01/2023]

3 Hartmann-Boyce et. al (2021) *Electronic cigarettes for smoking cessation*. Cochrane Database of Systematic Reviews Issue. Available at: <https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD010216.pub6/full> [accessed 05/01/2022]

- Preventing young people from taking up vaping
- Protecting consumer health and safety

THE PROBLEM

In 2022, smoking continues to take a serious toll on the health of the UK. Smoking-related illness and death not only has devastating consequences for smokers and their families, but also puts overwhelming pressure on the NHS. We must address this and urgent efforts are needed to get more smokers to quit if smoking rates are to fall. However, as Demos has highlighted in *Myths and Misinformation and Vaping Regulations in 2022*, misperceptions around the relative harms of vaping, restrictive advertising regulations and socioeconomic inequalities are placing serious barriers on the path to a smoke-free England.

Tackling the incorrect belief that e-cigarettes are equally or more harmful than vaping is key to overcoming these barriers. In a 2022 poll conducted by Demos, 48% of respondents judged the false statement “The nicotine in tobacco cigarettes is the chemical which causes most of the cancer” to be true; only 26% correctly identified it as false. These misperceptions affect smokers’ confidence in trying alternatives to smoking.⁴ Regulatory change is needed to give us more opportunities to promote vaping to smokers as a less harmful nicotine alternative, without encouraging non-smokers, especially young people, to use e-cigarette products. This is a clear and growing risk: despite age restrictions, the latest data shows that 16% of children 11-17 have tried vaping, an increase from 14% in 2020. This number rises to 29% for 16-17 year olds.

We urgently need innovative regulatory change and new smoking cessation policies to tackle these issues. In the pages that follow, we will lay out a set of policy recommendations for how the Government and regulatory bodies might encourage adult smokers to switch to vaping. We also propose how the government can make e-cigarettes more accessible to smokers from low socioeconomic groups without increasing their appeal to young people or leading to a market flooded with non-compliant products

⁴ Mackenzie, P and Dawson, A. *Myths and Misinformation: Mapping the barriers to smoking cessation and the uptake of nicotine alternatives*. Available at: <https://demos.co.uk/project/myths-and-misinformation-mapping-the-barriers-to-smoking-cessation-and-the-uptakeof-nicotine-alternatives/> [accessed 05/01/2023]

SMOKING IN THE UK: FACTS AND MYTHS

Smoking remains the leading preventable cause of illness and premature death in the UK, with an estimated 191,900 deaths attributed to smoking in England in the years 2017 to 2019.⁵ According to the latest data, 13 percent of adults in the UK smoke.⁶

It remains one of the main causes of health inequalities in England; smoking alone contributes to about half of the gap in healthy life expectancy between the richest and the poorest.⁷ ONS data suggests nearly a quarter of those on incomes less than £10,000 are current smokers, compared with just over 10% of those on incomes over £40,000. Further, Demos' own research found smokers from lower socioeconomic groups are less likely to be planning to quit than their more affluent counterparts.⁸ Tackling smoking should both be a major public health priority and a major priority in the levelling up agenda.

Although e-cigarettes can be an effective and relatively safe tool for those wishing to quit smoking, many smokers, as well as the wider general public, hold inaccurate views about nicotine, leading to a

poor understanding of the relative harm caused by vaping in comparison to smoking. There are three key messages needed to address myths in this space:

NICOTINE IS NOT A CARCINOGEN

The cancer causing component of traditional cigarettes is the chemicals found in the smoke and tar. However, Demos' research found that 42% of smokers and 48% of non-smokers believe that it's actually the nicotine in cigarettes that causes cancer.⁹ This is leading people to believe that e-cigarettes are just as or even more harmful than traditional cigarettes.

CIGARETTES ARE AROUND 20 TIMES AS HARMFUL AS E-CIGARETTES

E-cigarettes are 95% less harmful than smoking,¹⁰ but only 18% of smokers and 10% of the wider general public have correct harm perceptions.¹¹ A survey by Action on Smoking and Health (ASH) also found that

5 Public Health England. *Local tobacco control profiles for England: short statistical commentary*, July 2021. PHE, 2021. Available at: [https://www.gov.uk/government/statistics/local-tobacco-control-profiles-for-england-july-2021/local-tobacco-control-profiles-for-england-short-statistical-commentary-july-2021#:~:text=There%20were%20an%20estimated%20191%2C900,period%20\(2017%20to%202019\)](https://www.gov.uk/government/statistics/local-tobacco-control-profiles-for-england-july-2021/local-tobacco-control-profiles-for-england-short-statistical-commentary-july-2021#:~:text=There%20were%20an%20estimated%20191%2C900,period%20(2017%20to%202019).).

