Banning Electronic Smoking Devices Works: Lessons from Singapore for the ASEAN

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SEATCA is a multi-sectoral non-governmental alliance promoting health and saving lives by supporting ASEAN countries to accelerate and effectively implement the evidence-based tobacco control measures contained in the WHO Framework Convention on Tobacco Control. Acknowledged by governments, academic institutions, and civil society for its advancement of tobacco control in Southeast Asia, the WHO bestowed upon SEATCA the World No Tobacco Day Award in 2004 and the WHO Director-General’s Special Recognition Award in 2014. SEATCA is an official NGO Observer to the WHO FCTC Conference of Parties and a co-initiator of the Global Center for Good Governance in Tobacco Control (GGTC).

For more information, visit: www.seatca.org
INTRODUCTION

In recent years, the tobacco and nicotine industry has flooded ASEAN markets with electronic smoking devices (ESD), promoting them mainly via social media and selling them online, thereby making them easily accessible to youth.

Under the guise of consumer electronics, stores have also cropped up in many cities marketing these products as new gadgets, thereby increasing their appeal. These products simulate cigarette smoking and expand the industry’s range of tobacco products. While claimed and promoted by the industry and its proponents as “safer alternatives to cigarettes” because of a purported lack of combustion, these are not safe and only worsen the tobacco epidemic. Governments are now burdened with addressing and regulating these new products.

There are broadly two types of ESDs: Electronic Nicotine and Non-nicotine Delivery Systems (ENDS/ENNDS) and Heated Tobacco Products (HTPs). Both are battery-operated devices that deliver an inhaled aerosol by heating a solution or e-liquid (in the case of ENDS/ENNDS) or a cartridge of compressed or loose-leaf tobacco, sometimes in combination with a liquid or gel (in the case of HTPs).

E-liquids usually contain nicotine, flavorings, propylene glycol, vegetable glycerin, and other substances, many of which are toxic and have known risks (even without applying heat), and some of which are illegal.

ESD aerosol is not harmless water vapor. It contains nicotine, which is highly addictive, increases the risk of cardiovascular, respiratory, gastrointestinal, and reproductive disorders, decreases the immune response, has harmful effects on fetal development and adolescent brain development, which continues into the mid-20s, and is a tumor promoter. It also contains carcinogens and other toxic substances, many of which are found in cigarette smoke and produced by applying heat. Metals, like lead, chromium, nickel, and formaldehyde have been found in the aerosol of some ENDS.

The World Health Organization (WHO) has warned that ESDs are harmful, regardless of whether there is combustion, and that there is insufficient evidence to support claims that these products are less harmful than conventional tobacco products. The tobacco industry has a long history of making false and misleading claims about the risks of its products. Its promotion of these new products as “less harmful” is a marketing strategy to recruit customers and influence governments to regulate ESDs less strictly than other tobacco products, even as it continues to aggressively market cigarettes and oppose effective tobacco control measures.

Research shows that ENDS use among adolescents with no prior intention of smoking is associated with a higher risk of cigarette smoking, alcohol use and binge drinking, and illicit drug use. There is high prevalence of adult users becoming dual users of both cigarettes and ESDs, while those who used ENDS to quit have a higher risk of relapse into smoking.

More youths using ENDS in the ASEAN

The Global Youth Tobacco Surveys (GYTS) show an increasing prevalence of ENDS use among adolescents in many ASEAN countries, especially in Brunei, Indonesia, Malaysia, and the Philippines.

Evidence shows several industry marketing tactics target youths to entice them to start using these products. The products themselves are designed as sleek and sophisticated, some even looking as subtle as a flash drive, which increases their appeal to youth and fits well with the industry narrative that ESDs are harmless. Furthermore, flavored variants (e.g. fruits, candy, and other sweet flavors), used as a marketing ploy, are known to attract the youth.

ESDs are also heavily promoted using content filled with youth-appealing themes and imagery. Such ESD advertisements have become very prevalent and glamorized on different social media platforms (Facebook, Instagram, Twitter, YouTube, TikTok). A quick search on Instagram, using keywords such as “vaping” or “vape,” shows millions of content promoting ESDs. The industry has also tapped social media influencers to endorse and peddle these products to the youth.
<table>
<thead>
<tr>
<th>ASEAN country</th>
<th>Youth ENDS use (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philippines (2019)</td>
<td>14.1</td>
</tr>
<tr>
<td>Brunei (2019)</td>
<td>13.3</td>
</tr>
<tr>
<td>Indonesia (2018)</td>
<td>10.9</td>
</tr>
<tr>
<td>Malaysia (2017)</td>
<td>9.8</td>
</tr>
<tr>
<td>Lao PDR (2016)</td>
<td>4.3</td>
</tr>
<tr>
<td>Thailand (2015)</td>
<td>3.3</td>
</tr>
<tr>
<td>Vietnam (2019)</td>
<td>2.6</td>
</tr>
<tr>
<td>Cambodia (2016)</td>
<td>2.3</td>
</tr>
<tr>
<td>Myanmar</td>
<td>No data</td>
</tr>
<tr>
<td>Singapore</td>
<td>No data</td>
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</tbody>
</table>

