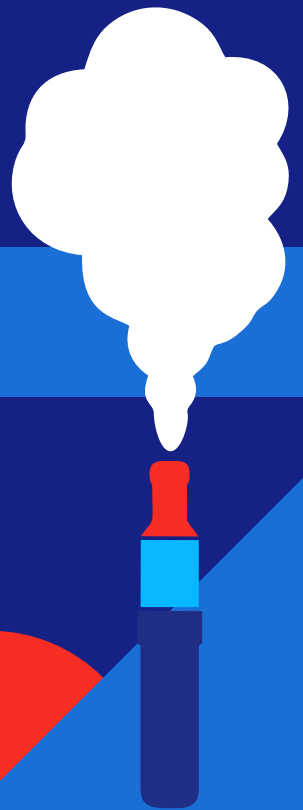


Regulation of Heated Tobacco Products & Banning E-cigarettes in Pakistan

POLICY BRIEF
BY: BLUE VEINS



Acknowledgment and Disclaimer

This policy brief has been produced by Blue Veins aiming to facilitate comprehensive understanding among policy makers on the emerging trends in the use of newer nicotine & tobacco products, key issues and challenges, and required policy actions for regulation. The policy brief contains information from verified sources of briefing papers, researches, fact sheets and other analytical papers by WHO, international health institutions, academic and educational studies, credible media and other news outlets.

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KEY TERMS AND ACRONYMS¹

ELECTRONIC CIGARETTE (E-CIGARETTE)

First introduced to the global market in 2006, E-Cigarettes were a US\$15 billion global industry in 2018. They are the most common product under the broader umbrella terms ENDS (Electronic Nicotine Delivery System) and Electronic Non-Nicotine Delivery System (ENNDS) and are also called 'e-cigs,' 'vapes,' or 'vape-pens.' These systems heat a solution – an e-liquid – to create an inhalable aerosol. These products do not contain tobacco leaf, but typically include nicotine, propylene glycol and/or glycerin, flavouring agents, and toxicants with known health effects. E-cigarettes are not uniform with regard to nicotine dosage, flavours, emissions, design, battery voltage, and unit circuitry. Modification potential and adaptability for use with substances besides nicotine also vary. E-cigarette designs may be described as 'open' (i.e. refillable) or 'closed' (i.e. disposable or re-loadable with prefilled cartridges). Examples include Juul (partly owned by Altria), Vype (British American Tobacco), and blu (Imperial Brands).

HEATED TOBACCO PRODUCTS (HTPs)

Heated tobacco products (HTPs) use a device to heat compressed tobacco and chemicals to produce an inhalable aerosol. The tobacco may come in specially designed cigarette pods or plugs (i.e. 'heat sticks,' 'neo sticks'). These products are also commonly referred to as 'heat-not-burn,' a terminology coined by the tobacco industry. HTP technology has existed since the 1980s but the recent advent of new products has made the devices particularly popular in the past five years. The HTP market is expected to reach US\$17.9 billion by 2021. HTP examples include IQOS (Phillip Morris International), Glo (British American Tobacco), and Ploom S (Japan Tobacco International).

¹ https://theunion.org/sites/default/files/2020-08/TheUnion_TobaccoControl_E-CigPaper_English_07.pdf



SUMMARY

Tobacco industries have been rapidly launching new products and using every means to expand their market share and consumption by youth. Tobacco and related industries have increasingly focused on children, adolescents and youth, employing various advertising tactics including digital and social media platforms, attractive displays and marketing materials, and other promotional activities.

The marketing and harm reduction approach of new products such as HTPs and ENDS by tobacco industry as “light” and “mild” tobacco products and as an alternative to quitting, influencing tobacco users’ perceptions of risk and harm, and undermining effective tobacco control policies. These tactful strategies have the potential to renormalize smoking and drive long-term use of addictive nicotine products which, like tobacco, are undoubtedly harmful to the consumer.²

This policy brief provides evidence-based recommendations for policymakers, healthcare providers, and other stakeholders on regulating HTPs and banning E-cigarettes in order to counter the misleading narratives of the tobacco industry. The policy document highlighting the lack of conclusive evidence on long term effects and increasing trend of HTPs and E-cigarettes recommends to seamlessly integrating these products into existing tobacco-free policies, heightening the enforcement of relevant laws, broadening vendor licensing mechanisms and organizing public awareness campaigns, with a focus on highlighting the health risks associated with HTPs and e-cigarettes.