6 Office for National Statistics. *Adult smoking habits in the UK: 2021*. ONS, 2022. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2021> (accessed 08/01/2023)

7 Asthma and Lung UK. *Levelling up health by stamping out tobacco*. Asthma and Lung UK, March 2022. Available at: https://www.blf.org.uk/sites/default/files/ALUK_clearing_the_smoke_report.pdf [accessed 05/01/2023]

8 Mackenzie, P and Dawson, A. *Myths and Misinformation: Mapping the barriers to smoking cessation and the uptake of nicotine alternatives*. Available at: <https://demos.co.uk/project/myths-and-misinformation-mapping-the-barriers-to-smoking-cessation-and-the-uptakeof-nicotine-alternatives/> [accessed 05/01/2023]

9 Mackenzie, P and Dawson, A. *Myths and Misinformation: Mapping the barriers to smoking cessation and the uptake of nicotine alternatives*. Available at: <https://demos.co.uk/project/myths-and-misinformation-mapping-the-barriers-to-smoking-cessation-and-the-uptakeof-nicotine-alternatives/> [accessed 05/01/2023]

10 Public Health England. *E-cigarettes around 95% less harmful than tobacco estimates landmark review*. PHE, August 2015. Available at: <https://www.gov.uk/government/news/e-cigarettes-around-95-less-harmful-than-tobacco-estimates-landmark-review> (accessed 11/08/2022)

11 Mackenzie, P and Dawson, A. *Myths and Misinformation: Mapping the barriers to smoking cessation and the uptake of nicotine alternatives*. Available at: <https://demos.co.uk/project/myths-and-misinformation-mapping-the-barriers-to-smoking-cessation-and-the-uptakeof-nicotine-alternatives/> [accessed 05/01/2023]

32% of smokers believe vaping is more or equally as harmful as traditional cigarettes, while a further 22% said they don't know what the relative harms are.¹² Smokers from lower socioeconomic groups are more likely to have these misperceptions - our research found that people who don't work (55% vs 44% of those who are working) are more likely to incorrectly believe that nicotine is the main cancer causing chemical in cigarettes.¹³

THE PUBLIC ARE ASKING FOR CHANGE

Demos polling conducted in May 2022 found that 85% of the UK think the Government should act to reduce health inequality, with older participants especially likely to see this as important.¹⁴ 31% of the country felt that smoking cessation was one of the top three measures the government should prioritise, after help with the cost of living and healthy eating. These figures are even higher in 'Red Wall' seats; smoking cessation should not be seen as an electoral liability.

These misperceptions are not only a barrier to the UK's goal of becoming smoke free by 2030, but also to narrowing the gap in healthy life expectancy of the poorest and richest.

Addressing these myths and encouraging people to stop smoking will take a concerted effort from government, regulators and the health system, but there are also some quick, easy wins which could make a serious change and get us back on track to being smoke-free in the next eight years. We explore these below.

12 Action on Smoking and Health. *Use of e-cigarettes (vapes) among adults in Great Britain*. Action on Smoking and Health, August 2022. Available at: <https://ash.org.uk/uploads/Use-of-e-cigarettes-vapes-among-adults-in-Great-Britain-2022.pdf?v=1661865959> [accessed 05/01/2022].

13 Mackenzie, P and Dawson, A. *Myths and Misinformation: Mapping the barriers to smoking cessation and the uptake of nicotine alternatives*. Available at: <https://demos.co.uk/project/myths-and-misinformation-mapping-the-barriers-to-smoking-cessation-and-the-uptake-of-nicotine-alternatives/> (accessed 11/08/2022)

14 Mackenzie, P and Dawson, A. *Myths and Misinformation: Mapping the barriers to smoking cessation and the uptake of nicotine alternatives*. Available at: <https://demos.co.uk/project/myths-and-misinformation-mapping-the-barriers-to-smoking-cessation-and-the-uptake-of-nicotine-alternatives/> (accessed 11/08/2022)

ENCOURAGE SMOKERS TO SWITCH

Modify the Tobacco and Related Products Regulations (TRPR) and CAP code regulations to allow messages targeted at adult smokers that promote e-cigarettes as less harmful, for example through inserts in cigarette packets.

Efforts to tackle myths around the health risks of vaping need to be accelerated if we want people to switch. The Department of Health and Social Care (DHSC) should modify TRPR regulation that prohibits inserts and additional materials in tobacco cigarette packaging, to allow consistent, government approved messaging to promote e-cigarettes as a less harmful alternative and encourage switching.¹⁵

This idea is both timely and tested. The UK's Science and Technology Committee has called for more targeted communication on the relative harms of e-cigarettes to be directed towards smokers. They suggested that pack inserts might be an effective method. In Canada, it is a legal requirement for traditional cigarette packs to contain inserts with smoking cessation information.¹⁶ A 2015 evaluation of this policy found that smokers who read inserts were more likely to make quit attempts than those that didn't.¹⁷

Another way this messaging could be effectively targeted is through email. This is currently blocked in two respects - TRPR regulation restricts advertising of e-cigarettes online, and the Committee of Advertising Practice (CAP) does not allow e-cigarette retailers to provide promotional information to customers.¹⁸ Adjusting these regulations to allow for e-cigarettes to be promoted to adults online as an alternative to smoking could be effective in allowing switching messages to reach more smokers, including those not actively looking to switch, while minimising the risk of young people being exposed to these messages.

TRPR and ASA should be modified so information promoting e-cigarettes as less harmful alternatives can be proactively targeted towards smokers.

The Government should allow more age gated advertising channels to show messages that promote vaping as a less harmful nicotine alternative for smokers.

