Nuances in the ethical regulation of electronic nicotine delivery systems.

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We thank the commentators for their thoughtful reflections on our article.

Billie Bonevksi [1] makes a strong case for giving greater weight to equity in regulating ENDS. Equity is an increasingly important ethical value in this debate because cigarette smoking is now concentrated among the most disadvantaged citizens in developed countries where cigarette smoking has been substantially reduced by increasing taxes, banning advertising and implementing smoke free policies. She argues that it is still too early to say if ENDS will realise the health benefits for low SES smokers claimed by their proponents. We agree there needs to be more investigation of their value and some form of regulated access to ENDS is the best way of allowing this to be done.

Lyn Kozlowski [2] illustrates the ways in which moral biases have truncated ethical analyses of tobacco harm reduction (THR) policies. He reminds us that moral reasoning often involves a motivated search for reasons to justify pre-existing beliefs, as has occurred on both sides of the polarised debate about THR. Each side is convinced of the justice and cogency of its cause which it supports by the selective citation of equivocal evidence. Each is exasperated by what they see as their opponents’ failure to appreciate the strength of their arguments. This creates a readiness to impute the worst motives to those with whom they disagree (e.g. that advocates of ENDS are in the pay of the tobacco industry or that opponents of ENDS hate smokers).
The often acrimonious debate has been a barrier to constructive dialogue and rational policy formation.

Jim McCambridge argues [3] that our ethical analysis of ENDS regulations is incomplete without empirical investigations of how the tobacco industry (TI) will use these products. We agree on the desirability of such research but our focus was on ethical differences about ENDS policies within the tobacco control community (TCC). Views differ within the TCC on what the TI will do with ENDS. Proponents argue that bans will prevent them from using ENDS to discourage quitting. Advocates of ENDS fear that a ban will enable the TI to eliminate a lower risk nicotine product. Our article specified the types of regulation most likely to reduce the risks feared by advocates of a ban while encouraging producers who do not have the same major conflicts of interest of ENDS producers owned by the TI. We agree with McCambridge that the tobacco control community should use the advent of ENDS as an opportunity to increase the regulation of all tobacco products.

Simon Chapman and Mike Daube claim [4] that the case against a ban has been undermined by observational evidence that smokers who use ENDS are less likely to quit than those who do not. We believe this is a premature conclusion from a small number of prospective studies with conflicting results. It also ignores differences between different ENDS products, different reasons for their use, and the possible effects of misleading public warnings about the dangers of ENDS. Brose et al [5] did find a suggestion that smokers who used cigalikes daily were more likely to substantially reduce their smoking but less likely to stop smoking altogether (although the latter was not statistically significant). Analysis of the same data set also found that daily users of newer ‘tank’ systems, which deliver nicotine more efficiently than cigalikes, were much more likely to successfully quit than non-ENDS users (27.5% vs 13.5%) [6].

We did not explicitly condemn the type of ENDS promotion and advertising that is allowed in the USA and UK but our levelling down approach to regulation included the same bans on ENDS promotion and advertising as exist for tobacco products. As we argued, we do not have to choose between banning ENDS and laissez faire. A ban on ENDS sales prevents their being used to increase the regulation of tobacco cigarettes. If ENDS proved to be much safer than cigarettes, then we would have a stronger case for removing cigarette sales from convenience stores and supermarkets and for using market forces, e.g. differential taxes on tobacco cigarettes and ENDS, to encourage continuing smokers to switch to ENDS.

Neither did we directly criticise misleading risk communications about ENDS products by some public health spokespersons whom ignore the potential adverse unintended effects of their messages. These include authoritative unproven claims that there are no differences in health risk between using ENDS and smoking conventional tobacco cigarettes, such as the California
Department of Health’s ‘still blowing smoke’ campaign which implies ENDS may be more
dangerous than combustible cigarettes (e.g. http://stillblowingsmoke.org/#health). This
misinformation about the potential health risks of ENDS may well encourage the dual use and
switching from ENDS to cigarettes that public health proponents of a ban profess to be most
concerned about preventing.

References

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