



Submission to the Community Affairs Legislation Committee
on the
Therapeutic Goods and Other Legislation Amendment
(Vaping Reforms) Bill 2024

Prepared by

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on behalf of the

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About the National Centre for Youth Substance Use Research

Established in 2008, the National Centre for Youth Substance Use Research (NCYSUR) is the only Australian research centre focusing exclusively on young people and substance use. NCYSUR seeks to promote the health and well-being of young people by increasing Australia's capacity to respond effectively to the harm associated with alcohol, tobacco, and other drug misuse. NCYSUR is dedicated to an evidence-based understanding of and responses to youth substance use. Our research includes supporting individuals and families who need help, working with schools and communities in a prevention framework, and policy and population level interventions to enhance the health outcomes of young people.

We support the Bill's aim of preventing young people and adults who do not smoke from using vaping devices.

In this submission, we focus on the reforms that seek to prohibit advertisement of vaping goods, particularly those that appeal to young people. In particular:

- We support the prohibition of the advertising, promotion, and open display of vape products, including at point of sale, for any purpose other than assisting smokers to quit or reduce the harms of cigarette smoking. We also support enforcing strict age restrictions on vape purchases (in line with cigarette smoking) and limiting the number and density of licensed vape sale outlets. These policy measures can minimize vaping uptake among young people without restricting smokers' access to these products for cessation.

We strongly support tighter regulations of social media platforms to counteract the marketing of vaping products, particularly via channels that are highly accessed by youth, typically without age restriction. We support the use of social media platforms as channels to communicate the health risks of e-cigarettes to young people, provided that the methods and content being published and promoted are guided by robust research evidence and are attractive and relevant to young people.

Limiting density of vape retail outlets and restrictions on advertising.

The proximity and density of tobacco retail outlets have been linked to increased rates of youth smoking (Marsh et al., 2021). Similarly, regular exposure to vape marketing is associated with an increased likelihood of young individuals experimenting with vaping and developing nicotine dependence (Fulmer et al., 2015). In 2023, our team conducted an observation of vaping product visibility in areas with high adolescent traffic, such as high schools and the central business district of Brisbane (Leung, Sun, Vu, Dawson, & Chan, 2023). We discovered that vapes were prominently displayed in tobacconists, vape stores, and some convenience stores near these locations, and these displays often featured attractive attributes appealing to youth, such as vibrant colours and diverse flavours (Leung et al., 2023).

Another recent study by researchers at NCYSUR found that, even after accounting for vaping product use and established risk factors, exposure to vape advertisements at gas

stations and on social media significantly correlated with lifetime, past 12-month, and past 30-day e-cigarette use among young individuals aged 12-18 (Sun, Vu, et al., 2023). In line with the treatment of other smoking products, vaping products should be removed from sight at the point of sale. Reducing the exposure of vaping products for sale, and limiting the number of vape retail outlets, are practical policy options for governments aiming to shield young people from the adverse effects of vaping.

[Tighter regulations on social media platforms](#)

Research conducted by NCYSUR indicates that vaping-related content and promotion are widely available online, often without any age restrictions on access (Rutherford et al., 2023; Rutherford et al., 2022; Sun, Lim, et al., 2023). In an analysis of 808 vaping-related videos on TikTok, it was found that the majority portrayed vaping product use in a positive light, with a significant portion directly promoting these products (Sun, Lim, et al., 2023). We later assessed these videos at 9- and 12-month intervals after the U.S. Congressional Hearing on youth protection measures in October 2021. We found that 70.1% of these videos remained accessible at the 9-month follow-up and 63.7% at the 12-month follow-up (Rutherford et al., 2022). This finding was particularly troubling because young people, who are the primary consumers of these platforms, are increasingly spending more time engaging with social media. Exposure to predominantly positive vaping content on these platforms undermines perceptions of harm, fosters positive attitudes, and heightens intentions to use, with consequential effects on purchasing and usage of vapes (Sun, Vu, et al., 2023). A systematic review and meta-analysis conducted by our team further revealed a clear link between exposure to and engagement with vaping content on social media and subsequent use or pro-use attitudes among youth (Rutherford et al., 2023).

