

Evaluation of the Dutch Tobacco and Smoking Products Act

Carried by: Spanish Platform for Tobacco Harm Reduction

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The Platform for tobacco harm reduction is an initiative that was born as a result of the concern shared by a group of scientists and health professionals. Those of us who are leading this initiative, we take into consideration all the scientific evidence available worldwide on the potential for smokeless products to serve as a tool for mitigating the risks derived from smoking. Considering the best practices and experiences of third countries in the fight against smoking which are betting on harm reduction in their smoking policies, we want to enhance these experience and highlight the conclusions of different researches. Our initiative is an independent initiative with no funding from the tobacco or vaping industry. We remain purposefully independent to guarantee the independence of our conclusions.

We understand that the Dutch Tobacco and Smoking Products Act is considering creating effective bans to certain products which are smokeless products and that are nicotine based products.

From the Spanish Platform for tobacco harm reduction, we would like to strongly discourage the Dutch Authorities from creating any form of legislative act which would ban nicotine replacement products such as vaping products or nicotine pouches. These products represent an extraordinary opportunity to derive smokers consumption patterns towards safer alternatives than tobacco. While tobacco is available in the market in a legal way it much more desirable that consumers have access to lower risk products.

More especially, when it comes to nicotine pouches, sufficient scientific assessment has been carried out. In this regard, we take as the most recent example the German Institute BfR (German Federal Institute for Risk Assessment). Which concludes that nicotine pouches are one of the novel tools used in reducing harm from smoking in Europe. In its own definition, these products should not be subject to a ban under a tobacco or smoking act, as these are products that do not contain tobacco and are composed of nicotine salts and excipients.

These German Federal Institute has developed recently a serious study that comprehensively analyses nicotine from all points of view, including reprotoxicity, insulin resistance, and pharmacokinetic studies, among others.

The renowned German Institute made the evaluation taking into consideration existing studies and data and including studies conducted by the BfR itself. The studies were carried out in different European countries and are considered when suggesting and analysing the direction of the policies to be followed.

The analysis also includes research and reports made by manufacturers and does not dismiss them for the sole reason that they have funded the research. The BfR carries out complementary



trials and draws conclusions using the synergy provided by published studies and new research, basing its recommendations on the quality of the science and not on who has funded it.

The report acknowledges the risk continuum for nicotine-containing products and places nicotine pouches on that continuum. It acknowledges the evidence of risk reduction in tobacco and proceeds to recommend regulations accordingly.

The study compares nicotine pouches to combustion cigarettes, which sit at the other end of the nicotine continuum, and in some cases to e-cigarettes, thus acknowledging that the cornerstone of harm reduction is product comparison more dangerous, in this case combustion cigarettes. The BfR demonstrates with this publication that a complete report, based on scientific evidence and that takes damage into account, to later evaluate its reduction with this non-combustion technology, is possible and necessary when drafting public policies for health that will affect the population.

The BfR concludes that taking this risk minimization model into account, switching from cigarettes to nicotine pouches represents a reduction in health risks for smokers.

Conclusions:

Based on this evidence, and in many others including the recent assessment carried by the European Commission SCHEER Committee, which analyses the Swedish policies in this regards and finds nicotine pouches not to be comparable to smoking tobacco in terms of toxicity, it must be considered that a ban on these products could represent, not only a missed opportunity for making available in the market replacement products which can significantly reduce the number of smokers, but as well a serious blockade to the most advanced policies intended to mitigate the risks from smokers and the reduction of the number of them in the medium-long run.

We strongly encourage the Dutch authorities to reconsider this act and to carry on a scientific evaluation on the risk profile of these products and avoid a ban which would make no sense in the current circumstances in which science is precisely progressing towards finding solutions for smokers where conventional policies have not reached their objectives for the last fifty years.