

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## TOBACCO AND VAPES BILL

*Fifteenth Sitting*

*Thursday 30 January 2025*

*(Morning)*

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### CONTENTS

CLAUSES 158 TO 160 agreed to.

SCHEDULE 21 agreed to.

New clauses under consideration when the Committee adjourned till this day at Two o'clock.

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**not later than**

**Monday 3 February 2025**

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**The Committee consisted of the following Members:**

*Chairs:* PETER DOWD, SIR ROGER GALE, SIR MARK HENDRICK, † MARK PRITCHARD

Ahmed, Dr Zubir (*Glasgow South West*) (Lab)

† Al-Hassan, Sadik (*North Somerset*) (Lab)

† Barros-Curtis, Mr Alex (*Cardiff West*) (Lab)

† Bool, Sarah (*South Northamptonshire*) (Con)

† Chambers, Dr Danny (*Winchester*) (LD)

† Cooper, Dr Beccy (*Worthing West*) (Lab)

† Dickson, Jim (*Dartford*) (Lab)

† Foy, Mary Kelly (*City of Durham*) (Lab)

† Gwynne, Andrew (*Parliamentary Under-Secretary of State for Health and Social Care*)

† Jarvis, Liz (*Eastleigh*) (LD)

† Johnson, Dr Caroline (*Sleaford and North Hykeham*) (Con)

Osborne, Tristan (*Chatham and Aylesford*) (Lab)

† Owatemi, Taiwo (*Lord Commissioner of His Majesty's Treasury*)

Rankin, Jack (*Windsor*) (Con)

Stafford, Gregory (*Farnham and Bordon*) (Con)

† Stainbank, Euan (*Falkirk*) (Lab)

† Whitby, John (*Derbyshire Dales*) (Lab)

Chris Watson, Kevin Candy, Sanjana Balakrishnan,  
*Committee Clerks*

† **attended the Committee**

## Public Bill Committee

Thursday 30 January 2025

(Morning)

[MARK PRITCHARD *in the Chair*]

### Tobacco and Vapes Bill

#### Clause 158

POWER TO PROHIBIT VAPING ETC ON SHIPS

11.30 am

*Question (28 January) again proposed*, That the clause stand part of the Bill.

**Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): When we adjourned on Tuesday evening, we were talking about this clause, which relates to shipping and a power to prohibit vaping and so on ships. We were—or I was—talking about the history of maritime restrictions on tobacco and cigarette use and why that has been the case. I had a couple of questions about the clause for the Minister.

My first question relates to the fixed penalty notices and the powers of entry mentioned in relation to previous enforcement. How would they apply on board ship, given the international nature of shipping? What is the role of maritime authorities and enforcement, or is it down to the captain? Who is going to enforce this? How will it work across different jurisdictions? Many ships operate internationally, so it is relevant to consider how the regulation interacts with international maritime law. For example, if a ship is registered in one country but operates in another jurisdiction, how will enforcement of the new provisions vary?

Enforcing a vape ban on ships operating in international waters, or outside the jurisdiction of the United Kingdom, raises the question of which laws apply. Ships registered under a particular nation's flag are typically subject to the laws of that nation, but in international waters, enforcement may be complicated by the lack of physical presence of the authorities in the country whose law is being enforced.

**Sadik Al-Hassan** (North Somerset) (Lab): It is a pleasure to serve under your chairship, Mr Pritchard. On the questions that the hon. Member is asking about maritime law, are those kinds of issues not already tackled? Drinking, gambling and so on can happen on ships, but do not happen when they enter countries, and that is based on agreements between international partners, shall we say.

**Dr Johnson**: We are talking about something that will be illegal in the United Kingdom and how United Kingdom law is enforced. My question relates to how people might behave in other countries' waters on the basis of local laws. The question is, if this is a law that

we are bringing in to apply to British ships, how will the Government expect it to apply when the British ship is not in a British port or in British waters, but perhaps in international or foreign waters? It could lead to difficulties in compliance and potential jurisdictional conflicts where the local laws do not agree. If the ship is operating in another nation's territorial waters, that country might have its own laws on vaping or smoking. Which law prevails? Another question is when trying to enforce a ban when transporting humanitarian aid or refugees, in that the people who are being picked up might not realise that there is a ban. How would that be enforced in such circumstances?

Some people might ask whether the extent of the regulations for vaping and heated-tobacco devices is too inflexible? Such devices do not pose the same fire risks as cigarettes or pipes, although they are not without risk. Modern Royal Navy deployments, as I understand them, can typically last six to nine months, and vaping is used when smokers are trying to quit as a cessation tool. What discussions has the Minister had about the health of our military personnel deployed for such periods of time? How will he ensure access to nicotine replacement therapy and smoking cessation services so that we are not leaving people without access to what would, for them as an adult, be a legal product?

**The Parliamentary Under-Secretary of State for Health and Social Care (Andrew Gwynne)**: It is a pleasure to see you back in the Chair, Mr Pritchard. There is light at the end of the tunnel: today is the day that we will have a Bill in one shape or another, having reached the end of Committee stage and deliberated everything; and if not, of course everything that has not been debated gets accepted anyway, so we will have a Bill.

The clause amends an existing regulation-making power in section 85 of the Merchant Shipping Act 1995, so that any safety regulations—this is what we are talking about here. Health and safety regulations in merchant shipping that are made under section 85 provide for heated tobacco and vape-free provision for ships, which will correspond with the provisions in the Health Act 2006.

The shadow Minister, the hon. Member for Sleaford and North Hykeham, put a couple of questions. We have the power to make provision about health and safety in the merchant shipping sector already, under the 1995 Act. Those powers are already there, are already being implemented and are already being enforced. All that this measure will do is extend the provision to vapes and heated-tobacco devices, to bring it into line with everything else we have done over our debates.

The matter is one for the Department for Transport. It owns this policy, and health and safety in merchant shipping. We will continue to work with the Department for Transport as we consider any future regulations to create additional smoke-free places, but it is for the Department for Transport to implement and to enforce health and safety regulations in merchant shipping, as it does now. It will continue to do that, but with an extension of its powers. With that, I commend the clause to the Committee.

*Question put and agreed to.*

*Clause 158 accordingly ordered to stand part of the Bill.*

### Clause 159

#### APPLICATION TO PARLIAMENT

*Question proposed,* That the clause stand part of the Bill.

**Dr Johnson:** This is an interesting clause, because it applies the Bill to the parliamentary estate. According to Erskine May, there has been some confusion about whether statute law can apply inside the parliamentary estate, because of the principle of exclusive cognisance. That means that Parliament has control over its own internal matters and that not all laws automatically apply within Parliament. To quote from Erskine May directly:

“Actions in respect of which exclusive cognisance is claimed and has been admitted are not restricted to formal acts of either House. This privilege has been held to extend to the sale of intoxicating liquor within the precincts of the House, though those responsible did not hold a licence.”

Smoking, for example, has technically been prohibited in the Commons Chamber, public and Members’ Lobbies and Committee Rooms since 1694. According to Erskine May, MPs agreed

“That no Member do presume to take tobacco in the gallery of the House or at a committee table”.

Around the estate, however, historically it was the custom to smoke in the bars and the Tea Room, and in the Committee Corridor outside this very Committee Room we are in today. There are legal exceptions and exemptions that are worth discussing now.