In order to encourage smoking cessation, it won't be enough to target smokers alone there is a need to tackle harm misperceptions among the general

15 Department of Health and Social Care. *Tobacco packaging guidance: Guidance for retailers, manufacturers and distributors of tobacco products, enforcement agencies and the public on tobacco packaging in Great Britain*. Department of Health and Social Care, April 2021. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/978513/tobacco-packaging-guidance-great-britain-april-2021.pdf [accessed 05/01/2023]

16 Thrasher, J F, Osman A, Abad-Vivero E N et al. *The Use of Cigarette Package Inserts to Supplement Pictorial Health Warnings: An Evaluation of the Canadian Policy*. Nicotine and Tobacco Research, December 2014. Available at <https://academic.oup.com/ntr/article-abstract/17/7/870/1026113> [accessed 05/01/2023]

17 Thrasher, J F, Osman A, Abad-Vivero E N et al. *The Use of Cigarette Package Inserts to Supplement Pictorial Health Warnings: An Evaluation of the Canadian Policy*. Nicotine and Tobacco Research, December 2014. Available at <https://academic.oup.com/ntr/article-abstract/17/7/870/1026113> [accessed 05/01/2023]

18 Advertising Standards Agency. *Electronic cigarette advertising prohibitions*. CAP. Available at: <https://www.asa.org.uk/static/uploaded/545851fd-cd02-4b1b-a3d950d3886a438d.pdf> [accessed 05/01/2023]

public as well as smokers themselves. As Demos' own research found, many smokers (32%) access information about smoking and vaping from friends and family.¹⁹ This means it is crucial that smokers' friends and family have an accurate understanding of the relative harms of vaping so they can be in a better position to encourage smokers to switch and also avoid actively discouraging them.

E-cigarette advertisements on TV that promote messages about the relative "healthfulness" of e-cigarettes in comparison to traditional cigarettes, have been found to make smokers more interested in trying e-cigarettes than e-cigarette ads that don't promote this message.²⁰ The Government should expand the list of advertising channels on which government approved switching messages can be promoted. This would mean more popular forms of media, like TV, can be used to responsibly promote vaping as a less harmful smoking alternative, and contain health-focused messaging encouraging smokers to switch. Modifying CAP regulations will not only allow these messages to reach more smokers, but also their friends and family, ensuring smokers have access to as many sources of accurate information as possible.

Again this approach is actively being discussed. The Khan review has called for advertising regulations to be modified so more smokers can see e-cigarettes being promoted as less harmful products.²¹

Modifying advertising regulations is not without risk - unlike targeted marketing, non-smokers will be exposed to these advertisements. It is crucial therefore that existing ASA regulations which prohibit e-cigarette advertisements appealing to non-smokers are strictly enforced, with strong penalties for noncompliance. The promotion of these switching messages should also be restricted to age-gated advertising channels to prevent children seeing these advertisements.

The Office for Health Improvements and Disparities (OHID) should invest in public information campaigns that promote e-cigarettes as a less harmful smoking alternative, and retailers should be allowed to support these campaigns.

To accelerate the number of smokers making attempts to quit, the OHID should increase the number of yearly smoking cessation campaigns that promote e-cigarettes as a less harmful smoking alternative.

Currently, the Stoptober campaign runs once a year and gives smokers a "challenge" to quit in 28 days. Through a range of media platforms, like social media and radio, the campaign promotes messages on the health and financial benefits of quitting while highlighting different quitting tools. The campaign highlighted e-cigarettes as a smoking cessation aid for the first time in 2017.²² The campaign has successfully increased the number of smokers making quit attempts, with 2.3 million smokers making quit attempts since the campaign began in 2012.²³ Much of this success can be attributed to the unique behavioural economics and psychological insights that underpin the campaign which aim to maximise the likelihood of smokers changing their behaviour.²⁴ These campaigns need to happen more than just once a year if the Government is to get more smokers to quit.

ASA regulations currently prohibit e-cigarette retailers from providing customers with promotional information on e-cigarettes. This prevents them from supporting Government smoking cessation campaigns, despite these campaigns themselves promoting e-cigarettes as a less harmful smoking alternative. To increase reach, shops selling vaping products should be allowed to support and promote campaigns to their customers. Retailers are a valuable, untapped source of smoking cessation information - research by UKVIA found that specialist

19 Mackenzie, P and Dawson, A. *Myths and Misinformation: Mapping the barriers to smoking cessation and the uptake of nicotine alternatives*. Available at: <https://demos.co.uk/project/myths-and-misinformation-mapping-the-barriers-to-smoking-cessation-and-the-uptake-of-nicotine-alternatives/>

20 Pepper, J K et al. Effects of advertisements on smokers' interest in trying e-cigarettes: the roles of product comparison and visual cues. Available at: https://tobaccocontrol.bmj.com/content/23/suppl_3/iii31 (accessed 11/08/2022)

21 Khan, J Dr. *Making Smoking Obsolete Independent review into smokefree 2030 policies*. Dr Javed Khan OBE. OHID, June 2022. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1081366/khan-review-making-smokingobsolete.pdf [accessed 05/01/2023]

22 Torjesen I. *Stoptober campaign backs e-cigarettes for the first time*. The Pharmaceutical Journal, September 2017. Available at: <https://pharmaceutical-journal.com/article/news/stoptober-campaign-backs-e-cigarettes-for-the-first-time#:~:text=The%20annual%20Stoptober%20campaign%20is,of%20the%20risk%20of%20cigarettes%E2%80%9D>. [accessed 05/01/2023]

23 Public Health England. *Smokers encouraged to take part in Stoptober, as they report smoking more during pandemic*. GOV.UK, September 2021. Available at: <https://www.gov.uk/government/news/smokers-encouraged-to-take-part-in-stoptober-as-they-report-smoking-more-during-pandemic> [accessed 05/01/2023]

24 Brown J, Kotz D, Michie S et al. *How effective and cost-effective was the national mass media smoking cessation campaign 'Stoptober'?*. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3929003/> [accessed 05/01/2023]

vape shops are the main source of advice (49%) for smokers looking to quit.²⁵ The Government cannot continue to miss opportunities to reach smokers with switching messages.