With the increased popularity of e-commerce platforms in recent years, purchasing these products has been made more convenient and accessible to the youth. These strategies make it difficult for enforcement officers to monitor and prevent youth access. These products can still be bought online in some countries that have banned ESDs, like Cambodia and Thailand.\(^1\)\(^8\)

**MEASURES TO EFFECTIVELY REGULATE ENDS AND HTP**

Public health’s objective is to protect the population, especially youths who are more vulnerable, from the harmful effects of ESDs. In recognition of the known and potential risks of these products and the lack of scientific evidence for their role in population-level tobacco cessation, governments should apply a precautionary approach when regulating such products. The Conference of Parties to the WHO FCTC has agreed that HTPs are tobacco products that should be regulated in the same way as cigarettes and other tobacco products,\(^9\) and that ENDS should be regulated by banning or restricting their manufacture, importation, promotion, distribution, sale, and use of these products\(^20\) to achieve four agreed objectives:\(^21\)

1. Prevent the initiation of ENDS/ENNDS by non-smokers and youth with special attention to vulnerable groups;
2. Minimize as far as possible potential health risks to ENDS/ENNDS users and protect non-users from exposure to their emissions;
3. Prevent unproven health claims from being made about ENDS/ENNDS; and
4. Protect tobacco-control activities from all commercial and other vested interests related to ENDS/ENNDS, including interests of the tobacco industry.

Currently, 47 jurisdictions, including Brunei, Cambodia, Lao PDR, Singapore, and Thailand, have banned the manufacture, importation, promotion, distribution, and sale of ESDs. Countries that have not banned or could not ban ESDs, should implement the following restrictive measures. Many of these measures are applicable to all tobacco products.

**Measures that prevent the initiation of youths and non-smokers**
- Ban the sale and distribution of ESDs to youths
- Ban the possession and use of ESDs by youths
- Tax ESDs to the extent that makes them unaffordable to youths
- Ban or restrict flavors that make ESDs appealing to users
- Raise the minimum age of access to 25 years old
- Enforce measures to combat the illicit trade of ESDs
- Implement measures to strictly regulate ENDS/HTP devices and contents
Measures that prevent promotion and restrict use
- Ban the advertisement, promotion, and sponsorship of ESDs
- Require pictorial health warnings about the risks of use of ESDs
- Prohibit unproven health claims made about ESDs
- Prohibit the use of ESDs in public indoor areas and other areas where smoking is also prohibited

Measures that monitor use, sale, and distribution
- Conduct regular surveys on the sale and use of ESDs, particularly among the youth
- Monitor the online sales of ESDs
- Build the capacity of enforcement officials

Measures that protect the policies against commercial and other vested interests, including tobacco industry interference
- Raise awareness on tobacco industry tactics to interfere with government efforts to protect public health, such as lobbying to delay or hinder efforts to regulate these products
- Debunk research and misinformation that promote ESDs

**Regulatory Status of ESDs in the ASEAN**

<table>
<thead>
<tr>
<th>Country</th>
<th>Ban</th>
<th>Restriction</th>
<th>No ban / restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunei (2005)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cambodia (2014)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lao PDR (2018)</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Singapore (2014)</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Thailand (2014)</td>
<td>X</td>
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<td>Malaysia</td>
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<tr>
<td>Myanmar</td>
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<td></td>
<td>X</td>
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<tr>
<td>Vietnam</td>
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<td>X</td>
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</table>

**SINGAPORE'S IMPLEMENTATION OF ITS ESD BAN**

Since 2011, Singapore has banned the importation and sale of ESDs under its prohibition on imitation tobacco products. In 2017, it extended the ban to cover purchase, use, and possession. The Tobacco (Control of Advertisements and Sale) Act defines an “imitation tobacco product” as any confectionery or other food product, or any toy, device or article –
(a) that resembles, or is designed to resemble, a tobacco product;
(b) that is capable of being smoked.
(c) that may be used in such a way as to mimic the act of smoking; or
(d) the packaging of which resembles, or is designed to resemble, the packaging commonly associated with tobacco products.

Under the law, importation, distribution, sale, possession, purchase, use, and advertising, promotion, and sponsorship of ESDs are prohibited.
Following the precautionary principle and in recognition of the known and unknown harmful effects of ESDs, the government justified that it proactively banned these products to prevent them from being entrenched in the country, such as in Great Britain and the US. The Ministry of Health (MOH) warned the public that aerosol from these products contains toxic chemicals, carcinogens, and highly addictive nicotine.