The Office of the Parliamentary Counsel published guidance on Crown application in 2021 and noted that the Palace of Westminster is Crown land. The guidance explains the general presumption that an Act does not bind the Crown unless it does so expressly or by necessary implication. Often, an Act includes a clause on Crown application, specifying whether the Act applies to Crown land, but the Health Act 2006 does not include such a clause.

The position set out by case law is that the Health Act 2006 does not apply to the Crown, as in the 2017 case of *R (on the application of Black) v. Secretary of State for Justice*. In that case, the prisoner, named Mr Black, was serving an indeterminate sentence at Her Majesty’s Prison Wymott. He was a non-smoker with a number of health problems that were exacerbated by tobacco smoke—we talked about prisoners and vaping earlier. He complained that the smoking ban was not being properly enforced in the common parts of prisons, and issued proceedings for judicial review of the Secretary of State’s refusal to provide access to the NHS smoke-free compliance line to prisoners.

The Supreme Court unanimously dismissed Mr Black’s appeal, holding that Parliament must have intended the Crown to not be bound by the smoking ban, otherwise it would have made an express provision for it in the Act. In the words of Lady Hale:

“there are powerful indicators in the language of the Act itself that the Crown was not to be bound by the smoking ban.”

In 2013, the Joint Committee on Parliamentary Privilege noted that the ambiguity had led to many inconsistencies in statute law. That Committee considered that it was not practicable to resolve the inconsistencies without sweeping retrospective change, which could have unforeseeable consequences. It concluded that in the absence of

legislation, the safest way forward—however undesirable it might be as a statement of principle—was to reiterate and formalise the current presumption that legislation does not apply to Parliament unless it expressly provides otherwise. That was agreed on, and now there is a rule that legislation creating individual rights that could fit with parliamentary activities must expressly say that it applies within Parliament.

Here we are today, with clause 159, which stipulates that the Bill and regulations made under it will apply to the parliamentary estate. The Bill does not replace the smoke-free provisions in the Health Act 2006 and does not otherwise provide directly for the smoke-free restrictions discussed above. There is no obvious means by which clause 159 will place the parliamentary estate within the scope of the 2006 Act. However, clause 136 enables Ministers to add to the list of places designated as smoke-free by introducing new regulations under proposed new section 4(1) of that Act. It is therefore possible for new regulations to designate the parliamentary estate as smoke-free, but I have seen no indication from the Government that they plan to do that. Clause 136 also enables Ministers to make exceptions to smoke-free legislation.

The extent to which the Bill can be used to place the parliamentary estate within the scope of smoke-free legislation is therefore a matter for legal interpretation, and I would be interested to know the Minister’s thoughts on that. Earlier in the debates that we have been having during line-by-line scrutiny of the Bill, we talked about the snuff that is kept outside the door, with the Doorkeepers, and the Minister suggested there was no reason why that could not continue, but I am interested to understand his thoughts in relation to clause 159.

**Sarah Bool** (South Northamptonshire) (Con): I concur with the rationale and explanation that my hon. Friend has just given. The question about how we will deal with snuff and other products in the House is an interesting one, because we do not want to see any of our Doorkeepers perhaps being criminalised for having something on the estate or how they have supplied it. I know that earlier discussions focused on the BBC—

**Dr Johnson:** I thank my hon. Friend for her support in this discussion. Is it not also the case that the House has a lot of peculiarities and traditions that are sometimes eccentric, but interesting, and that although we would not necessarily want to create exceptions for MPs to use a product that is not available to members of the public, the inability to have the box there would be a loss of a tradition, which would be a bit of a shame?

**Sarah Bool:** I agree. One of the things that I have most enjoyed over the last few weeks and months has been learning all the different traditions and the meanings behind them. Having done my original degree in history, I appreciate all that, so the many history lessons that we have had from the shadow Minister in the course of these debates have been much appreciated by me. It is interesting that that is why clause 159 has been put in place, but I would like the Minister to expand on how he thinks that it will work in practice. Will we see the removal of the snuffbox? How will that work in the future?

**Andrew Gwynne:** This is a standard clause. It provides that the measures in the Bill and regulations made under it apply to the parliamentary estate. I hope that Opposition Members do not think that the parliamentary estate should be above the law that Parliament will, I hope, pass. This clause requires the parliamentary estate to adhere to the tobacco and vaping control measures under the Bill and regulations made under it, ensuring consistent application of the law. The wording of the clause was previously agreed with the Clerks of both Houses of Parliament—both the House of Commons and the other place—so that the whole of the parliamentary estate will be covered by the same laws that will apply outside the parliamentary estate. It will include, for example, the shops, to ensure that there is consistent application of the law. It appertains to the House of Commons shop, the House of Lords shop and the retail outlets on the parliamentary estate. Those regulations that apply to retailers outside the parliamentary estate will apply within the parliamentary estate.

**Dr Johnson:** Is the Minister aware of any retailers on the parliamentary estate at the moment that actually do sell any tobacco or cigarette products?

**Andrew Gwynne:** No, I am not, but the point is that the law has to apply equally within Parliament and outside of Parliament. There has to be a consistency of approach, and just because a person cannot get the House of Commons snuff from the House of Commons shop does not mean that the House of Commons shop should have a different set of regulations from any other retail outlet in the United Kingdom. Parliamentary Clerks and the Cabinet Office were consulted before the inclusion of this clause. They were content for it to be included, and that is why it is in the Bill.

11.45 am

We have spent an inordinate amount of time talking about the House of Commons snuffbox. Let me make it very clear, as I thought I had done the previous time and the time before that: we are not against tradition. That snuffbox can stay for evermore. We have a lovely gold-plated stationery holder on the Table of the House that was the gift of a country called Southern Rhodesia, which no longer exists. It is now Zimbabwe, and it is no longer in the Commonwealth, but we still have that lovely gold-plated stationery holder, because it is tradition. It was a gift from a former British possession when the House of Commons Chamber was rebuilt. The snuffbox will still be there, but it will not have snuff in it, because we will be applying the law of the land. I have no reason to think that future Doorkeepers will not still want their names on that historical artefact, the snuffbox, because that is tradition. It is just that we are snuffing out the snuff.

I commend this simple clause, which has the support of both Houses, to the Committee.

*Question put and agreed to.*

*Clause 159 accordingly ordered to stand part of the Bill.*

### Clause 160

#### FURTHER CONSEQUENTIAL AMENDMENTS

*Question proposed,* That the clause stand part of the Bill.

**The Chair:** With this it will be convenient to discuss schedule 21.

**Dr Johnson:** I know that the Minister enjoyed grandstanding about equality, but I am not sure that he actually answered the question. Clause 160 talks about consequential amendments, and one question that I asked him about clause 159 was whether it would have the effect that he says it will. It says:

“To the extent that this Act or regulations made under it would not...apply in relation to the Parliamentary Estate, they do so apply”;

but it does not include the Health Act. As there are consequential amendments in clause 160, would there need to be a consequential amendment to the Health Act? It is that Act, as amended, that provides for the regulations in relation to smoking.

**Andrew Gwynne:** Clause 160 and schedule 21 provide further general consequential amendments relating to this Bill. The specific amendments to existing legislation are set out in the schedule. Those amendments help the provisions in the Bill to function effectively within the existing legislative framework. This is a standard supplementary clause that enables the legislation to function as intended following the Bill's introduction.

The shadow Minister refers to different aspects of legislation. Many of the clauses that we have already debated bring together existing tobacco control legislation in one place, so the consequential powers that we are seeking through this clause will make sure that the existing legislation set out in the schedule will be amended, to ensure the smooth running of the legislation. I therefore commend the clause and schedule to the Committee.