The findings of this document emphasize the need for the Pakistani Government to focus on generating comprehensive local evidence regarding the impacts of HTPs and e-cigarettes. And also, to amend current laws to reflect the broader spectrum of tobacco products, including HTPs, in line with the WHO FCTC's guidelines.

² <https://www.who.int/news-room/questions-and-answers/item/tobacco-industry-tactics-to-attract-younger-generations>



INTRODUCTION & BACKGROUND

In recent years, a variety of new tobacco and nicotine-related products have been introduced in the market worldwide, including Pakistan. The marketing strategies and tactics applied for promotion of these products are also playing a significant role in increasing the trend and popularity of the products despite the lack of research and evidence around the impacts. While Pakistan has made substantial progress towards tobacco control, with the emergence of new products, policy reforms along with evidence-building need to be prioritized to protect against the new products which are being introduced as “safe” alternatives to conventional smoking products.

E-Cigarettes and HTPs are often described as ‘novel products’, ‘alternative products’, ‘emerging products’, or ‘next-generation’ products. The emergence of hybrid tobacco products blurs the difference between HTPs and e-cigarettes, making regulation and control especially challenging in Low-to-Middle-Income Countries (LMICs) including Pakistan. As argued by the World Health Organization (WHO), these products are also classified as Electronic Nicotine Delivery Systems (ENDS) and Electronic Non-Nicotine Delivery Systems (ENNDS).³ The novelty of HTPs, E-cigarettes and other new products, marketing strategies of the industry as well as differences in regulatory legislation among countries, however, have led to disparate approaches to their classification and of applying traditional tobacco control measures to these products.

The Government of Pakistan in December 2022 regulated Heated Tobacco Products HTPs through a statutory regulatory order (SRO), witnessing the increasing use of HTPs and giving the reason that HTPs are less harmful and helpful for switching from cigarettes to smoke-free products.⁴⁵ On the other hand, the available research and briefing papers by international health institutions and organizations state that currently, studies on HTPs are still very limited and the available data is mainly from the tobacco industry, whose tactical promotion and unsubstantiated claim of “modified risk” about HTPs has been putting potential influence in regulatory and policy framework around tobacco control.⁶⁷

Pakistan has high tobacco production and the tobacco industry’s aggressive approach to market expansion and misleading narrative around newer products as safe alternative to smoking has been deliberately targeting young people, and influencing public opinion and the perception of policy makers, which poses a

³ WHO. Electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDS). Vol 2020: World Health Organization; 2017.

⁴ <https://www.pakistantoday.com.pk/2022/12/18/after-many-countries-pakistan-regulates-alternative-tobacco-product/>

⁵ SRO 2304(I)/2022

⁶ <https://www.emerald.com/insight/content/doi/10.1108/DAT-02-2020-0007/full/html>

⁷ <https://academic.oup.com/ntr/article-abstract/14/1/29/1043592?login=false>

serious threat to tobacco control efforts.⁸ Studies conducted in Pakistan also show that nicotine products are becoming a mainstream trend as alternates for the conventional cigarette smoking. However, the studies conducted in Pakistan are very few, and limited to small population sizes with a paucity of nationwide studies.⁹

WHAT ARE HTPs

HTPs are a re-emerging class of consumer products that heat tobacco and deliver aerosolized nicotine to the user through the mouth for inhalation. HTPs have two common components: an insert (such as a stick, capsule or pod) containing processed tobacco and a device to heat the tobacco. The heating source is usually electronic but may be a carbon tip. Tobacco inserts and devices are combined into an integrated tobacco product and are not intended to be used separately.¹⁰

HTPs are a relatively new addition to the tobacco and nicotine product market. With the two most prominent products on the market – IQOS/HEETS and Glo/Neosticks – the device and the tobacco sticks are branded and marketed separately by PMI and BAT, respectively.