The OHID should create a 'vaping facts' website so health professionals have the knowledge they need to correctly assess risks.

Health professionals are crucial to the UK's smoking cessation plan, and it is vital that they have an accurate understanding of the relative harms of smoking alternatives. A 2015 study found that the majority of smokers rated physicians as the most trustworthy source of information on the relative health risks of vaping in comparison to smoking.²⁶ The OHID should create a vaping facts website, including facts on the relative harms of vaping and its usefulness as a smoking cessation tool, and work to promote this to health professionals.

This approach is also urged by the Khan review, and has been pioneered in New Zealand,²⁷ where their webpage on vaping facts provides balanced and detailed information on the relative harms of vaping and nicotine, and offers advice on using e-cigarettes as a tool to quit smoking.²⁸ The NHS has started to develop a similar website, however, there is scope for it to provide more tailored information and advice for health professionals.²⁹ A similar website in the UK, promoted through NHS England, could help health professionals better assess the risks of alternatives while supporting patients trying to quit smoking.

NHS England should ensure that clinicians are adequately trained and encouraged to follow the 2021 NICE guidance on providing advice on e-cigarettes to smokers.

The latest guidance from The National Institute for Health and Care Excellence (NICE) cites e-cigarettes as an effective cessation option and recommends that health professionals and those providing stop-smoking services offer advice to patients on using e-cigarettes to quit.³⁰

The Khan review has urged the NHS to incentivise its services to implement the NICE guidance on stopping smoking so health professionals can better support their patients who smoke.³¹ Providing clinicians, including doctors, nurses and pharmacists, with training on this guidance could further help health professionals better assess the relative risks of vaping and make them more likely to perceive e-cigarettes as a legitimate tool to help smokers quit.

The Government should work with the MHRA and industry to certify medicinally licensed vaping products, allowing health professionals to provide e-cigarettes to smokers on prescription.

Health professionals are understandably more likely to feel confident encouraging their patients who smoke to switch if they can prescribe them a product that has gone through rigorous safety checks.³² While there are no medically approved vaping products currently available in the UK, the Government has announced plans to become the first country with NHS prescribed e-cigarettes.³³ The MHRA has also expressed an interest in certifying products for medical use and has encouraged e-cigarette companies to apply for a medical licence.^{34, 35} The Government should work with MHRA to find ways to make a medicinally licensed vape product available as soon as possible, without compromising on safety.

25 UKVIA. *First time vapers value specialist advice in helping them quit conventional cigarettes*. UKVIA. Available at: <https://www.ukvia.co.uk/first-time-vapers-value-specialist-advice-in-helping-them-quit-conventional-cigarettes/> [accessed 05/01/2023]

26 Wackowski O A, Bover Manderski M T, Delnevo C D. *Smokers' sources of e-cigarette awareness and risk information*. Available at: <https://www.sciencedirect.com/science/article/pii/S2211335515001485> [accessed 05/01/2023]

27 Khan, J Dr. *Making Smoking Obsolete Independent review into smokefree 2030 policies*. Dr Javed Khan OBE. OHID, June 2022. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1081366/khan-review-making-smokingobsolete.pdf [accessed 05/01/2023]

28 <https://vapingfacts.health.nz/>

29 For the New Zealand vaping facts website see: *Vaping to quit smoking, Vaping Facts*. Available at: <https://vapingfacts.health.nz/vaping-to-quit-smoking/> (Accessed: January 10, 2023) and for the NHS website see: (no date) *NHS choices*. NHS. Available at: <https://www.nhs.uk/better-health/quit-smoking/vaping-to-quit-smoking/> (Accessed: January 10, 2023).

30 National Institute for Health and Care Excellence. *Tobacco: preventing uptake, promoting quitting and treating dependence*. NICE, November 2021 Available at: <https://www.nice.org.uk/guidance/ng209/chapter/Recommendations-on-treating-tobacco-dependence#support-to-stop-smoking-in-secondary-care-services> [accessed 05/01/2023]

31 National Institute for Health and Care Excellence. *Tobacco: preventing uptake, promoting quitting and treating dependence*. NICE, November 2021 Available at: <https://www.nice.org.uk/guidance/ng209/chapter/Recommendations-on-treating-tobacco-dependence#support-to-stop-smoking-in-secondary-care-services> [accessed 05/01/2023]

32 Kent C. *England could begin to prescribe e-cigarettes as medical products*. Medical Device Network, October 2021. Available at: <https://www.medicaldevice-network.com/analysis/is-an-e-cigarette-a-medical-device/> [accessed 05/01/2023]