*Question put and agreed to.*

*Clause 160 accordingly ordered to stand part of the Bill.*

*Schedule 21 agreed to.*

### New Clause 2

#### TOBACCO PRODUCTS STATUTORY SCHEME: CONSULTATION

“(1) The Secretary of State must consult and report on the desirability of making a scheme with one or more of the following purposes—

- (a) regulating, for the purposes of improving public health, the prices which may be charged by any producer or importer of tobacco products for the supply of any tobacco products,
- (b) limiting the profits which may accrue to any producer or importer in connection with the manufacture or supply of tobacco products,
- (c) providing for any producer or importer of tobacco products to pay to the Secretary of State an amount calculated by reference to sales or estimated sales of those products (whether on the basis of net prices, average selling prices or otherwise) to be used for the purposes of reducing smoking prevalence and improving public health.

(2) In this section—

‘importer’, in relation to tobacco products, and ‘tobacco products’ have the meaning as in Part 5 (see section 112), ‘producer’, in relation to tobacco products, is to be construed in accordance with the meaning of ‘production’ in Part 5 (see section 112).”—(*Mary Kelly Foy.*)

*This new clause would require the Secretary of State for Health and Social Care to consult on proposals for regulating the prices and profits of, and to raise funds from, tobacco manufacturers and importers.*

*Brought up, and read the First time.*

**Mary Kelly Foy** (City of Durham) (Lab): I beg to move, That the clause be read a Second time.

I will not be pushing this new clause to a vote; nevertheless, I think it is a policy that the Minister should take into consideration. New clause 2 would require the Secretary of State for Health and Social Care to consult on a “polluter pays” levy. The Minister will know that I and members of the all-party parliamentary group on smoking and health have campaigned for this for some time. It was also recommended in the Khan review in 2022 and, more recently, by the Institute for Public Policy Research’s commission on health and prosperity.

Action on Smoking and Health estimates that smoking costs England more than £43 billion a year. That is more than £27 billion in productivity costs, nearly £14 billion in social care costs and more than £1.8 billion in NHS costs—and much more. A “polluter pays” levy on tobacco manufacturers could raise around £700 million a year, with that money coming from tobacco companies’ profits, not raised from consumers.

A levy of this kind would provide sustainable funding for tobacco control and could be given to organisations such as Fresh, the tobacco control programme in the north-east, which does such vital work in ensuring that no one gets left behind as we move to a smoke-free future. In fact, all the Government’s programmes on tobacco, including mass media campaigns, incentives for pregnant women and support for smokers with mental health problems, could be funded many times over, with cash to spare that could go to other public health initiatives.

This would be subject to consultation, but the model proposed by Action on Smoking and Health would cap the wholesale price of tobacco, similarly to how we cap the prices of essential utilities and hence limit profits. The big four tobacco companies account for 95% of UK sales and make excessive profits selling a highly addictive product that kills two in three long-term users when used as intended by the manufacturer. Tobacco manufacturers make an estimated £900 million in profit per year in the UK, with an average net operating profit margin of about 50%. For context, the average profit margin for UK manufacturing is 10%.

There is widespread public support for this measure: 79% of adults in Great Britain would support a levy on the tobacco industry, with only 5% opposed. I hope the Government will seriously consider this, because it would complement the intentions of the Bill.

**Dr Johnson:** I am interested by this new clause. Tax is applied to some products that the Government would like us to consume less of, to make them more expensive so that we consume less of them, and that has been the case with tobacco for some time.

Looking at the current levels of tobacco duty, we see that tax on cigarettes is 16.5% of the retail price of £6.69 for a pack of 20, which is quite a substantial proportion

of the cost. Cigars are taxed at £4.17 on a 10 gram cigar, and there is 14.3% tax on a £30 packet of hand-rolling tobacco.

The Government introduced an escalator for further increases in tobacco taxation in their autumn Budget. In addition, they have introduced a tax on vaping products, which will help to take them out of the reach of pocket money. Personally, I have been quite concerned about the fact that vaping products are so cheap that children can easily buy a vape with pocket money, and if they are potentially about to get caught, they can discard it without worrying and then buy another one. A tax on vaping products is, therefore, a welcome initiative.

However, as I understand it, the Government make £8.8 billion per year from tobacco taxation—I am sure the Minister will correct me if that figure is wrong—and it is in the gift of the Chancellor to increase these taxes if she wants to. She is quite good at increasing taxes, so I am sure she knows that that is the case.

As I understand it, the hon. Member for City of Durham proposes that the tax on these products should automatically go towards improving the health—including the public health—of the nation, as opposed to going into general funds. In practice, the Government are already free to spend the money that they receive from tobacco and vape taxation on the health service. They certainly already spend more on the health service than they receive in tobacco taxes. It is a choice. To govern is to choose, and they are choosing how they wish to spend the taxes they raise.

The new clause proposes

“limiting the profits which may accrue to any producer or importer”.

Presumably, that would require some sort of open-book system, and I am not quite sure how the hon. Lady thinks that would work. This level of regulation of the market would require quite detailed open-book working. Perhaps she would like to explain why she thinks that is necessary, when the Government already have in their remit the levers of taxation specifically for these products.

**Mary Kelly Foy:** The difference is that the tax would not come from the consumers. This would be a tax on the big four tobacco companies, rather than raising taxes from consumers. We know that consumers of these products are already likely to come from deprived backgrounds. In addition to raising revenue, the measure would allow us to impose much tighter controls on the prices of tobacco products. That would disincentivise the tobacco industry from creating so much profit from their products.

Although the Chancellor can use taxes for whatever purpose, this measure would be a tax on those companies whose product, as we know, kills one in two of the people who use it. Just raising taxes in the way that the hon. Lady describes would be an extra burden on the consumers who we are trying to help quit tobacco.

**Dr Johnson:** I thank the hon. Lady for her explanation, which was really helpful. I am grateful that she, as a Labour MP, understands that a tax on business will be passed on to the consumer, because it seems that the Chancellor does not. Perhaps the hon. Lady should apply for a new job.

[Dr Caroline Johnson]

The hon. Lady is right that if taxes are applied to a business, the business will pass them on to the consumer. The only way to avoid that is through price control. Nevertheless, I do not think that makes price control a desirable thing for the Government to interfere with. That level of regulation would go too far, and other measures in the Bill already seek to restrict and disincentivise smoking in so many different ways. I hope that they will be effective and that there will be no need for such onerous regulation.

**Sarah Bool:** The hon. Member for City of Durham has proposed a very interesting concept. Although she may not be pressing the new clause to a vote, it is interesting to discuss the concept in principle, so I thank her for tabling it.

Essentially, the proposal is that the Secretary of State would have to consult on a scheme that would regulate prices and limit profits, and then they would calculate the tax:

“by reference to sales or estimated sales of those products”.

That is an interesting concept, but I wonder whether it could be deemed anti-competitive. I know that the ultimate aim is to close down the tobacco companies, and that is essentially what the measure would drive towards, but in the interim, when many people will still be legally able to smoke, what arguments might the companies make in that regard? The Chancellor says she is pro-business and is encouraging business. The tobacco companies are perhaps not the businesses she has in mind, but the provision would have wider repercussions that could flow into other areas.