Statutory Notifications (SRO) issued by Government of Pakistan Ministry of National Health Services, Regulations and Coordination in December 2022, Heated Tobacco Products (Heat-not-burn, Printing of Warning) Rules, 2022- defines HTPs as any form of tobacco product that is heated without combustion, allowing users to inhale nicotine into their lungs.¹¹

EVIDENCE LACKING ON EFFECTS OF HTP USE ON HEALTH

HTPs are claimed, believed and marketed as substantially less harmful to health than conventional cigarettes while there is no available concluding evidence on long-term clinical outcome, positive or negative, of HTPs. To date, most data have been generated by investigators who work for or are funded by the tobacco industry, which raises a conflict of interest.¹²

⁸ <https://applications.emro.who.int/dsaf/dsa703.pdf?ua=1>

⁹ <https://www.dawn.com/news/1756531>

¹⁰ <https://iris.who.int/bitstream/handle/10665/368022/9789240042490-eng.pdf?sequence=1>

¹¹ Heated Tobacco Products (Heat-not-burn, Printing of Warning) Rules, 2022

¹² https://tobaccocontrol.bmj.com/content/27/Suppl_1/s111



¹³ HTPs:

- ▶ contain tobacco and are tobacco products;
- ▶ do not help smokers to end tobacco use;
- ▶ emit toxic emissions that are similar to those found in cigarette smoke, many of which can cause cancer;
- ▶ expose users to toxic emissions, some of which are specific to HTPs and which could also expose bystanders;
- ▶ contain toxicants – though generally lower than those found in conventional cigarettes, the levels of some toxicants are higher and there are new substances absent in tobacco smoke which could potentially harm human health;
- ▶ have reduced toxicant levels relative to conventional cigarettes, although this does not necessarily translate to a reduction in health risk;
- ▶ contain nicotine, which is highly addictive, at levels similar to conventional cigarettes and nicotine is linked to health harms, particularly in children and adolescents; and
- ▶ have an unknown long-term health impact in terms of their use and exposure to their emissions, and because there is currently insufficient independent evidence on the relative and absolute risk, independent studies are needed to determine the health risk they pose to users and bystanders.

However, the research by WHO indicates that nicotine is the primary addictive component in all tobacco products, including HTPs aerosol. HTPs deliver nicotine to users and if a maximum blood concentration similar to that with conventional cooperates is quickly attained, they are likely to have similar addiction potential. Tobacco product manufacturers design HTPs to deliver nicotine at rates and concentrations similar to CCs in order to encourage current smokers to initiate and continue use of HTPs. The nicotine delivered by HTPs may have detrimental effects on reproduction and be harmful to the developing brains of youth and young adults.¹⁴

Currently, HTPs are marketed in about 40 countries and IQOS (one of the brands of HTPs) is present in most of them. And there is not much information about the prevalence of HTPs use and less about its trends.¹⁵ The WHO highlights that “currently, there is no evidence to demonstrate that HTPs are less harmful than conventional tobacco products.”¹⁶

¹³ <https://iris.who.int/bitstream/handle/10665/331297/WHO-HEP-HPR-2020.2-eng.pdf?sequence=1>

¹⁴ <https://iris.who.int/bitstream/handle/10665/368022/9789240042490-eng.pdf?sequence=1>

¹⁵ <https://iris.who.int/bitstream/handle/10665/350470/WHO-EURO-2020-4571-44334-64934-ng.pdf?sequence=3>

¹⁶ WHO Heated tobacco products (HTPs) information sheet

http://www.who.int/tobacco/publications/prod_regulation/heated-tobacco-products/en/

IQOS is a battery-operated device by Philip Morris International, that heats tobacco sticks called HEETS, which are available in several flavours. IQOS heats the tobacco up to 350°C, compared to 600°C in cigarettes, and therefore, according to tobacco industry there is no “combustion, fire, ash, or smoke”¹⁷ and “the levels of harmful chemicals are significantly reduced compared to cigarette smoke. However, these claims are widely debated within the public health community. Independent reviews of PMI’s data indicate that while IQOS may expose users to lower levels of some harmful chemicals, it also exposes users to higher levels of other potentially harmful chemicals and the impact of IQOS on health remains unknown.”¹⁸

NICOTINE IS HARMFUL

- ▶ The use of any tobacco product—including heated tobacco products—is harmful, especially for youth, young adults, and pregnant women, as well as adults who do not currently use tobacco products.
- ▶ Regardless of whether they are heated by flame or electronically, heated tobacco products contain nicotine.
- ▶ Nicotine is highly addictive.
- ▶ Nicotine exposure can also harm the developing adolescent brain. The brain keeps developing until about age 25.
 - ▶ Using nicotine in adolescence can harm the parts of the brain that control attention, learning, mood, and impulse control.
 - ▶ Using nicotine in adolescence may also increase the risk for future addiction to other drugs.
- ▶ Nicotine is toxic to developing fetuses.¹⁹