33 Wickware C. *UK medicines regulator to approve e-cigarettes for medical use*. The Pharmaceutical Journal. Available at: <https://pharmaceutical-journal.com/article/news/uk-medicines-regulator-to-approve-e-cigarettes-for-medical-use> [accessed 05/01/2023]

34 Kent, C. *England could begin to prescribe e-cigarettes as medical products*. Medical Device Network, October 2021. Available at: <https://www.medicaldevice-network.com/analysis/is-an-e-cigarette-a-medical-device/> (accessed 11/08/2022)

35 Khan, J Dr. *Making Smoking Obsolete Independent review into smokefree 2030 policies*. Dr Javed Khan OBE. OHID, June 2022. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1081366/khan-review-making-smokingobsolete.pdf [accessed 05/01/2023]

Having e-cigarettes available on prescription is also likely to help smokers to switch, particularly those from lower socioeconomic groups. A medically certified product may reassure smokers about the safety of e-cigarettes, as well as making them available to those entitled to free NHS prescriptions. We know price is a key factor in smoking behaviour: research from the University of Oxford found that smokers prefer e-cigarettes when they are cheaper than their usual tobacco cigarettes, suggesting that the comparatively low cost of e-cigarettes makes them more appealing to smokers.³⁶

36 Oxford Population Health. *Study suggests how to make e-cigarettes more appealing to reluctant tobacco quitters*. Oxford Population Health, January 2022. Available at: <https://www.ndph.ox.ac.uk/news/study-suggests-how-to-make-e-cigarettes-more-appealing-to-reluctant-tobacco-quitters> [accessed 05/01/2023]

REDUCING HEALTH INEQUALITIES

Integrated Care Systems (ICSs) should make smoking cessation a key strategic aim with a focus on reducing health inequalities between smokers.

Integrated Care Systems are currently being established across England, with the aim of bringing together stakeholders at a regional level to strengthen collaboration, improve outcomes and reduce health inequalities. These groups should make smoking cessation a key strategic aim with a focus on reducing health inequalities between smokers. Greater collaboration between NHS services, local councils and community groups will help to create a better understanding of the socioeconomic disparities that exist among smokers in regards to smoking uptake, willingness to quit, and successful quit attempts. This collaboration should also help find areas where these disparities can be addressed.

Encouraging the use of e-cigarettes as one of several less harmful nicotine alternatives should be a key part of this strategy, with a particular focus on understanding and addressing the socioeconomic barriers to switching. Demos polling suggests that smokers from low socioeconomic groups are more likely to believe myths about the relative harms of nicotine and vaping.³⁷ Therefore, a key aim here should be to tackle misperceptions surrounding e-cigarettes by ensuring that all smokers have equal access to accurate and reliable information on the relative harms of vaping, and making this information available from a wide range of local services and organisations.

Local authorities should work with stop smoking services to extend the provision of free Swap to Stop packs in deprived communities.

If e-cigarettes are to have any significant impact on reducing health inequalities, more needs to be done to incentivise smokers from the most deprived communities to switch. This is particularly important in light of the current cost of living crisis, with those from lower socioeconomic groups facing overwhelming pressures on their finances.

The Swap to Stop scheme - where smokers are offered free vaping starter packs - has already been piloted in some local areas in England. Offering free starter packs is a promising way to incentivise smokers from low socioeconomic groups to take up e-cigarettes. With ongoing support from health professionals in the community these schemes can lead to smokers successfully quitting. Local authorities should aim to work with their local stop smoking services to expand the scheme, so more smokers from deprived communities across the UK can be incentivised and supported to switch.

³⁷ Mackenzie, P and Dawson, A. Myths and Misinformation: Mapping the barriers to smoking cessation and the uptake of nicotine alternatives. Available at: <https://demos.co.uk/project/myths-and-misinformation-mapping-the-barriers-to-smoking-cessation-and-the-uptake-of-nicotine-alternatives/> [accessed 05/01/2023]

PREVENTING YOUNG PEOPLE FROM TAKING UP VAPING

Challenge 25 should be mandatory for the sale of e-cigarettes in all brick and mortar shops and supermarkets.

The Government's Challenge 25 policy requires anyone buying alcohol who looks under 25 to show proof of age. To reduce the prevalence of underage e-cigarette sales, this policy should be expanded to cover the sale of e-cigarettes in shops. Since its introduction in 2009, Challenge 25 has had a positive impact on reducing underage sales of alcohol. A report by the Retail of Alcohol Standards group in 2015 found that the policy has played a role in reducing underage alcohol consumption and direct purchases.³⁸

Challenge 25 is not currently a mandatory legal requirement for the sale of any age restricted product, including e-cigarettes. This means that it is still relatively easy for children and teens to buy e-cigarettes. Making it mandatory for all shops to ask anyone who looks under the age of 25 to show ID for all age restricted products would make it more difficult for children and teens to access them, without placing new barriers in the path of adult smokers wanting to switch.

Online marketplaces should require sellers to use robust age verification for the sale of e-cigarettes.

While age verification methods vary between online sellers, for e-cigarette sales many sellers just ask customers to tick a box confirming that they are a certain age.³⁹ Without having to show any proof of their age, young people trying to buy e-cigarettes online can easily circumvent these age restrictions.⁴⁰ Online marketplaces have a responsibility to do more to stop underage people buying e-cigarettes.