12 noon

As the Minister has often said, tobacco sales are declining, so perhaps the new clause would not be as effective as it needs to be in the long term, although I see the principle behind it. I am also concerned that if we put on caps or try to close down the market, we may end up with poorer quality, illicit-market tobacco. I am trying to think about the wider implications. Perhaps the hon. Lady wants to say something further in that regard.

**Mary Kelly Foy:** The new clause would be a game changer. One of the questions was whether the measure might later be applied to other areas—I presume that the hon. Member means taxing the big alcohol and gambling companies—but tobacco is a uniquely lethal and addictive product, so in this case the intervention is justified. She makes a good and compelling point, but I think the Government’s overall health strategy is to shift from sickness to prevention, which will require looking at all habits and supporting people to live healthier lives in healthy environments.

**Dr Johnson:** I have been listening carefully to the hon. Lady. Does she have a price for tobacco products in mind? Governments of different colours have increased tobacco duty a bit at a time, presumably to nudge behaviour. If we do not increase it enough, we do not have the desired effect, but if we increase it too much and too fast, we potentially drive people into illicit-market

tobacco. We heard from the chief medical officer about the difficulties people have in giving up cigarettes because of the profoundly addictive nature of nicotine, so if we were to increase the prices too quickly, we could end up making life difficult for people who are poor and addicted to nicotine, without the necessary support in place. If the prices are going to go up to somewhere in the middle, how is that different from taxation?

**Mary Kelly Foy:** The new clause asks for a consultation, so a lot of issues would need to be worked through with the Chancellor. However, the tobacco companies make exorbitant profits from a product that kills the folk to they sell it to, so I am sure that the shadow Minister would agree that that means we should use some of their profits to pay for the damage being done.

**Dr Johnson:** I certainly agree that it is immoral to sell products that they know are addictive, are dangerous and kill people.

**Sarah Bool:** I am almost glad that my hon. Friend the Member for Windsor is not here, because at this point we would probably be launching into a much longer and more protracted debate, so we are lucky in that regard—[*Interruption.*] I am being chastised by the shadow Minister.

We should consider that interesting point and its knock-on impact because, in common with the hon. Member for City of Durham, I have concerns about the illicit tobacco market. I very much agree that we should be moving to a new system of preventive medicine. As I have mentioned, I have type 1 diabetes, and I want to see a greater and earlier use of technology to prevent long-term problems. The new clause provides a useful point for discussion, and I thank the hon. Lady for tabling it.

**Andrew Gwynne:** I am grateful to my hon. Friend the Member for City of Durham for tabling the new clause, because it allows us to have a debate about a really important matter. As has been discussed, the new clause would require the Secretary of State for Health and Social Care to consult and report on a scheme to regulate and to raise funds from the prices and profits of tobacco manufacturers and importers.

Duty on tobacco raises around £8.8 billion a year. The Government’s preferred approach is to continue with a proven and effective model of dealing with tobacco products through increases in tobacco excise and through duties. This generates finances that can support a full range of public services, including public health and the NHS, as well as smoking cessation services. We believe the proposed scheme would be complex to implement and might take several years to materialise.

Alongside the Bill, we are taking strong action to reduce the affordability of tobacco, which is an effective measure to trigger smoking cessation. The United Kingdom already has some of the highest tobacco taxes in the world. The World Health Organisation recommends that total taxes on tobacco are at least 75% of the retail price on typical cigarettes. The United Kingdom comfortably meets this target, with taxes at around 80% of selling price.



As announced at the autumn Budget 2024, duty rates on all tobacco products were increased in line with the tobacco duty escalator by 2% above retail price index inflation. The duty rate on hand-rolling tobacco was increased by a third of 10%, to 12% above RPI inflation, to reduce the gap with duty on cigarettes. Those changes came into effect on 30 October 2024.

Cigarettes are also subject to minimum excise tax, which sets a minimum amount of duty collected on a pack of cigarettes. That discourages manufacturers from selling cheap cigarettes, as it reduces the profitability of cigarettes sold at or below minimum excise tax trigger prices. The new minimum excise tax is £8.93 for a pack of 20, and it applies to cigarettes sold at or below £13.59 for a pack of 20.

We are still going further on tobacco tax. As announced in the autumn Budget, there will be an additional one-off increase for all tobacco duties. That will come into force on 1 October 2026, when the vaping duty comes into effect. From a financial perspective, that will maintain the incentive for smokers to switch to vaping once the new excise duty on vaping products comes into force.

On one last technical note, His Majesty's Treasury can consult on tobacco taxation and fiscal policy at any time, so that does not need to be set out in the Bill. For those reasons, I ask my hon. Friend the Member for City of Durham to withdraw her new clause.

**Mary Kelly Foy:** I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

#### New Clause 4

##### BAN ON SUPPLY OF CIGARETTE FILTERS

“(1) The Secretary of State must make regulations under section 140 of the Environmental Protection Act 1990 having the effect of prohibiting the supply of relevant cigarette filters or cigarettes containing relevant cigarette filters, whether by way of sale or not, in the course of a business.

(2) The notice required under section 140(6)(b) of the Environmental Protection Act 1990 in relation to the regulations mentioned in subsection (1) must be published no later than the end of the period of 6 months beginning with the day on which this Act is passed.

(3) In this section,

‘relevant cigarette filter’ means a filter which contains plastic and which is intended for use in a cigarette, whether as part of a ready made cigarette or to be used with hand rolling tobacco or other substances to be smoked in a cigarette.”—(*Dr Caroline Johnson.*)

*This new clause requires the Secretary of State to make regulations which would prohibit the supply of cigarette filters which contain plastic or cigarettes containing cigarette filters which contain plastic. The regulations would be made under section 140 of the Environmental Protection Act 1990.*

*Brought up, and read the First time.*

**Dr Johnson:** I beg to move, That the clause be read a Second time.

I am sorry that the hon. Member for Dartford is not here to discuss his important new clause 4, which is about a ban on cigarette filters. I asked the Minister why cigarette filters were not included in clause 1, along with cigarette papers and tobacco products. Cigarette filters have a health effect, but it is not necessarily the effect that most people think. Filters were first introduced in the 1950s in response to mounting scientific evidence

highlighting the dangers of smoking. The tobacco industry seized upon the opportunity to present the filter as a way to make cigarettes safer. It claimed that they reduced the inhalation of harmful substances such as nicotine, tar and other toxicants.

The early filters were made of cork, which is the origin of the cork pattern that can still be seen on many cigarettes. By the end of the 1950s, sales of cigarettes with filters had surged to more than 40% of the market, and by 1965, more than 60% of cigarettes were manufactured with filters. Alongside that shift, the marketing of light and mild cigarettes with ventilated filters further enhanced the illusion—and it is an illusion—of reduced harm, making smoking appear to customers more palatable, and to some extent reducing customer awareness of the risks involved.

There were some early studies that appeared to support the tobacco industry's claims. Filter tip cigarettes at that time were thought to be associated with lower rates of lung cancer and mortality, compared with their unfiltered counterparts. However, when comprehensive and rigorous studies were completed over time, the initial findings were disproven. Subsequent epidemiological data revealed that both ventilated and non-ventilated filter tip cigarettes were just as harmful as unfiltered cigarettes. In fact, the incidence of lung adenocarcinoma—a type of lung cancer that has increasingly replaced the more prevalent squamous cell carcinoma—has risen significantly in recent decades. The rise in adenocarcinomas is believed to be linked to the use of ventilated filters, as they affect smoking behaviour and the combustion of the product.