Based on available research and experiences of other countries, the government also considers these products as a potential gateway or "starter product," which hooks the youth on nicotine and leads them to cigarette use later, with insufficient evidence for their use as smoking cessation aids.

The law, however, allows companies to register specific ENDS products under the Health Products Act as a therapeutic product for smoking cessation, if they can provide evidence of safety and efficacy for the product they are registering. No company has ever done this.

The following penalties are imposed for violation of the law:

<table>
<thead>
<tr>
<th>Violation</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use, possession, or purchase in Singapore of imitation tobacco products</td>
<td>Fine not exceeding S$2,000</td>
</tr>
<tr>
<td>Importation, distribution, sale, offer for sale, possession for sale any imitation tobacco product or components of imitation tobacco products</td>
<td>First offense: Fine not exceeding S$10,000 or imprisonment for a term not exceeding 6 months or both. Subsequent offenses: Fine not exceeding S$20,000 or imprisonment for a term not exceeding 12 months or both.</td>
</tr>
<tr>
<td>Publishing, causing to be published, or take part in any publication of advertisement of tobacco and imitation tobacco products in Singapore</td>
<td>Fine not exceeding S$10,000 or imprisonment for a term not exceeding 6 months or both. If a person has a previous qualifying conviction – a fine not exceeding S$20,000 or imprisonment for a term not exceeding 12 months or both.</td>
</tr>
<tr>
<td>Bringing in advertisements published outside Singapore for distribution in Singapore</td>
<td>Fine not exceeding S$10,000 or imprisonment for a term not exceeding 6 months or both. In case of a second or subsequent conviction, a fine not exceeding S$20,000 or imprisonment not exceeding 12 months or both.</td>
</tr>
</tbody>
</table>

The government considers these products as a potential gateway or "starter product," which hooks the youth on nicotine and leads them to cigarette use later, with insufficient evidence for their use as smoking cessation aids.
The MOH uses a multi-pronged approach, involving cooperation and coordination with relevant government agencies, to enforce Singapore’s ban on ESDs and address illegal entry of ESDs and related violations of the law.

- **Public education**: The MOH aims to increase awareness and provide information on the harmful effects of ESDs. Research by the Health Promotion Board (HPB) found that most respondents (70%) were unaware of the harmful contents of e-cigarettes. As a response, HPB implemented a public education campaign in 2019 to raise awareness on the harms of ENDS and correct misinformation that ENDS conclusively help with smoking cessation.

- **Training educators**: The MOH also works closely with the Ministry of Education and the institutes of higher learning to incorporate information and train educators on the harms of e-cigarettes. Students caught using or possessing ESDs are imposed disciplinary sanctions, required to attend cessation programs, and advised by counselors.

- **Surveillance of online sales**: The Health Sciences Authority (HSA) conducts active surveillance and implements enforcement actions against those who buy or sell products online. The agency works closely with e-commerce platforms, such as Facebook, Carousell, Instagram, Shopee, and Lazada to take down postings of ESDs for sale.

- **Enforcement at checkpoints**: Illegal importation of ESDs is monitored strictly at the borders. Immigration and Checkpoints Authority (ICA) officers intercept and prevent the entry of these products at the borders. There is a joint standard operating procedure between the ICA and HSA on handling smuggling cases. At checkpoints, the ICA conducts pre-arrival risk assessments and profiling and uses different technologies to detect and intercept contraband items, and these include radiographic scanners, x-ray machines, and hand-held screening devices.

Implementing penalties on violators is important as it demonstrates the government is serious about the law. In 2019, the MOH reported the following cases filed for violation of the law:

- 219 cases for selling vaporizers online from 1 January 2017 to 30 September 2019.
- 465 people caught for possession of vaporizers from 1 February 2018 to 30 September 2019.
- The highest penalty imposed was SG$99,000 against a seller for importing and selling e-vaporizers.

In 2021 alone, through the efforts of HSA, 4,210 online postings of illegal sales of ENDS were removed from social media platforms.

**KEY LESSONS FOR OTHER ASEAN COUNTRIES**

Implementing a ban on ESDs complements effective tobacco control policies in reducing smoking prevalence. Using data from Singapore and countries where e-cigarettes are allowed (USA, UK, and Japan), a modelling study showed that, while there might be an initial decline in smoking due to switching to e-cigarettes, this will eventually plateau because a substantial number of smokers will relapse back to cigarettes. Furthermore, estimated transition rates showed e-cigarette users subsequently initiate use of conventional cigarettes, justifying fears that e-cigarettes can be a gateway to cigarettes.

