



**CERIPH**  
HEALTH PROMOTION  
HEALTHIER POPULATIONS

Faculty of Health Science  
School of Population Health  
Collaboration for Evidence,  
Research and Impact in Public  
Health (CERIPH)

GPO Box U1987  
Perth Western Australia 6845

Telephone +61 8 9266 3807  
Email [j.jancey@curtin.edu.au](mailto:j.jancey@curtin.edu.au)

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### Submission – Public Health (Tobacco and Other Products) Bill 2023

The Collaboration for Evidence, Research and Impact in Public Health (CERIPH) is a multi-disciplinary research centre within the School of Population Health at Curtin University in Western Australia. CERIPH aims to seek solutions that promote health, prevent disease, and protect populations from harm.

The Tobacco Vape Research Collective (TVRC), a team of tobacco and e-cigarette researchers within CERIPH, strongly supports the proposed reforms which will strengthen our national approach to tobacco control. The proposed Bill streamlines and simplifies eight disparate tobacco control laws/regulatory instruments and modernises limits on the marketing of tobacco products and are consistent with recommendations by the World Health Organization.

The TVRC has been conducting tobacco and e-cigarette research over the last eight years, with a focus on the promotion and sale of e-cigarettes in the online environment. We have found that e-cigarettes are widely promoted online by industry and influencers, using advertising tactics that were outlawed in the 1980s from traditional media. The online content we have identified over this time period is shocking and includes the use of brightly coloured images and the promotion of attractive e-liquid flavours, sex appeal, vape tricks, discounts, special deals and the festive season to sell e-cigarettes (**examples of images below**). The use of social media to access young people to expose them to e-cigarettes, along with the opportunity to purchase these products is extremely concerning. Given the high rates of youth participation online, and the evidence linking online messaging with e-cigarette use and initiation, there is a strong case for strengthening online regulations around the promotion of e-cigarettes.

Example images from our online investigations:





Below, we provide a summary of evidence from our most recent e-cigarette research into the online environment.

### Promotion of e-cigarettes on TikTok and regulatory considerations

This year, we examined 264 posts (short videos) on TikTok that included e-cigarettes. The overwhelming majority of posts (97.7%) portrayed e-cigarettes positively. A total of 69 posts (26.1%) clearly violated TikTok's content policy, all promoting e-cigarettes for purchase, highlighting the shortcoming of relying on social media platforms to develop and enforce their own content policy. Despite TikTok's content policy expressly prohibiting the promotion of e-cigarette products for sale, around one-quarter of posts were found to promote the purchase of vape products and over one-third included a review of an e-cigarette product. E-cigarette brands and logos were visible in 186 posts; however, only one post indicated in the caption that the post contained branded content. Current policies and moderation processes appear to be insufficient in restricting the spread of pro-e-cigarette content on TikTok, putting predominantly young users at potential risk of e-cigarette use. There is a definite need for new advertising regulations.

Access the paper [here](#).

### "They're sleek, stylish and sexy:" Selling e-cigarettes online

Recently, we examined the product range, marketing strategies and marketing claims made by Australian and New Zealand online e-cigarette retailers. We found retailers made outlandish and unsubstantiated health and cessation claims promoting e-cigarette use. Examples of claims we found:

*'There is no tar or carbon monoxide in vapour, and if you are vaping high quality tested liquids, then you can be puffing on ZERO carcinogens.'*

*'They [e-cigarettes] are not at all traditional cigarettes, you'll be able to vape in most places prohibited to smokers.'*

*'E-cigarettes are a more effective tool for helping smokers quit than nicotine replacement therapies, including patches and gum.'*

Access the paper [here](#).

In relation to our expertise, within the draft Bill, we support the following and make suggestions for amendments:

***Definition of 'targeted online advertising':***

Subclauses 30(3) and 56(3) extend the meaning of 'publishes' to specifically include forms of targeted online advertising. We strongly support subclauses 30(3) and 56(3), which will help to ensure a number of new and emerging methods for reaching community members through online media platforms are captured by the legislation.

We note that the wording in subclauses 30(3) and 56(3) appears to be broad enough to capture the temporary digital publication of a tobacco or e-cigarette advertisement (i.e., publication of an advertisement that disappears once viewed by the internet end-user). The wording also appears broad enough to capture subscription-based content (i.e., content paid for by the internet user and personalised to them). We strongly support the prohibition of both these forms of targeted internet advertising, which we note are increasingly utilised by the tobacco and e-cigarette industry.

While we support the wording in subclauses 30(3) and 56(3), we note that online marketing techniques are dynamic and rapidly evolving, with the specific techniques used to reach individuals becoming increasingly more complex. Future technological developments in this area are difficult to predict, and the need for frequent amendments to capture new forms of digital promotion should be avoided.

We therefore strongly recommend that subclauses 30 and 56 be amended to incorporate some level of 'futureproofing' in this regard. For example, subclauses 30(3) and 56(3) could be amended to include a power to prescribe by way of regulation further circumstances in which a tobacco or e-cigarette advertisement made available to, or accessible by, a person using the internet will be taken to be made available to, or accessible by, the public or a section of the public.

It will also be extremely important to ensure that there is appropriate funding for public education, monitoring and enforcement to enable these new and progressive regulations are adhered to.

This Bill will restore Australia as a global leader in reducing tobacco harm and we would like to express our appreciation for the work that has been undertaken in preparing this important Bill. In addition, we would be happy to assist the committee during its deliberations.

**Professor Jonine Jancey**, School of Population Health, Curtin University, Western Australia

**Dr Kahlia McCausland**, Research Fellow, Curtin University, Western Australia