One of the key reasons why filter tip cigarettes fail to reduce the risk of lung cancer and other diseases is the changes they cause in smoking behaviour. When cigarette filters were introduced, they altered the way people smoked. For example, smokers began taking longer and deeper puffs, increasing their exposure to harmful chemicals in the smoke. Such behaviours may have upset the potential benefits that some individuals thought filters might have in reducing the toxic smoke inhaled.

The presence of a filter, especially those with ventilation, changed the combustion of the cigarette itself. That led to a greater exposure in smokers to tobacco-specific nitrosamines, which are potent carcinogens and a major contributor to lung cancer. The filtering process did not remove those harmful substances, and in some cases may even have enhanced their presence in the smoke that smokers inhaled.

Another concerning aspect of modern cigarette filters is the material from which they are made. The most common material used is cellulose acetate—a synthetic plastic that, when inhaled, can contribute to respiratory issues. The fibres and microplastics from filters can embed in the lungs, potentially leading to long-term damage. Although that material can be effective in filtering out some particles, it does not remove gases of low molecular weight, such as carbon monoxide, which are also harmful to health.

Despite cigarette filters being marketed as a safer option, their widespread use over the past 60 years has had little effect on reducing the health risk of smoking. In fact, it may have contributed to a decrease in public awareness about the dangers of smoking, and may have led to more people becoming addicted to smoking without fully understanding the risks involved.

[Dr Caroline Johnson]

I note that new clause 4 suggests that the Environmental Protection Act 1990 should be used to ban the supply of cigarette filters, because they have a significant environmental impact. Roughly 4.5 trillion cigarette filters are disposed of annually, making them the most littered man-made waste item in the world and accounting for roughly a third of all litter found in coastal and urban clean-ups. Despite their small size, the sheer volume of discarded cigarette butts would fill almost 50,000 shipping containers every single year, and that is expected to increase by 50% in 2025.

12.15 pm

**Dr Danny Chambers** (Winchester) (LD): I was absolutely shocked to learn that cigarette butts account for one in five pieces of discarded plastic. When it is predicted that by 2050 there will be more tonnage of plastic in the ocean than fish, we should look at every way possible of protecting the environment and wildlife from plastic pollution. Back in 2019, a third successful dive was made to the Mariana trench—the deepest part of the ocean; it is 36,000 feet deep, which is greater than the height at which jumbo jets fly—and I was surprised that when the people were down there documenting previously unseen life forms, they came across plastic pollution. This is such a serious issue that we need to look at every way possible of reducing plastic pollution. Those tiny cigarette butts in particular can be swallowed by a huge number of creatures, as well as contaminating the environment.

**Dr Johnson:** I thank the hon. Gentleman for that important intervention. He is absolutely right that these items are a huge danger to the environment, and it is sad when we go to parts of our world that are still not well explored, such as the Mariana trench, and find evidence of damage caused by the human race, such as plastic pollution. Although I have huge sympathy for people who have become addicted to nicotine and find it difficult to quit smoking, there is no excuse for the litter that it creates all over our beaches and our urban and rural areas.

Cigarette filters are neither biodegradable nor effectively recyclable. They are made, as I said, primarily from cellulose acetate—a plastic material that does not biodegrade. Even after two years of decomposition, cigarette filters will have lost only about 38% of their mass, and the remaining material continues to persist in the environment. During that time, filters leach harmful substances, including heavy metals and toxic chemicals such as arsenic, that have been inhaled through the filter and into the surrounding environment, further contaminating soil and water sources.

Cigarette butt waste has been shown to impact marine and coastal environments. Studies have demonstrated that cigarette filters affect the micro-biodiversity of coastal sediment and that they pose harm to marine animals that ingest them. That is a growing concern, as the hon. Member for Winchester said, as plastic waste continues to accumulate in the ocean, harming wildlife and disrupting ecosystems. The Ocean Conservancy's international coastal clean-up has, over the course of 32 years, collected more than 60 million cigarette butts from the ocean. Although that sounds like a lot, that

accounts for just 0.00001% of all cigarette filters thrown away in a single year, so this is a difficult thing to clean up.

Despite the growing awareness of the environmental impact of single-use plastics, cigarette filters have not been subject to the same regulations as other plastic products. For example, the European Union banned many forms of single-use plastic in 2019, but cigarette filters were not included, leaving a significant loophole. As cigarette consumption remains widespread, the environmental impact of the filters continues to grow. In October 2024, Santa Cruz county in California became the first jurisdiction in the world to approve a ban on filtered cigarettes and cigars.

One of the questions I have for the hon. Member for Dartford who tabled the new clause—he sadly is not here—is why he has chosen to use the 1990 Act. The previous Conservative Government banned a number of single-use plastics on the basis that they were harmful to the environment, that there were non-plastic, more environmentally friendly and more suitably priced items available, and that it would help to improve the environment, which is a very good thing. However, one of the reasons for introducing those bans through secondary legislation under the 1990 Act was that there was not an opportunity to do so in primary legislation, because of the time constraints of the parliamentary calendar. The Minister has talked about getting time for primary legislation already.

This Bill is a piece of primary legislation, and to add cigarette filters to it only requires the Government to write in clause 1 “and cigarette filters too”, and to make consequential amendments through the Bill on that basis. I agree with the principle that cigarette filters are a bad thing for the environment, and they are not good for people's health, but I am not entirely sure why the 1990 Act is being used and why the Minister has not included filters in clause 1 and consequentially throughout the Bill. Perhaps he can tell us in winding up.

**Sarah Bool:** I thank my hon. Friend for her explanation. I did not know that it was cork that gave the colouring, so that is another benefit of her history lesson. We are aware that the previous Conservative Government took strong action to try to remove plastics in the environment. We introduced the UK-wide prohibition on the use of plastic microbeads in the manufacture of some cosmetic and personal care products, such as face scrubs, toothpastes and shower gels, where the little beads could wash into the sea. That was one of the reasons why those beads were banned. It is therefore an interesting argument to make that we should ban cigarette filters with their plastic content, because we do not want further pollution of our beautiful natural environment.

The World Health Organisation has advocated for banning those filters. As my hon. Friend compellingly said, there are no health benefits to such filters being used—which I had not appreciated. One would assume that those filters would have helped, but it is interesting that they do not. I note that the UN General Assembly is also advocating for a ban on filters, particularly given their plastic content.

**Dr Johnson:** My hon. Friend makes the point about the plastic content. I just spotted that in the explanatory statement for new clause 4 from the hon. Member for Dartford, he talks about wanting specifically to ban

cigarette filters that contain plastic, as opposed to other cigarette filters. That would improve the environment, but a question is raised by the fact that when a cigarette filter is in use, the toxic chemicals present in the cigarette flow through that filter and becoming lodged in it. So as well as the plastic pollution as the filter is littered into the environment, causing a hazard, there is also the fact that as it decomposes, those other toxic chemicals present in the tobacco smoke are in the filter and leach out into the environment. That presumably would be the case even if the filter was not made of plastic, although the plastic is clearly extra harmful.

**Sarah Bool:** I agree. That is a good conclusion to have worked through, which we perhaps had not had the opportunity to turn our attention to. I would like to see a provision of this nature. I am intrigued, as my hon. Friend said, by why the Minister has not included filters in the outright initial ban. That should be considered, perhaps on Report.