Source: Center for Disease Control and Prevention

¹⁷ <https://tobaccotactics.org/article/heated-tobacco-products-philip-morris-international/>

¹⁸ [US Food & Drug Administration, IQOS System Holder and Charger Modified Risk Order Decision Summary, 2020](#)

¹⁹ https://www.cdc.gov/tobacco/basic_information/heated-tobacco-products/index.html#print



HTPs REGULARIZATION IN PAKISTAN

The Government of Pakistan in December 2022 regulated HTPs through a statutory regulatory order (SRO), witnessing the increasing use of HTPs and giving the reason for HTPs being less harmful and helpful for switching to smoke-free products from cigarettes.²⁰ On the other hand, the available research and briefing papers by international health institutions and organizations state that currently, studies on HTPs are still very limited and the available data is mainly from the tobacco industry, whose tactical promotion and unsubstantiated claim of “modified risk” about HTPs has been influencing the development of regulatory and policy framework around tobacco control.²¹ Tobacco industry’ investment, in narrative building of harm reduction around newer nicotine and tobacco products as prevention or quitting strategy, attract new users and ultimately, also contributes into misperceptions among policy makers which plays big role in regulation of new products.

As Pakistan proceeds with the regulation of HTPs, it needs to adopt and effectively incorporate the WHO recommendations regarding the marketing, manufacturing, tax and pricing, supply, vendor licensing and advertisement of these products.

Article 4.2 (B) of WHO FCTC’s highlights “The need to take measures to prevent the initiation, to promote and support cessation, and to decrease the consumption of tobacco products in any form”

POLICY OPTIONS BY WHO:

The World Health Organization recognizes the importance of monitoring the availability and regulation of new tobacco and tobacco-related products entering domestic and international markets. Processed tobacco in HTPs is heated without reaching ignition to produce an emission containing nicotine and other chemicals, which is then inhaled by users. HTPs are a re-emerging class of tobacco products marketed as so-called potentially reduced-exposure products, or even as modified-risk tobacco products.²²

²⁰ <https://www.pakistantoday.com.pk/2022/12/18/after-many-countries-pakistan-regulates-alternative-tobacco-product/>

²¹ https://tobaccocontrol.bmj.com/content/27/Suppl_1/s111

²² Heated tobacco products (HTPs) market monitoring information sheet. In: World Health Organization [website]. Geneva: World Health Organization; 2019 (https://www.who.int/tobacco/publications/prod_regulation/https-marketing-monitoring/en/)

23 POLICY OPTION BY WHO:

In decision FCTC/COP8(22), Parties to the WHO FCTC recognized HTPs as tobacco products and were reminded of their commitments under the Convention for addressing the challenges posed by novel and emerging tobacco products such as HTPs. In regulating products such as HTPs, the focus must be maintained on wider tobacco control. Parties and other WHO Member States should consider the following regulatory objectives:

- ▶ Prevent initiation of use by non-smokers and youth, with special attention to vulnerable groups;
- ▶ Minimize as far as possible potential health risks to users, and protect nonusers from exposure to emissions;
- ▶ Prevent unproven claims from being made about these products, including health claims, comparative claims, smoking cessation claims, ingredients and emissions claims, comparisons and reduction of disease risk claims; and
- ▶ Protect tobacco control activities from all commercial and other vested interests of the tobacco and related industries.

WHAT ARE E-CIGARETTES

E-cigarettes come in different types, also known as electronic nicotine delivery systems (ENDS) and sometimes electronic non-nicotine delivery systems (ENNDS). E-cigarettes heat a liquid to create aerosols that are inhaled by the user. These so-called e-liquids may or may not contain nicotine (but not tobacco) but also typically contain additives, flavours and chemicals that can be toxic to people's health.²⁴

Marketed as healthier alternatives to tobacco smoking and a means to quit - claims not fully established yet — e-cigarettes are becoming a popular means to bypass smoke-free laws, enabling users to "smoke anywhere."^{24,25} E-Cigarettes also vary with regard to nicotine dosage, flavours, emissions, design, battery voltage, and unit circuitry.²⁷

Electronic cigarettes, also known as 'vaporisers' or Electronic Nicotine Delivery Systems (ENDS), are mechanical devices that are marketed as a less harmful alternative to cigarettes. While conventional cigarettes contain thousands of toxic chemicals, an e-cigarette is designed to deliver nicotine, a highly addictive substance that is poisonous in high concentrations.