To prevent underage e-cigarette sales online, online marketplaces should require reliable proof of age to be shown at the point of sale, before a sale is made. Strong protections should be put in place to protect the identities of those making a purchase online, with retailers only permitted to request or receive the information required to verify age - this could be performed through a mutually trusted third party.⁴¹

The Government must close a loophole that

38 Retail of Alcohol Standards Group. *Rising to the Challenge: A report into the application and impact of Challenge 25*. Retail of Alcohol Standards Group. Available at: <https://www.wsta.co.uk/wp-content/uploads/2019/11/Challenge25Report2014.pdf> [accessed 05/01/2023]

39 IFF Research. *Understanding the Online E-cigarette market*. IFF Research, November 2016. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565928/Understanding_Online_Ecigarette_market_HMRC-research.pdf [accessed 05/01/2023]

40 Tulley, C. Vaping: 'I'm 17, and rarely ID'd for e-cigs'. BBC News, October 2019. Available at: <https://www.bbc.co.uk/news/health-50045639> [accessed 05/01/2023]

41 Identity Management Institute. *Zero Knowledge Identity Proof*. Identity Management Institute. Available at: <https://identitymanagementinstitute.org/zero-knowledge-identity-proof/> [accessed 05/01/2023]

allows free e-cigarette samples to be handed out to children and teens.

The Tobacco Promotion and Marketing act 2002 prohibits tobacco products from being handed out as free samples.⁴² However, as e-cigarettes are not tobacco products, they are not covered by this legislation, and contemporary rules covering e-cigarettes have failed to address the issue.

The Government must urgently close this loophole, which allows vape retailers to legally hand out free e-cigarette samples to children. Where samples are given out, the Challenge 25 policy should apply to recipients, to mitigate the risk of these free samples unintentionally being given to underage people.

Parliament should introduce regulations banning the use of "child-friendly" imagery on e-cigarette packaging.

Vaping products are currently being sold in the UK with cartoon characters and references to well-known sweets like 'gummy bears' on their packaging, making e-cigarettes more appealing to teens and children.⁴³ The Khan review called for "child friendly" images and descriptions like these to be banned on e-cigarette packaging,⁴⁴ and the UKVIA has recommended that packaging should "not use brand or product names that seek to replicate, imitate, or associate themselves with well-known non-vaping brands or other products that are particularly popular with persons under the age of 18".⁴⁵ New Zealand has recently banned the use of cartoons on e-cigarette packaging in an attempt to limit the appeal of vaping to children.⁴⁶ The UK should seriously consider following suit.

Current rules only prohibit discounts and health claims being displayed on e-cigarette packaging

- there are no prohibitions preventing e-cigarettes packaging from appealing to children. Research shows that branded imagery on e-cigarette packaging, which includes cartoons, has no impact on the appeal of e-cigarettes to adult smokers.⁴⁷ It is highly unlikely that banning child friendly imagery on packaging presents any risk to smokers' willingness to switch, making this an easy way of reducing the appeal of vaping to teens and children. We urge DHSC to assess the approach taken in New Zealand, and adopt similar rules if effective.

Parliament should introduce regulation banning the use of child friendly descriptions of e-liquid flavours.

In addition to imagery, parliament should review the way e-liquid flavours are described on packaging, and introduce regulation that prohibits references to confectionaries, soft drinks, cocktails and other non-vaping products.

Other countries have taken a stringent approach to regulating flavours. In the US, there is an outright ban on mint and fruit flavoured e-liquids in cartridge-based e-cigarettes. In New Zealand, the sale of most flavours have been banned in general retailers and restricted to specialist vape shops in an attempt to limit the appeal and accessibility of e-liquid flavour to young people.^{48,49} However, a blanket ban is likely to impact smoking cessation efforts. There is growing evidence that flavoured e-cigarettes help to encourage smokers to try e-cigarettes and also increase the likelihood of smokers switching.^{50,51} An online survey of adult e-cigarette users found that a significant number of them (40%) said that if they didn't have access to a wide variety of e-liquid flavours they would have been less likely to reduce or quit smoking tobacco.⁵²

42 [Legislation.gov.uk. Tobacco Advertising and Promotion Act 2002. Legislation.gov.uk. Available at: https://www.legislation.gov.uk/ukpga/2002/36/contents](https://www.legislation.gov.uk/ukpga/2002/36/contents) [accessed 05/01/2023]

43 Campbell, D. *Health experts call for action on e-cigarette packaging aimed at children*. The Guardian. Available at: <https://www.theguardian.com/society/2021/aug/29/health-experts-call-for-action-on-e-cigarette-packaging-aimed-at-children> (accessed at 11/08/2022)

44 Khan, J Dr. *Making Smoking Obsolete Independent review into smokefree 2030 policies Dr Javed Khan OBE*. OHID, June 2022. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1081366/khan-review-making-smoking-obsolete.pdf (accessed 11/08/2022)

45 UKVIA. *E-liquid (nicotine and non-nicotine containing) packaging, labelling and flavour name guidelines*. UKVIA, September 2021. Available at: <https://www.ukvia.co.uk/wp-content/uploads/2021/09/UKVIA-e-liquid-packaging-labelling-flavour-name-guidelines-Final.pdf> [accessed 24/01/2023]