As a general principle, we need to look after our natural environment. A ban on the plastic contained in cigarette filters would surely be a sensible move. As my hon. Friend has said, however, the filters do not achieve what anyone was hoping and do not make smoking safer. I therefore think we must have further discussion. Will the Minister give a little more explanation on some of the rationale and whether the measure can be included in the Bill?

**Andrew Gwynne:** I am grateful to the shadow Minister for moving this new clause for debate and to my hon. Friend the Member for Dartford for tabling it. New clause 4 would require the Secretary of State to make regulations under the Environmental Protection Act 1990 to prohibit the supply of cigarette filters that contain plastic or cigarettes containing cigarette filters that contain plastic.

I am incredibly sympathetic to the premise of the new clause. Cigarette filters, as we heard from the shadow Minister, have historically been marketed as making smoking safer, and we know that smokers can perceive cigarettes with a filter as tasting smoother and being of lower risk. Evidence shows that there is no proven health benefit to cigarette filters. All tobacco products are harmful to health.

However, as with all regulations, it is important that any measures are fully considered and evidence-based, to ensure that there will not be any unintended consequences—[*Interruption.*] Did the hon. Member want to intervene?

**Sarah Bool:** The hon. Member for Dartford has now arrived, so perhaps the Minister would be so kind as to allow him to intervene.

**The Chair:** Hang on. It is for the Minister to decide who he wants to give way to. Minister, carry on speaking; if somebody catches your eye, it is up to you whether you allow them to intervene.

**Andrew Gwynne:** If my hon. Friend the Member for Dartford wants to intervene, he need only ask.

**Jim Dickson (Dartford) (Lab):** I thank the Minister for giving way and welcome the fact that I am serving under your chairship, Mr Pritchard; it is an honour. I apologise to the Committee that I was not present to move the new clause and thank those who have moved it and spoken on it. The Minister has outlined some of the health dangers connected with filters. They do not prevent any of the toxins and carcinogens that—

**The Chair:** May I pause the hon. Gentleman for a moment? If he wants to make an intervention, that is great, and he can make as many as he wishes. If he wants to make a speech, he can also do that, but that will come a little later.

**Jim Dickson:** I am quickly coming to the point of my intervention; I reserve the right to say something else later. The Minister has outlined the fact that the health benefits of filters are non-existent, but is he also aware that, according to Keep Britain Tidy, cigarette butts make up 66% of all littered items and cost UK local authorities around £40 million per year to clean up? Would he consider that relevant to this new clause?

**Andrew Gwynne:** My hon. Friend is absolutely right. Litter is something that this Government take seriously. Tobacco litter remains a concern for the Department for Environment, Food and Rural Affairs, with cigarette filters consistently scoring as the most littered item in surveys. Local authorities already have the powers to punish those who litter through prosecution. They can also create smoke-free areas through the use of public space protection orders.

Nevertheless, my colleagues in DEFRA believe that the best way to tackle littering of filters is through a reduction in smoking rates. We therefore continue to support all initiatives designed to encourage people to quit smoking. This Bill aims to reduce smoking prevalence in the UK. Our published modelling, which I have referred to, shows that smoking rates in England among 30-year-olds and under could be close to zero as early as 2050, which is likely to reduce overall litter levels, as there will be fewer tobacco and tobacco-related products sold and disposed of each year.

We need to be very wary of unintended consequences. I know for certain that my hon. Friend, like me, does not want to give tobacco manufacturers the opportunity to greenwash and to say that they have created a product that is not only healthier for people because it has a filter—we know that that is utter nonsense, but it is the lie they have peddled to date—but better for the environment. We will not allow the tobacco industry to improve its reputation by making itself appear to be environmentally aware and taking action.

12.30 pm

I am incredibly sympathetic to the premise of the new clause, but we do not think it necessary, because the Department for Environment, Food and Rural Affairs already has the power to consult or introduce legislation on banning single-use plastics in cigarette filters at any time. It may well be that my hon. Friend will pursue that directly with the Environment Secretary and Ministers in DEFRA to get the outcome that he wishes to see, but placing the measure in a specific piece of tobacco control legislation runs the risk of allowing the tobacco industry to say that it is environmentally friendly.

**Jim Dickson:** Without necessarily endorsing the ban that the new clause would lead to, is the Minister prepared to think about supporting a move to other parts of Government, and perhaps about even moving to ban cigarette filters, as part of the consultation that his Department is about to undertake? That would generate momentum for what he rightly says would be a positive move for the environment and for health.

**Andrew Gwynne:** We are very clear about the measures in the Bill that we will consult on, but I reassure my hon. Friend that I am in regular contact with Ministers across Government about a whole range of issues, not least because the health mission board has decided that I have a lead role in bilateral discussions on the health mission. I will certainly continue to raise the issue of cigarette end litter with colleagues in DEFRA, and to see whether we can get DEFRA to use some of the powers at its disposal in order to meet the aims and ambitions of my hon. Friend, but it need not be included in this Bill specifically, because it is a DEFRA-led policy.

The shadow Minister and the hon. Member for South Northamptonshire asked why cigarette filters were not covered in earlier clauses. In the Bill, we have taken a power to update the legislation to include tobacco devices and accessories that enable a tobacco product to be consumed, such as a pipe. It would not cover filters, as they do not enable a product to be consumed. That is the legalistic reason that cigarette filters are not in scope of the Bill, as we debated way back when. I ask my hon. Friend to withdraw the new clause.

**The Chair:** Given that the shadow Minister moved the new clause, it is for her to press or withdraw. Shadow Minister, do you want to withdraw it or press it to a vote?

**Dr Johnson:** That depends on whether the Minister can assure me that he intends to bring forward legislation under the Environment Act 2021 to deal with plastic filters.

**Andrew Gwynne:** That is way above my pay grade. It is a matter for the Department for Environment, Food and Rural Affairs, and I have already assured my hon. Friend the Member for Dartford that I will speak to ministerial colleagues in DEFRA. We are very sympathetic to the aim of the new clause, but we do not support the Bill being the mechanism to achieve it.

**Jim Dickson:** I thank once more the shadow Minister for moving my new clause in my absence. If I were moving it, I would be content, given the Minister's assurances to pursue this matter, to withdraw it. I know that there are others on both sides of the Committee who will work with me to make the right representations to DEFRA to see the point of the new clause carried forward in another part of Government. Were I moving my own new clause, I would be happy to withdraw it at this point.

**The Chair:** I am grateful to the hon. Gentleman for making that clear, although it is technically your decision, shadow Minister.

**Dr Johnson:** I take the Minister at his word. He is an honourable man and I hear that he has sympathy for the new clause. The important thing is that it gets done, not necessarily that it gets done in a particular piece of legislation. I will take him at his word and look forward to seeing the legislation come before an SI Committee for DEFRA. I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

### New Clause 5

#### BAN ON MANUFACTURE AND SALES OF HIGH-STRENGTH NICOTINE POUCHES

“(1) It is an offence to manufacture a high-strength nicotine pouch.

(2) It is an offence to—

- (a) sell or expose for sale a high-strength nicotine pouch, or
- (b) offer or expose a high-strength nicotine pouch for sale.

(3) It is an offence for a person to have a high-strength nicotine pouch in their possession with intent to supply it to another in the course of business.

(4) In this section “high-strength nicotine pouch” means a nicotine pouch that—

- (a) is intended for oral use,
- (b) is not intended to be inhaled,
- (c) does not contain tobacco, and
- (d) contains more than 20 milligrams of nicotine per pouch.