²³ [https://fctc.who.int/who-fctc/governance/conference-of-the-parties/eight-session-of-the-conference-of-the-parties/decisions/fctc-cop8\(22\)-novel-and-emerging-tobacco-products](https://fctc.who.int/who-fctc/governance/conference-of-the-parties/eight-session-of-the-conference-of-the-parties/decisions/fctc-cop8(22)-novel-and-emerging-tobacco-products)

²⁴ <https://www.who.int/news-room/questions-and-answers/item/tobacco-e-cigarettes>

²⁵ https://tobaccocontrol.bmj.com/content/23/suppl_3/iii31

²⁶ Grana R, Benowitz N, Glantz S. Background Paper on E-cigarettes (Electronic Nicotine Delivery Systems). [Online] [Cited 2013 December 12]. Available from URL:<http://escholarship.org/uc/item/13p2b72n>.

²⁷ Margham J, McAdam K, Forster M, et al. Chemical Composition of Aerosol from an E-Cigarette: A Quantitative Comparison with Cigarette Smoke. *Chemical Research in Toxicology*. 2016;29:1662-1678.



In Pakistan, E-Cigarettes and all ENDS/ENNDS products are mostly sold online. The sale points started their operations mostly during 2008 in Karachi and expanded their operations in the rest of the country during 2010. Many stores have cropped up in the twin cities of Rawalpindi and Islamabad, the federal capital. There are no policies/regulations to control, tax, or monitor the sales of the E-Cigarettes in these stores, which is in violation of the 1958 Pakistan Vendors Act.²⁸

HEALTH IMPACT OF E-CIGARETTES

Electronic cigarettes (or e-cigarettes) are the most common form of Electronic Nicotine Delivery Systems (ENDS) and Electronic Non-Nicotine Delivery Systems (ENNDS) but there are others, such as e-cigars and e-pipes. ENDS contain varying amounts of nicotine and harmful emissions. E-cigarette emissions typically contain nicotine and other toxic substances that are harmful to both users, and non-users who are exposed to the second-hand aerosols. The consumption of nicotine in children and adolescents has deleterious impacts on brain development, leading to long-term consequences for brain development and potentially leading to learning and anxiety disorders.²⁹

Nicotine is highly addictive and some evidence suggest that never-smoker minors who use ENDS can double their chances of starting to smoke tobacco cigarettes later in life. If used exclusively and in lieu of traditional cigarettes, e-cigarettes may decrease smoking harms for those who cannot otherwise quit, but this is not the dominant pattern. Dual use of e-cigarettes and cigarettes, which is practiced by a considerable number of e-cigarette users, is increasingly found to be associated with critical short term and long-term health impacts.³⁰

The levels of risk associated with using E-Cigarettes or ENDS or tobacco products are likely to depend on a range of factors, some relating to the products used and some to the individual user. Factors include product type and characteristics, how the products are used, including frequency of use, how the products are manufactured, who is using the product, and whether product characteristics are manipulated post-sale.³¹

²⁸ <https://sdpi.org/assets/lib/uploads/uploads/2020/11/Brief-on-E-Cigarettes-by-Waseem-Iftikhar-Janjua-Syed-Ali-Wasif-Naqvi-003.pdf>

²⁹ <https://www.who.int/news-room/questions-and-answers/item/tobacco-e-cigarettes>

³⁰ <https://www.who.int/news-room/questions-and-answers/item/tobacco-e-cigarettes>

³¹ <https://www.who.int/news-room/questions-and-answers/item/tobacco-e-cigarettes>



INTERNATIONAL STANDARDS FOR REGULATING E-CIGARETTES

A Position Paper in 2020 by The Union (International Union Against Tuberculosis and Lung Disease) provides that many LMICs already have difficulty enforcing tobacco control policies, such as smokefree, advertising bans, vendor licensing and measures to prevent sales to youth.³² Different international studies and analytical papers suggest that how a country approaches electronic devices depends on diverse factors particular to its contextual situation. Electronic nicotine devices are currently banned in over 30 countries worldwide. Many countries across the globe have banned the sales and consumption of E-Cigarettes. These countries include: Argentina, Australia, Bahrain, Brazil, Brunei Darussalam, Cambodia, Colombia, Egypt, Gambia, India, Iran, Japan, Jordan, Kuwait, Lebanon, Malaysia, Mauritius, Mexico, Nepal, Nicaragua, Norway, Oman, Panama, Qatar, Saudi Arabia, Seychelles, Singapore, Sri Lanka, Suriname, Tajikistan, Thailand, Timor-Leste, Turkey, Turkmenistan, Uganda, and Uruguay.³³ In others they are regulated as consumer products, as pharmaceutical products, as tobacco products, other categories or totally unregulated.

