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# Industry response to New Zealand's vaping regulations

Lucy Hardie ,<sup>1</sup> Judith McCool ,<sup>1</sup> Becky Freeman <sup>2</sup>

<sup>1</sup>The University of Auckland, Faculty of Medical & Health Sciences, Auckland, New Zealand

<sup>2</sup>School of Public Health, The University of Sydney, Sydney, New South Wales, Australia

## Correspondence to

Dr Lucy Hardie;  
l.hardie@auckland.ac.nz

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In 2023, the New Zealand Labour Government announced a range of measures to respond to continued increases in electronic cigarette (e-cigarette) use among youth. Among 15–24 year-olds, regular use (at least monthly) has increased from 4.9% (2017/2018) to 27.1% (2022/2023).<sup>1</sup> As part of the measures, the Government stated it would 'effectively ban disposable vapes' by imposing several restrictions on single-use devices.<sup>2</sup>

## DISPOSABLE DEVICES

Disposable devices are popular with young people due to their ease of use, low prices, effective nicotine delivery<sup>3</sup> and appealing flavours.<sup>4</sup> The new disposable vape regulations require (1) a removable battery, (2) a child safety mechanism and (3) nicotine levels capped at 20 mg/mL.<sup>5</sup> These regulations leave many opportunities for the industry to adapt and continue to push youth-friendly products.<sup>6</sup>

The addition of a battery cover and a child safety mechanism are simple design features that will be easily incorporated into future disposable vapes entering the New Zealand market.<sup>7</sup> Retailers are already promoting the availability of 'hybrid' disposable vapes that have a removable battery (priced at NZ\$5.00),<sup>8</sup> and one retailer has added a category to their disposable vape sort-filters for 'child safety mechanism'.<sup>9</sup> And, given the rapid rise

in disposable use in other jurisdictions such as the UK, where the nicotine level is currently set to a maximum of 20 mg/mL, it is difficult to predict whether this particular change will make any impact on youth uptake.

As the industry must offload non-compliant stock prior to the December 2023 deadline, retailers are heavily promoting disposable devices. In 2019, we found that disposable devices started from NZ\$9.99.<sup>10</sup> Comparing the same retailers in 2023, we found that disposable devices were priced from just NZ\$2.50 (see figure 1). Inflation rose dramatically in New Zealand during this period, with a NZ\$9.90 block of cheese increasing by more than 40% for the same period to NZ\$13.90 (2019–2023). While offloading non-compliant stock is one reason for such low prices, it does not explain the overall decline in e-cigarette prices. Pod devices in 2019 were priced from NZ\$19.99. In 2023, most of our sample of retailers (10 of 13) priced pod devices under NZ\$15.00, and 5 retailers stocked pod vapes under NZ\$10.00. Even if disposable devices are no longer attractive to young people under the new regulations, with pod devices commonly under NZ\$10.00, these products remain highly affordable.

**Figure 1** Example of disposable vape promotion.

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**Table 1** Permitted flavour names (up to two)

Category	Flavour name
Tobacco	Tobacco
Mint	Menthol, Mint, Peppermint, Spearmint
Nuts and grains	Almond, Hazelnut, Nut, Oat, Peanut, Pecan
Spice	Cinnamon, Clove, Liquorice, Nutmeg, Pepper, Spice
Coffee/tea	Cappuccino, Coffee, Espresso, Latte, Tea
Fruit	Apple, Banana, Berry, Blackberry, Blueberry, Cherry, Citrus, Coconut, Grape, Guava, Kiwifruit, Lemon, Lime, Lychee, Mango, Orange, Passionfruit, Peach, Pear, Pineapple, Plum, Pomegranate, Raspberry, Strawberry, Tropical, Watermelon
Sweet and sour	Caramel, Chocolate, Cream, Custard, Honey, Sour, Sweet, Vanilla
None	Unflavoured

## FLAVOUR NAME RESTRICTIONS

New Zealand has also adopted vape flavour name restrictions. The purpose of the new regulations was to limit enticing names and replace them with more generic flavour descriptions.<sup>11</sup> The new regulations will see descriptions such as Cotton-Candy and Bubble-Gum prohibited, as manufacturers must choose a maximum of two flavour descriptor words from the only allowable options (table 1). However, previous research has identified that the most popular flavour category is fruit,<sup>10</sup> particularly among youth<sup>12</sup> and there is an extensive list of permitted fruit flavours.

One vape retailer lists 'Sour Apple' as its most popular flavour, a description which will continue to be permitted under the new regulations. Using the same sample as our previous study of online retailers,<sup>10</sup> we sorted disposable vapes by popularity (up to 10 most popular on 13 websites). We found the most common category was fruit-flavoured (75.8%, n=99 of 132), most of which were berry-flavoured (n=53); the new regulations permit seven types of berry descriptions. Based on our sample, the most notable change in the regulations will be the removal of the word 'Ice' which is not available on the approved list. The word 'Ice' is typically used as a secondary descriptor with fruit flavours to refer to the cooling menthol additive that makes vaping more palatable.<sup>13</sup> It seems likely that Mint or Menthol will replace 'Ice', or perhaps manufacturers will simply rely on the snowflake icon on the packaging that commonly represents this flavour/sensation. The most frequently used descriptors were Grape (n=20, 8%), Strawberry (n=13, 5%), Sour (n=12, 5%), Mango (n=11, 4%) and Watermelon (n=11, 4%), all flavour words permitted under the new regulations. The same flavour name restrictions will also extend to reusable devices.<sup>5</sup>

Given the escalating prevalence of youth vaping in New Zealand, the newly elected National coalition government must prioritise robust regulations that effectively reduce the appeal of these products. To ensure more effective regulation, we recommend a total ban on disposable vapes rather than only restricting their design. We also recommend reducing allowable flavours rather than limiting their descriptors, for example, to mint and tobacco flavours only.

X Judith McCool @Jude.McCool and Becky Freeman @DrBFreeman

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## ORCID iDs

Lucy Hardie <http://orcid.org/0000-0002-5954-6089>

Judith McCool <http://orcid.org/0000-0001-6646-6661>

Becky Freeman <http://orcid.org/0000-0002-2082-9612>

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