Singapore successfully reduced its adult smoking prevalence rate to 10.1% in 2020. Through the strict implementation of its ban on ESDs, the government is preventing the potential of ESDs to undo its progress in reducing tobacco use. It acted early in banning importation and sale of ESDs as imitation products and improved its policy over the years by making the ban comprehensive to include purchase, use, and possession. The government reviews its implementation of the ban and addresses enforcement issues.
Public health was given importance over commercial interests when Singapore banned ESDs. The policy and its implementation have a number of good points:

- Strict implementation
- Stiff penalties to deter violations
- Coordination and cooperation of different relevant agencies of the government
- Identification and resolution of enforcement issues
- Awareness raising about the policy and transparency on the measures implemented and the outcomes

As with other countries with a ban, such as Brunei, Cambodia, Lao PDR, and Thailand, acting quickly to ban these products was an advantage and helped prevent the establishment of an ESD market. The challenge for these countries is to continue to refine the policy, step up implementation, and address enforcement issues, such as illicit trade and accessibility of the products through e-commerce platforms, as Singapore has done.

The ESD markets in countries with weak regulations, like Indonesia, Malaysia, and Philippines could become targets of the industry. If ESDs become more entrenched, there is an imminent risk that ESDs will reverse the gains of tobacco control measures.

**Cambodia's enforcement of its ESD ban**

In March 2021, Cambodia’s National Authority for Combating Drugs (NACD) issued a policy banning HTPs and instructed relevant ministries and institutions to take immediate action to stop the use and commercialization of HTPs. This policy complements Circular No. 001/14 from 2014, which established “Measures to Prevent and Terminate Consumptions, Sales, and Imports of Shisha and E-Cigarette in the Kingdom of Cambodia.”

Despite the ban, monitoring by local advocates showed that ENDS and HTPs are promoted and sold online, and that the youth are particularly vulnerable, considering that online advertisements are accessible to them.

In May 2022, the Prime Minister expressed his support for tobacco control and recognized the need to address the proliferation of ESDs in the country.

Cambodia Movement for Health (CMH), a non-government organization, has been coordinating with the police on enforcement by monitoring violations of online sales of these products. Apart from raising awareness about the issue in the media, CMH also meticulously lists down the Facebook accounts and pages and Telegram groups of vape sellers and promoters and sends the report to the following authorities:

1. National Authority for Combating Drugs
2. General Commissariat of National Police
3. Department of Cyber Crime
4. Ministry of Health
5. General Department of Customs and Excise

The authorities have been taking action and apprehended the law’s violators. The General Commissariat of National Police has ordered its police force to work with local authorities to enforce the ban on ESDs. The Ministry of Education, Youth, and Sports also issued a directive to strictly enforce the ban.
Cambodia’s experience shows that political will, especially at the highest level, is helpful for effective policy implementation. The support of the Prime Minister propelled action by the enforcement authorities against online sellers. Active monitoring and support of the tobacco control community are also essential to assist the government in enforcement.

General Commissariat of National Police has ordered strict enforcement of the ESD ban. 

**RECOMMENDATIONS**

Given that ESDs are harmful and addictive, that the long-term risks and consequences of these products are still unknown, and that these products have the potential to reverse decades of tobacco control work by creating a new generation of nicotine addicts, the precautionary principle should apply when regulating them.

SEATCA recommends that governments ban ESDs as a precautionary measure. This is a logical approach, particularly where the regulatory framework or enforcement may be weak or problematic. This also gives policymakers time to thoroughly examine the growing scientific evidence and the full extent of these products’ health effects in order to prevent or minimize adverse health outcomes and negative impacts to the community. If such an approach had been applied to cigarettes before they became widely popular, millions of lives and trillions of dollars could have been saved from the tobacco epidemic.

Countries that have a ban on ESDs should strictly enforce their bans, and based on Singapore’s experience, it is necessary to review and update the policy to ensure that ESDs are comprehensively regulated and enforcement issues are identified and addressed.

In countries that have not banned or could not ban ESDs, these products are expected to be entrenched, especially if governments are slow to regulate. The lack of effective regulation allowed the proliferation of e-cigarettes in the US market, resulting in the rapid growth of their use, especially among the youth. As of 2020, one in five US high school students currently uses e-cigarettes.

Where ESDs are not banned, regulatory frameworks should be reviewed to enact stricter regulations that prevent ESDs from becoming more widely used and reversing the gains of tobacco control measures. In general, measures, as outlined above, should be taken to ensure that (1) ESDs are not introduced to the youth and non-smokers, (2) prevent unproven health claims from being made about ESDs, (3) their promotion is banned and their use, sale, and distribution are monitored and restricted in order to minimize as far as possible potential health risks to users and protect non-users from exposure to their emissions, and (4) tobacco control policies are protected from tobacco industry interference and other commercial and vested interests.
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