Where they are not banned, WHO recommends that ENDS be regulated.

³⁴ REGULATORY OBJECTIVES INCLUDE:

- ▶ Preventing initiation of ENDS use by non-smokers and children, such as by preventing or restricting advertising, promotion and sponsorship, and restricting flavors that appeal to children
- ▶ Minimizing as far as possible potential health and/or risks to ENDS users, such as by regulating product characteristics
- ▶ Protecting non-users from exposure to their emissions, such as by prohibiting ENDS use in indoor spaces where smoking is not permitted
- ▶ Preventing unproven health claims
- ▶ Protecting public health policies from commercial and other vested interests

³² WHO Report on the Global Tobacco Epidemic, 2019. Geneva:World Health Organization; 2019

³³ Statista. E-Cigarettes. Vol 20202020.

³⁴ <https://www.who.int/news-room/questions-and-answers/item/tobacco-e-cigarettes#:~:text=E%2Dcigarette%20emissions%20typically%20contain,been%20found%20to%20contain%20nicotine>

MYTHS ON ELECTRONIC CIGARETTES

MYTHS	FACTS
E-cigarettes produce harmless water vapor	In reality, they emit aerosols containing harmful chemicals and fine particles
E-cigarettes are as effective as approved smoking cessation aids like nicotine replacement therapy or prescription medications	Research suggests mixed outcomes. Concerns persist that e-cigarettes may serve as a gateway to traditional smoking, particularly among youth.
E-cigarettes are nicotine free	E-cigarettes are not entirely safe. While they may be less harmful than traditional cigarettes, they are not risk-free Not all e-cigarettes are nicotine-free
E-cigarettes aids in smoking reduction and quitting	E-cigarettes may aid in smoking reduction, but evidence on their effectiveness in helping people quit smoking altogether is inconclusive Using nicotine-containing e-cigarettes can lead to dependence, making it harder to quit nicotine altogether.
E-cigarette aerosol is harmless to second-hand smokers	E-cigarette aerosol is not harmless, and exposure can still pose risks, especially to vulnerable populations like children and pregnant women. ³⁵



POLICY GAPS AND LOOPHOLES IN PAKISTAN

According to the available data, Pakistan is one of the high tobacco-consuming countries in the world. The data sources reflect that overall tobacco consumption has been rising in Pakistan over most of the past two decades including smokeless tobacco. According to the Ministry of National Health Services Paksitan 2018, almost 23.9 million adults currently use tobacco in any form in the country In Pakistan, and tobacco is a cause of death of around 160,100 persons every year. About 1200 Pakistani children between the age of 6 to 15 start smoking every day. Khyber Pakhtunkhwa has higher consumption rate of smokeless tobacco used in different forms and products.³⁶

Pakistan is a signatory to the WHO Framework Convention for Tobacco Control (FCTC), which was adopted in 2003, came into force in 2005, and needs to meet its international obligations. The best tobacco control practices and measures

³⁵ <https://assimilate.one/case-discussion/myths-on-electronic-cigarettes-tobacco-cessation/>

Upadhyay, S., Rahman, M., Johanson, G., Palmberg, L., & Ganguly, K. (2023). Heated Tobacco Products: Insights into Composition and Toxicity. *Toxics*, 11(8). doi:10.3390/toxics11080667

³⁶ <http://www.tcc.gov.pk/fact.php>

suggested by FCTC are the keys to tobacco control and the effective adoption and Implementation of the population-level evidence-based policies can resist the market expansion and consumption of new products.

Pakistan has been a signatory to the WHO FCTC for the past almost 17 years. To meet the MPOWER policies, Pakistan has comprehensive set of laws and regulations in place. However, enforcement has been a challenge in Pakistan. The particular challenges and gaps to the overall tobacco control agenda in Pakistan includes – higher consumption of smokeless tobacco products, burden of increasing NCDs on health system, incomplete adoption and implementation of WHO FCTC and MPOWER measures, weak laws and enforcement mechanisms, lack of fiscal and human resources, ownership and coordination gaps among the stakeholders and tobacco industry's influential interference.