46 Verral, A Dr. *New Zealand voices shape vaping regulations*. Beehive.govt.nz, August 2021. Available at: <https://www.beehive.govt.nz/release/new-zealand-voices-shape-vaping-regulations> (accessed 11/08/2022)

47 Action on Smoking and Health (ASH). *Use of e-cigarettes among young people in Great Britain*. 2021. Available at <https://ash.org.uk/wp-content/uploads/2021/07/Use-of-e-cigarettes-among-young-people-in-Great-Britain-2021.pdf>

48 BBC News. *US announces countrywide ban on flavoured e-cigs*. BBC News, January 2020. Available at: <https://www.bbc.co.uk/news/business-50978321> [accessed 05/01/2023]

49 Library of Congress. *New Zealand: Bill to Regulate Vaping Introduced*. Library of Congress, March 2020. Available at: <https://www.loc.gov/item/global-legal-monitor/2020-03-12/new-zealand-bill-to-regulate-vaping-introduced/>

50 Russel C, McKeganey N, Dickson T et al. *Changing patterns of first e-cigarette flavor used and current flavors used by 20,836 adult frequent e-cigarette users in the USA*. Harm Reduction Journal, June 2018. Available at: <https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-018-0238-6> [accessed 05/01/2023]

51 Friedman A S and Xu S. *Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation*. JAMA Network Open, June 2020. Available at: <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2766787> [accessed 05/01/2023].

52 Farsalinos, K E et al. *Impact of Flavour Variability on Electronic Cigarette Use Experience: An Internet Survey*. International Journal of Environmental Research and Public Health, December 2013. Available at: <https://www.mdpi.com/1660-4601/10/12/7272>

Providing adult smokers with access to a range of different e-liquid flavours is likely to enhance the appeal of switching. By regulating the way e-liquid flavours are described without restricting smokers' access to flavours, the appeal to young people might be reduced without deterring adult smokers from making a change.

The ASA should expand its enforcement of e-cigarette brands promoting their products through social media affiliate marketing

To prevent advertisements that glamourise vaping on social media, the ASA must expand the enforcement of its regulations on social media affiliate marketing. Current rules require social media influencers promoting a brand's products for payment to announce the nature of this transaction, allowing those messages to be regulated under the CAP code. This is already proving to be a promising way of cracking down on e-cigarette brands promoting their products to young people on social media.

Requiring social media influencers to make the nature of such transactions clear would allow the ASA to better identify e-cigarette brands that are intentionally promoting their products to young people, making it easier for these advertisements to be removed from social media platforms.

Social media platforms should update their content review processes to make them more effective at preventing and removing content that glamorises the use of e-cigarettes.

Social media is a significant source of promotional vaping content for young people. A recent ASH survey found that 45% of children cited TikTok as a source of online promotion, while Instagram was mentioned by 31%.⁵³ Social media platforms must do more to prevent young people from seeing harmful content that glamorises vaping.

The Government's Online Safety Bill specifies that "platforms likely to be accessed by children will need to prevent access to material that is harmful for children".⁵⁴ Social media platforms that are heavily used by children should aim to update their existing content review processes so they better prevent illegal and harmful vaping content being published, and take swift action to identify and remove this content when it is published.

53 Action on Smoking and Health. *Fears of growth in children vaping disposables backed up by new national survey*. ASH, July 2022. Available at: <https://ash.org.uk/media-and-news/press-releases-media-and-news/fears-of-growth-in-children-vaping-disposables-backed-up-by-new-national-survey/> [accessed 05/01/2023]

54 Department for Digital, Culture, Media and Sport. *Online Safety Bill: factsheet*. April 2022 Available at: <https://www.gov.uk/government/publications/online-safety-bill-supporting-documents/online-safety-bill-factsheet> [accessed 05/01/2023]

PROTECTING CONSUMER HEALTH AND SAFETY

The Government should increase funding for local trading standards bodies so they can better enforce regulations on non-compliant e-cigarette products.

We are currently facing an enforcement crisis in the UK, with trading standards applying to the sale of counterfeit e-cigarette products regularly ignored on our high streets. As a result of funding cuts for local authorities, spending on local trading standards teams, who have a duty to enforce product regulations, has halved over the last decade.⁵⁵ These teams are critical to the UK's ability to enforce our regulations, carry out investigations and seize illicit products from the market.^{56, 57}

The Government should work with local authorities and trading standards to allocate sufficient funding for local trading standards agencies to deal with the scale of non-compliant vaping products and protect the safety of e-cigarette users.

The Government should require all retailers selling vape products to be added to a national register to make it easier for trading standards to crackdown on retailers selling illicit products.

In 2017, Scotland required all retailers selling nicotine vapour products to add themselves to the national tobacco retailer register. If relevant retailers

do not add themselves to this register, they are not allowed to legally sell their products and face a fixed penalty notice for non-compliance. A 2015 impact assessment of the tobacco retailer register found that there was a high level of compliance with the registration scheme among tobacco retailers across Scotland.⁵⁸

The Government should consider introducing a similar registration scheme to tackle the issue of illicit vape products across the UK. A registration scheme like the one in Scotland should help to make it easier for trading standards to identify vape retailers selling illicit products and swiftly remove these products from the market to keep them out of the hands of consumers.

The Government should introduce a regulation banning e-cigarettes and e-liquids being sold in "high traffic" locations in shops.