Beyond promotion and positive portrayal of e-cigarette use, social media platforms have become channels for illegal e-cigarette distribution. A study of ours currently under external peer review shows that e-cigarettes are being covertly marketed on Facebook marketplaces. Listings of e-cigarettes are camouflaged as ‘fruit’ listings, appearing when users search for iGet, a known e-cigarette brand that contains nicotine. These listings often provide seller contacts, bulk-buy discounts, and door-to-door delivery options, all without any age restrictions on accessibility (Lim, Sun, Vu, Chan, & Leung, 2024). Furthermore, other studies have identified Instagram accounts (Jancey et al., 2024) and

TikTok posts (Jancey et al., 2023) offering detailed information on how and where to purchase e-cigarette products. These posts may include monetary incentives or non-monetary offers to entice potential buyers. Despite clear or potential violations of platform content policies, such contents remain accessible without any age restriction.

Numerous media platforms have implemented warning labels and fact-checking measures to counter health misinformation, particularly concerning COVID-19. This strategy could be usefully extended to information regarding vaping products. Social media platforms can utilize their capabilities to train systems for identifying and flagging content related to the sale of prohibited items like vaping products. Advancements in Artificial Intelligence could potentially detect not only explicit mentions of vaping but also coded language, imagery, and behavioural patterns shown by illicit sellers (Lim et al., 2024).

Government health authorities may also explore collaboration with social media platforms to curb the promotion of vaping products to youth. A notable example is the collaboration between the Therapeutic Goods Administration (TGA) and platforms like TikTok to combat posts promoting the off-label use of the diabetes drug Ozempic for weight loss (Yosufzai, 2023). The dissemination of such content on social media led to a shortage of Ozempic supply in Australia prior to this regulatory intervention. Furthermore, governments have the capacity to employ legal and regulatory frameworks to hold both domestic and foreign entities accountable for marketing activities that target or impact consumers within their jurisdiction. This may entail imposing fines, restrictions, or legal action against non-compliant companies (Lim et al., 2024).

Leveraging social media platforms for youth vaping educational campaign

Government agencies and public health organizations in the United States have recognized the potential of social media as a powerful platform with extensive reach to communicate health risks associated with vaping to youth and the general public. Consequently, they have launched various social media campaigns, such as “The Real Cost” on Instagram and Facebook, as well as “Quit Together” on TikTok (truth initiative, 2021; US Food & Drug Administration, 2022). These initiatives may have contributed to a decrease in the prevalence of current vaping among high school students in the US, dropping from 14.1% in 2022 to 10.0% in 2023 (Birdsey et al., 2023). Nevertheless, social media posts discussing the potential health impacts of vaping are greatly outnumbered by

pro-vaping content and garners less user engagement. Hence, research on how to most effectively harness social media platforms to reach and educate young individuals about the risks of vaping should be sustained.

Campaign strategies could involve the use of social media platforms to disseminate anti-vaping advertisements tailored for young people or specific demographic groups. This may involve engaging with social media influencers to generate and promote anti-vaping content. Leveraging social influencers can capitalize on their established audience relationships, authenticity, and effective communication of health-related information (Kostygina et al., 2020). However, the potential risks associated with this approach involve the influencers' control over content sharing and their actions and opinions on unrelated topics could impair their credibility. Government initiatives could vet influencers and include risk mitigation plans (Jongenelis, 2024). Engaging young people in co-designing campaign messages can ensure their relevance to the target audience, capture their attention and address their specific concerns (Alderson, 2024). We will engage youths aged 14-25 years from diverse cultural backgrounds in a project to co-design anti-vaping materials for an educational campaign on social media. This will be done in a collaborative project with the Matilda Centre, Griffith University, and the University of Waterloo in Canada, funded by the Australian Medical Research Future Fund in 2024.

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