Pakistan made progressive moves through legislation and various SROs for pictorial Health Warnings, ban on smoking in public places/vehicles, sale of cigarettes to minors, mandatory display of “No Smoking” signs in public places, ban on tobacco advertisements in Print, Electronic Media, bill boards, radio, import of shisha (tobacco and non-tobacco) and related substances, manufacturing, importing and selling of cigarette packs having less than 20 cigarettes and ban on tobacco companies offering free samples, cash rebates, discounts, or sponsoring public events.³⁷

But there exists a massive gap when it comes to regulations and control of smokeless or newer tobacco and nicotine products. The majority of the new products including e-cigarettes are not regulated yet and the existing laws and policy measures do not apply to emerging products.

There is an urgent need for Pakistan to adopt forward-looking policies to ban the use of e-cigarettes and regulatory mechanisms to regulate the manufacturing, constituents and chemicals used in preparation, import & export, maltreating, sale, advertisement, sponsorship, use in indoor and public places, health warning, packaging, labeling, price and taxation etc. of HTPs. WHO recommends that ENDS should be regulated, where they are or cannot be banned.

³⁷ <http://www.tcc.gov.pk/legislations.php>



CONCLUSION

Pursuant to these developments in the tobacco market, the WHO report on the Global Tobacco Epidemic 2019 claimed that there is 'insufficient independent evidence to support the use of e-cigarettes as a population-level tobacco cessation intervention to help people quit conventional tobacco use'; and that these products are 'undoubtedly harmful'. This report further concluded that there is a similarity between the toxic chemicals emitted through regular smoking and HTPs, and there is no evidence that these products will reduce tobacco-related diseases.³⁸

The most essential priority for Government of Pakistan and provincial governments should be evidence building in local context on implication and impacts of emergence of HTPs and e-cigarettes/ENDS across the sectors. Governments cannot control the marketing and consumption and place effective regulatory mechanisms around new nicotine and tobacco products in the absence of conclusive evidence.



RECOMMENDATIONS:

- ▶ Following the recommendations of the Conference of the Parties to the WHO Framework Convention on Tobacco Control (WHO FCTC) in its decision FCTC/COP8(22), extend the scope of smoke-free existing legislation of 2002 ordinance, and adopt new provincial legislation to HTPs and other new tobacco products in accordance.
- ▶ Take policy measures for incorporation of all tobacco products, including heated tobacco products, into smoke/tobacco-free policies and tobacco control enforcement measures.
- ▶ Strengthen the enactment of new and implementation of existing laws and tobacco control policy measures to ban the E-cigarettes and regulate the HTPs and, with compliance to full adoption of WHO FCTC.
- ▶ Expand the scope of tobacco vendor licensing to vendors who sell tobacco products in any form, for effective monitoring, data collection and restricting young people's access to tobacco products in retail settings.
- ▶ Launch public awareness campaigns highlighting the impacts of HTPs and E-cigarettes, focusing on both short-term and long-term health risks. Tailored awareness material should be developed to educate grass root community,

³⁸ WHO. Report on the Global Tobacco Epidemic- The MPOWER package, www.who.int/tobacco/mpower/en/2008.



especially youth, about the addictive nature of nicotine.

- ▶ Enact and implement the provincial level policies to raise the price and apply tax of all forms of tobacco products.
- ▶ Prohibit the advertising of HTPs and E-cigarettes in media outlets specifically targeted at youth, including television channels, websites, and social media platforms which specifically provide appealing content for youth.
- ▶ Initiate educational initiatives and allocate budget in Annual Development Plans for warning about the risks of tobacco product use, especially among young people.
- ▶ Regulations should be in place to mandate the graphic and explicit health warnings on all HTPs. These warnings should be in accordance with the FCTC/WHO guidelines.
- ▶ Strict regulations to prohibit the sale of HTPs to minors under age 18. Enforce strict penalties for vendors who violate this regulation.
- ▶ As HTPs and E-cigarettes are also sold online, regulations should be prioritized for online sales of HTPs and E-cigarettes. Implement strict age verification processes for online purchases, regulations for graphic warnings, misleading claims in advertisements and other.
- ▶ Invest and promote public/private partnership for research and evidence-building to continuously monitor the usage patterns and health effects of HTPs. Use this data to adapt regulations and policies accordingly, staying ahead of emerging trends in the market.
- ▶ Collaborate with international health organizations and research institutions to stay updated on global trends, research findings, and best practices in combating the use of HTPs and banning the E-cigarettes.



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