Action needs to be taken to prevent shops selling e-cigarettes and e-liquids as 'impulse buys'. Public health legislation which came into force in October 2022 which prohibits unhealthy snacks from being sold in "sales boosting" locations in supermarkets to reduce the appeal and sale of these snacks. These locations include at the checkout, at shop entrances

55 Action on Smoking and Health. *Fears of growth in children vaping disposables backed up by new national survey*. ASH, July 2022. Available at: <https://ash.org.uk/media-and-news/press-releases-media-and-news/fears-of-growth-in-children-vaping-disposables-backed-up-by-new-national-survey/> (accessed 11/08/2022)

56 Action on Smoking and Health. *Fears of growth in children vaping disposables backed up by new national survey*. ASH, July 2022. Available at: <https://ash.org.uk/media-and-news/press-releases-media-and-news/fears-of-growth-in-children-vaping-disposables-backed-up-by-new-national-survey/> (accessed 11/08/2022)

57 MacGregor A. *NIPS3 Review of business compliance conducted by Trading Standards Services in England*. Chartered Trading Standards Institute, April 2022. Available at: https://www.tradingstandards.uk/media/3177547/rr-nips_business_compliance.pdf (accessed 11/08/2022)

58 Scottish Government. *Business and Regulatory Impact Assessment (BRIA) for the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill*. Scottish Government, August 2015. Available at: <https://www.gov.scot/publications/business-regulatory-impact-assessment-bria-health-tobacco-nicotine-etc-care-scotland-bill/> [accessed 05/01/2023]

and at the end of aisles.^{59, 60} This approach has been tested before - a 2018 study found that the implementation of a policy prohibiting unhealthy food being displayed at supermarket checkouts was associated with a reduction in weekly purchases of common unhealthy checkout foods.⁶¹ Implementing a similar policy for e-cigarettes has the potential to reduce the sale of e-cigarettes among non-smokers.

DHSC should monitor the effectiveness of legislation on snacks, with a view to introducing similar rules for the sale of e-cigarettes in supermarkets and other brick and mortar shops.

59 Association of Convenience Stores. *HFSS products: promotion and location regulations*. ACS. Available at: <https://www.acs.org.uk/advice/hfss-regulations> [accessed 05/01/2023]

60 Walker P. *Unhealthy snacks to be banned from checkouts at supermarkets in England*. The Guardian, December 2020. Available at: <https://www.theguardian.com/business/2020/dec/28/unhealthy-snacks-to-be-banned-from-checkouts-supermarkets-in-england> [accessed 05/01/2023]

61 Ejlerskov K T, Sharp S J, Stead M et al. *Supermarket policies on less-healthy food at checkouts: Natural experimental evaluation using interrupted time series analyses of purchases*. Plos Medicine, December 2018. Available at: <https://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002712#abstract0> [accessed 05/01/2023]

CONCLUSION

From restrictive advertising regulations to loopholes in the law, the current e-cigarette policy landscape is undermining efforts to improve public health:

- Strict e-cigarette advertising regulations make it difficult to provide accurate harm reduction messaging and encourage adult smokers to switch, meaning many smokers are being deprived of all the smoking cessation options available to them.
- Too little is being done to make e-cigarettes a more attractive and accessible smoking alternative for those from the most deprived communities, meaning we are missing opportunities to reduce health inequalities.
- Despite regulations making it difficult to encourage adult smokers to switch, they are not doing enough to prevent non-smokers and those who are underage from taking up vaping. Poor enforcement of social media advertising rules and gaps in e-cigarette packaging regulations are allowing vape products to be marketed towards children and teens, putting young people's health at risk.
- Funding cuts are making it more difficult for local trading standards to investigate and remove illicit vape products from the market, putting the safety of consumers at risk.

Changes to e-cigarette policy and regulations will need to balance competing public health priorities, and require action from stakeholders across central and local government and the public sector. To prevent non-smokers taking up vaping, the ASA needs to increase enforcement activities that crack down on e-cigarette brands promoting their products to young people on social media. Parliament must better regulate e-cigarette packaging to prohibit brands from using cartoons and candy names that may appeal to young people. The Government urgently needs to provide local trading standards agencies with the resources they need to seize illicit vape products from the market and stop them getting into the hands of consumers.

If the UK is to become smoke free by 2030 and reduce health inequalities, we need to avoid deterring adult smokers from switching and avoid making e-cigarettes less accessible, particularly to people from lower socioeconomic backgrounds. The Government and the CAP must modify TRPR and advertising regulations to allow smokers to be reached with targeted switching messages. ICS's must make smoking cessation a key strategic aim and put reducing health inequalities at the heart of this strategy.

This programme of work set out to interrogate how the e-cigarette policy landscape can be changed to help accelerate the Government's smoking cessation efforts, while being careful to avoid negative outcomes that put the health of non-smokers at risk. In this white paper we have not shied away from calling for regulatory change that will make it easier to urge more smokers to make the switch to e-cigarettes. But we have taken care to ensure that the risk of encouraging non-smokers to take up vaping is mitigated while setting out comprehensive recommendations to protect young people's health. Such an approach is critical to winning support for new policies that encourage more smokers to switch, and ridding the country of the devastating impact tobacco smoking has on individuals, families and society as a whole.

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