

# Article



## Electronic Cigarettes - Information for parents and teachers

### The issue

The Smarter than Smoking program is concerned about the emerging challenges associated with the promotion of Electronic cigarettes. Electronic cigarettes (E-cigs) could undermine years of progress in tobacco control in Western Australia, and our success in achieving a very low prevalence of smoking among children and young people.

E-cigarettes have been marketed and promoted as cheap and healthier alternatives to cigarettes. Many E-cigarettes have been designed to look and feel like cigarettes, and some smokers are trying to use them in places where smoking is not permitted.

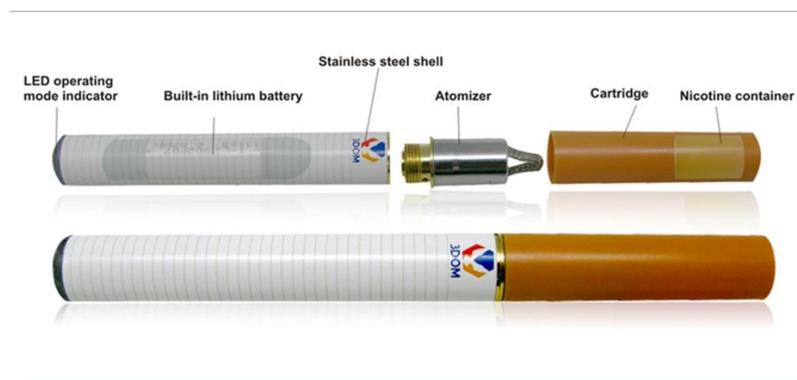
Some of the proponents of E-cigarettes are promoting these devices as an aide to smoking cessation. However, these products have not been approved by the Therapeutic Goods Administration Australia (TGA) for this purpose.

### What are they?

E-cigarettes have been described as electronic nicotine delivery systems (ENDS). These products initially emerged in China in 2003, and they have since become widely available globally, particularly through the internet.

A typical E-cigarettes consists of three components: a battery, an atomiser and a cartridge containing nicotine. The level of nicotine in the cartridges may vary and some also contain flavourings.

Many E-cigarettes resemble traditional tobacco cigarettes and, when used, enable the smoker to replicate smoking behaviour.



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## **What we know?**

Over the past several years the transnational tobacco companies have been acquiring E-cigarettes manufacturers to ensure their product diversification objectives, to maintain their predatory practices and increase their profits.

E-cigarettes are being aggressively marketing in the US, the UK and Europe, and Korea that has led to a rapid growth in the use of e-cigs by young people, including young people who have not smoked a cigarette.

There is insufficient evidence to accept that E-cigarettes are an effective smoking cessation device. Furthermore, health authorities are concerned that the availability and promotion of e-cigs could re-normalise smoking by providing a vehicle for promoting smoking behaviour.

## **The Law in Western Australia**

According to the Health Department of Western Australia:

“In Western Australia, provisions that relate to e-cigarettes are within the Tobacco Products Control Act 2006 and the Poisons Act 1964.

### **Products that resemble tobacco products**

- In accordance with the Tobacco Products Control Act 2006, a person must not sell any food, toy or other product that is not a tobacco product but is designed to resemble a tobacco product or package.
- Manufacturers of E-cigarettes are increasingly making products which diverge from the usual appearance of cigarettes.
- However, in a Western Australian Supreme Court decision on 10 April 2014 e-cigarettes were found to resemble a tobacco product and the seller of these e-cigarettes was convicted of this offence.
- The Court decision highlights that products that resemble tobacco products, regardless of whether they contain nicotine or not, cannot be sold in WA and it is an offence under the Tobacco Products Control Act to sell these products.

### **E-cigarettes, Nicotine and Quitting Smoking**

- The Poisons Act 1964 provides that nicotine in liquid form, as used in E-cigarettes, is classified as a Schedule 7 poison. Schedule 7 poisons must meet labelling and packaging standards. They may only be sold by a retailer with a licence, and may only be purchased by persons with a valid permit.
- Products that are prepared and labelled for human therapeutic use, such as nicotine replacement gum, lozenges, patches and inhalers are exempt from these requirements.
- To date, E-cigarettes have not been assessed or approved by the Australian Therapeutic Goods Administration (TGA) as a safe and effective aid to quitting smoking.

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## **E-cigarettes in Public Areas**

- E-cigarettes have recently been the cause of disputes in some public places due to the confusion they may cause if used in areas where smoking is not allowed.
- Owner/Managers may choose to implement a policy applying to their premises which prohibits the use of e-cigarettes wherever smoking is prohibited.

## **Report incidents relating to E-cigarettes to the Tobacco Control Branch, Environmental Health Directorate**

Department of Health  
Phone: 1300 784 892  
Email: [tcb@health.wa.gov.au](mailto:tcb@health.wa.gov.au)

## **Further Information**

<http://www.tga.gov.au/consumers/ecigarettes.htm>

## **Reference**

Position Statement on E-cigarettes of the Cancer Council Australia and the National Heart Foundation of Australia [http://wiki.cancer.org.au/policy/Position\\_statement\\_-\\_Electronic\\_cigarettes](http://wiki.cancer.org.au/policy/Position_statement_-_Electronic_cigarettes)