(5) It is a defence for a person charged with an offence under subsection (2) to prove that they took all reasonable steps to avoid the commission of the offence.

(6) A person who commits an offence under this section is liable—

- (a) on summary conviction, to imprisonment for a term not exceeding the general limit in a magistrates' court, or a fine, or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.”—(*Mary Glindon.*)

*This new clause provides for a ban on the manufacture and sale of high-strength nicotine pouches.*

*Brought up, and read the First time.*

**Dr Johnson:** I beg to move, That the clause be read a Second time.

New clause 5 was tabled by the hon. Member for Newcastle upon Tyne East and Wallsend (Mary Glindon), who is not on the Committee, and addresses an important issue that is causing me huge concern as well: that of nicotine pouches. We have heard repeatedly in this Committee, and from our witnesses in the evidence sessions, about how the tobacco industry behaves—how it seeks to addict people to nicotine for a lifetime and how it seeks to do so in relatively young people, who are most susceptible to its marketing and to the nicotine addiction itself.

Nicotine pouches are tobacco-free products that are becoming increasingly popular in the UK. They first entered the market in 2019 and are most prevalent among smokers trying to quit, although there is now a substantial market for non-smokers, in the same way that we have seen with vaping and other products over time—this is the latest one, as it were. The main type of oral nicotine products comes from brands like Zyn,

Velo, Nordic Spirit, LOOP and White Fox. There are also stronger variants, like Siberia and Killa. They are a tobacco-free product that is placed between the lip and the gum and held there for oral absorption of nicotine, similar to Swedish snus. They are pre-packaged, pre-portioned pouches produced in a variety of flavours.

The Health and Social Care Committee went to Sweden last spring—around the time that the previous Government’s Bill was in Committee—where we saw rows upon rows, floor to ceiling, of these products in shops across Sweden, where they are very popular. We have seen the same pattern of marketing towards children as we are seeing for vapes and have seen for tobacco in the past. If mint is one’s favourite flavour, one could go for crispy peppermint, mighty peppermint, peppermint storm, witty spearmint, humble spearmint or even spiffy spearmint. If fruit flavours are more your thing, Mr Pritchard, choices include wintry watermelon, blueberry boost, hot berries, blushy berry, groovy grape, breezy mango and punchy lime. These pouches are now available in a whole variety of flavours, also including cinnamon flame, nutty Virginia and fizzy lemonade, and they have become more popular. They have attracted investment from the world’s biggest tobacco companies, eager to shift to so-called reduced-risk products as regulation and health concerns tighten worldwide, and have become a viral hit with consumers, many of whom are too young to already be smokers.

Philip Morris International acquired Zyn maker Swedish Match in 2022 for about \$16 billion and said that the product had helped to boost its revenues by almost a fifth in the first nine months of last year as it delivered its third quarter results. It said that Zyn was now available in 30 countries, with recent launches in Greece and the Czech Republic. British American Tobacco owns the Velo brand and said in August that nicotine pouches were its fastest-growing new category, with organic revenue up more than 48% in the first half of 2024 compared with 2023. I am sure the Minister will look at this carefully and, as he seeks to protect the population’s public health in relation to nicotine products, I am sure he will be cognisant of the need to protect under-18s from these products.

New clause 5 focuses specifically on the nicotine content of these products. The nicotine content of oral nicotine pouches can vary. Typically, it is between 4 mg and 18 mg of oral nicotine per pouch, but there are many that contain much more. Some online retailers sell products containing up to 150 mg of nicotine per pouch. Oral nicotine pouches are sold in a variety of flavours but also in a variety of strengths. The comparison with a cigarette is quite stark:

“Researchers at the University of Stirling found that some pouches for sale on the UK high street had a nicotine content equivalent to 10 cigarettes.”

Those products are being put on people’s gums and giving them the equivalent of 10 cigarettes over a short period of time. The *Financial Times* article from 5 November 2024 goes on:

“‘They are strong enough to be psychoactive and they can cause local irritation,’ said Rosemary Hiscock of the Tobacco Control Research Group at the University of Bath. ‘Even if flavours are safe for food, we can’t be sure that they’re actually going to be safe if they’re held in the mouth for a long time, next to the gum line. There’s not been research on the interactions of that at all.’”

Oral nicotine pouches, alongside other novel nicotine products such as nicotine toothpicks and nicotine toothpastes that could emerge or have already emerged on to the market, are regulated under the General Product Safety Regulations 2005. Under the regulations, there is no current age of sale for retailers to impose, so these products are legally being bought by those under the age of 18, though the Bill will help to resolve that. Nicotine products are also not regulated by the Medicines and Healthcare products Regulatory Agency, because no medical claims are made and they are not an alternative to an authorised medical product. They are not being used as a medical prescription stop smoking device, but are sold more as a recreational form of nicotine by tobacco producers, who see their market in tobacco shrinking and want to find another way to addict the next generation of people to nicotine, thereby removing their choice and potentially damaging their health.

We have seen social media and website, content and brand advertisements promoting nicotine pouches as performance enhancers for gaming and sport. We have seen the promotion of JTI’s Nordic Spirit pouches at music festivals; and Zyn and Velo, which are owned by tobacco companies, run reward programmes allowing consumers to swap empty packets for prizes such as iPads. I hope the Minister can confirm that those will be prevented by the Bill—they will be prevented by legislation if the Minister regulates, as he is given the powers to do by the legislation. We hope that he intends to do so.

The Advertising Standards Authority has tried to control this within current powers; a major nicotine pouch brand implying mood enhancement and stimulation was banned by the ASA in 2021. There is little reliable evidence that nicotine has any performance-enhancing benefits in sports, but a report by Loughborough University in May 2024 found that one in five 5 professional footballers in England currently use nicotine products and that two in five have used nicotine products at least once.

UK survey data shows that nicotine patches are becoming increasingly prevalent in the UK. In 2020, a survey of the UK showed that 2.7% of people had tried nicotine patches, but that had essentially doubled by 2024 to 5.4%, with an increase in popularity among young people, which shows increased awareness among young people; shop displays, bus banners and social media promotion are making them more and more of a problem among young people.

Does this matter? Well, of course being addicted to something one does not want to be addicted to does matter, but what health issues might be caused by these nicotine pouches? According to the impact assessment for the Bill,

“a recent scoping review, found that oral nicotine pouches claimed to be less toxic than cigarettes and deliver comparable nicotine, although data was mainly available from industry funded studies. Despite potentially lower toxicity than cigarettes, oral nicotine pouches still contain nicotine, which”

is still addictive and still

“can have harmful effects. A systematic review considering the harmful effects of nicotine found nicotine to adversely affect various systems within the body including the cardiovascular, renal, respiratory and gastrointestinal systems, it has also been shown to be a carcinogenic.”

12.45 pm

The impact assessment continues:

“Nicotine is highly addictive; it can permanently affect the development of the adolescent brain”.

That is why it is such a problem that the pouches are being marketed towards young people. The assessment goes on:

“Nicotine also fulfils all the criteria required for a drug of dependence. Giving up nicotine is very difficult, and withdrawal symptoms can include cravings, irritability, anxiety, trouble concentrating, headaches, and other mental symptoms...Symptoms associated with nicotine dependence are not often recognised by novice smokers. A study considering the effects of nicotine dependence after smoking (cigarettes) initiation amongst adolescence found the symptoms of nicotine dependence can appear a few days after smoking initiation. Given oral nicotine pouches contain similar or higher levels of nicotine, similar symptoms might appear following initiation of oral nicotine pouch use.”

