

**THE SCOTTISH GOVERNMENT'S CONSULTATION ON ELECTRONIC
CIGARETTES AND STRENGTHENING TOBACCO CONTROL IN SCOTLAND**

**CONSULTATION RESPONSE FROM THE IMPORTED TOBACCO PRODUCTS
ADVISORY COUNCIL (ITPAC)**

A. ITPAC ASSOCIATION

ITPAC is a trade association which represents the interests of 14 distributors of imported tobacco products in the UK. The Association's Core Members consist mainly of small and medium sized private companies, most of whom employ less than 50 people. These suppliers focus on specialist tobacco product ranges such as cigars, pipe tobacco and snuff.

ITPAC's Core Members are: Bull Brand Ltd, Davidoff Distribution (UK) Ltd, Gawith Hoggarth TT Ltd, Heintz van Landewyck, Hunters & Frankau Ltd, Karelia Tobacco Company (UK) Ltd, Ritmeester Cigars UK Ltd, Samuel Gawith & Co. Ltd, Scandinavian Tobacco Group UK Ltd, Tabac World Ltd, Tor Imports Ltd.

ITPAC's Associate Members, in their capacity as distributors of imported tobacco products, are: British American Tobacco UK Ltd, Gallaher Ltd (a member of the JTI Group of companies) and Imperial Tobacco UK Ltd, but they are represented separately by the Tobacco Manufacturers' Association.

The name and address of the respondent is:

Wyndham Carver, Secretary-General, The Imported Tobacco Products Advisory Council,
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Contact Phone Number: 07900 197888

B. RESPONSES TO CONSULTATION QUESTIONS

ITPAC is responding to the following Consultation questions:

Questions 21, 22, 23, 24, 26, 27, 29, 34 and 35

and can confirm that it is entirely in agreement with this response being made public.

SMOKING IN CARS CARRYING CHILDREN AGED UNDER 18

Statement of principle:

The Consultation claims that up to 60,000 children may be exposed to second hand smoke (SHS) in Scotland each week, but other studies have found the overall prevalence of smoking in cars with children present to be extremely low - well below 5%. Regardless, ITPAC is in full agreement with the principle that parents and adults should not smoke in a car with children present, in order to avoid exposing those children to SHS.

2.

The Consultation document also states that an initial evaluation of the *Take it Right Outside* campaign showed an increased awareness that smoking in cars with children is harmful, and that some people have taken action to stop smoking in cars. It also suggests that more needs to be done to promote behaviour change amongst Scotland's heaviest smokers.

It is also worth mentioning the statement in the English Consultation on Smoking in Private Vehicles carrying Children, which closed in August 2014. The Consultation document outlines in Section 2.8 the work being undertaken to encourage positive behaviour change with respect to smoking in the family car through social media marketing campaigns, and that evaluation of the 2013 campaign identified success in changing both attitudes and behaviours with 86% of those surveyed agreeing that SHS can cause significant harm to children, and 37% saying that they took action in response to the campaign.

Given the variable results in this area, and the points made in the previous paragraph, it is ITPAC's view that there is not a sufficiently compelling case for legislative action, especially given the difficulties, as well as the high costs, which enforcement would incur. Instead, and before resorting to legislative action, the Association would recommend that the level of public education should be increased, including campaigns targeted at children to make their views known to parents and adults, and that the increasing level of impact in terms of awareness and action should be measured.

21. Do you agree that it should be an offence for an adult to smoke in a vehicle carrying someone under the age of 18?

No.

22. Do you agree that the offence should only apply to adults aged 18 and over?

No.

23. If you answered 'no' to Question 22, to whom should the offence apply?

See Statement of Principle (above)

24. Do you agree that Police Scotland should enforce this measure?

If legislation is introduced, regardless of the issues raised in this response, to ban smoking in vehicles with children present it seems clear that the only viable option would be for Police Scotland to enforce it. Such a ban on smoking in private places cannot, like smoking bans at work or in indoor public places, be self-enforcing. Sadly this will increase the workload on Police Scotland at a time when they are already overstretched.

It is also important to note that, in a moving car containing a number of young people, some of whom may be smoking, it will be next to impossible to identify someone who is under 18, particularly from a distance. This could lead to a large number of random and disruptive 'stopping and checking' activities by Police Scotland who, as has already been stated, are already overstretched.

3.

26. Do you agree that there should be an exemption for vehicles which are also people's homes?

Yes, in the event that legislation is introduced regardless.

27. If you think there are other categories of vehicle which should be exempted, please specify these?

In the event that legislation is introduced regardless, an exemption should be considered for vehicles which have wholly or partly enclosed roofs. Whilst 'enclosed' is likely to mean enclosed wholly or partly by a roof and by any door or window that may be opened, it does not include, for instance, a motorbike or a convertible car with the roof completely down. There are some convertible vehicles where a roof might be fully down (or completely removed), but where there is a structure in place which acts as a windshield and/or roll over protection. In order to avoid confusion this needs to be clearly defined.

SMOKE-FREE (TOBACCO) NHS GROUNDS

Statement of principle:

ITPAC does not believe that parents or adults should smoke in front of young children. It is not however the Association's view that banning smoking in NHS grounds (or indeed outdoor children and family areas) will result in any significant impact on their exposure to SHS or reduce the number of young people smoking.

There is no evidence that outdoor exposure to tobacco smoke where people can move freely about is sufficient to cause any substantial health damage, given the very considerable and rapid dilution of any contamination in the atmosphere.

It is therefore ITPAC's view that there is little justification for the introduction of a smoking ban in NHS grounds on the grounds of health.

29. Should national legislation be introduced to make it an offence to smoke or allow smoking on NHS grounds?

No.

See Statement of Principle (above)

34. If you do not support national legislation, what non-legislative measures could be taken to support enforcement of, and compliance with, the existing smoke-free grounds policies?

ITPAC would recommend that the level of public education should be increased, including the publicity surrounding targeted cessation services, and that the increasing level of impact in terms of awareness and action as a result of this action should be measured.

4.

SMOKE-FREE (TOBACCO) CHILDREN AND FAMILY AREAS

Statement of principle:

As stated in the response to Smoke-Free NHS grounds in the previous section, ITPAC does not believe that banning smoking in outdoor children and family areas will result in any significant impact on their exposure to SHS or reduce the number of young people smoking.

There is no evidence that outdoor exposure to tobacco smoke where people can move freely about is sufficient to cause any substantial health damage, given the very considerable and rapid dilution of any contamination in the atmosphere.

It is therefore ITPAC's view that there is little justification for the introduction of a smoking ban in children and family areas on the grounds of health.

35. Do you think more action needs to be taken to make children's outdoor areas tobacco free?

Not by the introduction of additional legislation.

ITPAC does not believe that further regulation is the appropriate course of action. Instead the Association would recommend that the level of public education should be increased, including the publicity surrounding targeted cessation services, and that the increasing level of impact in terms of awareness and action as a result of this action should be measured.