The industry claims to self-regulate and not to sell the products to under-18s, but it is clear that the products are being marketed towards them and sold to them.

The pouches can cause mouth and gum irritation. Although they are smokeless, they cause sore and receding gums and constrict blood vessels in the gums, reducing blood flow and potentially leading to long-term oral health complications. Those who frequently place pouches under the lips may experience irritation in the surrounding tissues. The pouches can also contribute to tooth decay. Some of the pouches contain incredibly high levels of nicotine, which are absorbed very quickly into the bloodstream; that can increase blood pressure and heart rate, potentially leading to cardiovascular problems. The excess saliva caused by the use of the pouches can cause gastrointestinal upset, as well as nausea and allergic reactions in some people.

Some of the manufacturers compare the level of nicotine in the pouches to that in cigarettes, but the nicotine in a cigarette is not all absorbed by the individual smoking the cigarette. In fact, only a very small proportion is, and although it is significant, it is smaller than the total content of the cigarette: one smokes the product intermittently, so some of the nicotine is simply burned away. With the pouches, however, absorption is rapid and continuous. In many cases the amount absorbed is significantly higher, which potentially creates a greater level of addiction more quickly.

In March 2023, Belgium became the first nation in the EU to ban nicotine pouches, followed by the Netherlands a month later, and there are concerns in the USA, Canada, Australia and many European countries about the popularity of these products. As I have said, the products are being specifically marketed towards children. They are being specifically marketed by tobacco companies that see that the market for tobacco is shrinking and that are looking for a way to get around the legislation and addict a new generation.

The branding, marketing and patterns on the product mean that some teens may see it as cool to use the strong pouches, but if a person is not used to nicotine, taking a very strong pouch could make them very unwell. If someone is using the pouches as a smoking cessation product, they would not need a product that is stronger than cigarettes, because that will increase rather than decrease their dependence.

The new clause would make it an offence to manufacture a high-strength nicotine pouch, sell or expose for sale a high-strength nicotine pouch, offer or expose a high-strength nicotine pouch for sale, or have a high-strength nicotine pouch in possession with intent to supply. It defines a “high-strength nicotine pouch” as a nicotine pouch that

“(a) is intended for oral use,

(b) is not intended to be inhaled,

(c) does not contain tobacco, and

(d) contains more than 20 milligrams of nicotine per pouch.”

We have heard that the pouches have levels from 6 mg up to over 100 mg, depending on the brand, but they are commonly sold at levels higher than 20 mg. I do not know whether 20 mg is exactly the right level—we would need research into that—but it would appear to be a greater level of nicotine than that provided by a cigarette. On a personal level, I would support 20 mg as a starting point, but if the Minister wants to reduce the level further, I am prepared to consider that. We need a cap on the strength of these products.

**Sarah Bool:** I find high-strength nicotine pouches incredibly concerning, as I had not been aware of their existence. There is a Member of the House who happens to use them; I had simply thought that that hon. Member was partaking of mints, but that is clearly is not the case.

This is an interesting area. As the shadow Minister has noted, pouches are discreet. When they are aimed at children, it is hard for parents to know what their children are taking, so they are particularly pernicious in their effect.

Many hon. Members will know that I often go back to social media. Apparently one of the main brands is called Zyn and is now trying to promote the trending of “Zynfluencers” via Instagram. The aim is to appeal to the younger generation. I do not think that that is acceptable, especially when some of these pouches are of a strength of up to 100 mg, as the shadow Minister mentioned.

Like the shadow Minister, I ask whether the Minister has any thoughts about whether the cap should be reduced further, because 20 mg may not be the right number. Given that the impact of long-term use of these pouches, which I happened to raise with the Member I saw taking one, includes mouth sores, gum irritation and oral cancer, I think we probably need a further discussion about them. I welcome any comments that the Minister may have.

**Andrew Gwynne:** I am grateful to the shadow Minister for moving the new clause tabled by my hon. Friend the Member for Newcastle upon Tyne East and Wallsend.

New clause 5 would introduce a ban on the manufacture and sale of high-strength nicotine products, with the maximum level of nicotine in a pouch set at 20 mg. Unlike nicotine vapes, there is currently no set nicotine limit for nicotine pouches; as we have heard, nicotine strengths vary from 2 mg per pouch to as high as 150 mg per pouch. There is also significant variation in these products internationally.

I am incredibly sympathetic to the arguments from the shadow Minister, from the hon. Member for South Northamptonshire and indeed from my hon. Friend the Member for Newcastle upon Tyne East and Wallsend. It is important to define the correct and safe nicotine level of a nicotine pouch. That is why we are already taking powers in the Bill that would allow the Government to limit the amount of nicotine in a pouch and to ban any other ingredient in a pouch that might be harmful.

We believe that secondary rather than primary legislation is the appropriate way to legislate on these matters, for all the reasons we have already debated. Legislation always has to be flexible enough to be amended based on new and emerging evidence. That allows the Government to set the right level of technical detail to ensure legal clarity. We will therefore consider the matter very carefully in our consultations post Royal Assent. I note that the shadow Minister referred to “if” we decide to use these regulations. Let me be very clear: these are precisely the kinds of things we will be looking at when we are moving like the clappers to get the regulations through.

In addition, nicotine pouches will be covered by all our other measures designed to reduce the appeal and accessibility of such products to children, such as powers to restrict flavours and regulate packaging, as well as those on general advertising. The shadow Minister gave an example of promotions that give out iPads in exchange for empty pouches. We clearly need to look at that specific promotion, but we are confident that it would be banned under the advertising restrictions that we have already debated and agreed to in Committee. I therefore ask her to withdraw the amendment.

**Dr Johnson:** I am grateful for the Minister’s comments. I understand that he is sympathetic. I know that he is going to go like the clappers; “going like the clappers” is apparently an RAF phrase, but I doubt that he is going as fast as a Tornado jet or a Typhoon—*[Interruption.]* Maybe he will: he is indicating that he might.

**Andrew Gwynne:** I reassure the shadow Minister that on some of these things I am going to go supersonic.

**Dr Johnson:** Hear, hear. However, in reality, regulations take time, and a sonic boom could damage the windows of this beautiful Palace of Westminster.

I do not know where the hon. Member for Newcastle upon Tyne East and Wallsend, who tabled new clause 5, has got the 20 mg figure, but my understanding is that 20 mg is a higher level than we would expect in a cigarette. Anything stronger than a cigarette could certainly not be considered a stop smoking device: it will just get people more addicted to nicotine than they would ever wish.

I will press the new clause to a vote, because I feel very strongly that over time we will see these pouches becoming the latest thing for children to become addicted to, despite the Minister’s best intentions.

*Question put, That the clause be read a Second time.*

*The Committee divided: Ayes 1, Noes 9.*

**Division No. 28]**

**AYES**

Johnson, Dr Caroline

**NOES**

Al-Hassan, Sadik  
Barros-Curtis, Mr Alex  
Cooper, Dr Beccy  
Dickson, Jim  
Foy, Mary Kelly

Gwynne, Andrew  
Owatemi, Taiwo  
Stainbank, Euan  
Whitby, John

*Question accordingly negated.*

*Ordered, That further consideration be now adjourned.*  
*—(Taiwo Owatemi.)*

12.58 pm

*Adjourned till this day at Two o’clock.*

