

Supplementary Material

Table S1: Consultation and submission inclusion criteria

Consultation	Led by a state, territory, or federal government or parliament in Australia Held between May 2017 and May 2023 Submissions were publicly available Terms of reference included one or more of the following: electronic nicotine delivery system(s) ENDS electronic cigarette(s) e-cigarette(s) vape(s) vapo(u)ris(z)ed nicotine products vapo(u)ris(z)er(s) vapo(u)r device(s) vapo(u)r product(s) heated tobacco product(s) heat-not-burn smoke(-)free vaping vaper(s)
Submission	Submitted by: ENDS or tobacco manufacturer ENDS or tobacco retailer ENDS or tobacco manufacturer or retailer associations Organisation or individual that had at any point: - worked for the tobacco or ENDS industries - received monetary or non-monetary gratuities from the tobacco or ENDS industries (or any organisation funded by these industries)

Table S2: *Final codebook, with code source*

Code	Source
Practice	
<i>Misuse of Evidence</i>	Deductive ^a
Making unsupported factual assertions	Inductive
Promotion of weak evidence	Deductive ^a
Use of anecdotal evidence	Inductive
Citing studies or authors with a conflict of interest or industry funding	Deductive ^{bc}
Citing dubious sources	Deductive ^c
Presenting qualitative research as hypothesis-testing	Inductive
Presenting editorials or opinions as evidence	Inductive
Modelling or simulation studies	Inductive
Secondary citations	Inductive
Citing market research	Inductive
Other	Inductive
Evidential landscaping	Deductive ^{abd}
Excluding relevant evidence	Deductive ^{abd}
Claiming there is more evidence to support a point than is cited	Deductive ^a
Presenting positive evidence only	Deductive ^a
Citing evidence for an irrelevant point	Deductive ^b
Promoting alternative evidence	Deductive ^{abd}
Mimicked scientific critique	Deductive ^{abd}
Adopting the litigation (vs scientific) model	Deductive ^{abd}
Inaccurately reporting funding or affiliations	Inductive
Stating support for evidence-based approaches	Deductive ^a
Claiming authorities are ignoring evidence	Inductive
Seeking methodological perfection	Deductive ^{abd}
Lack of rigour	Deductive ^{abd}
Stating lack of evidence	Deductive ^a
Claiming studies were flawed without specifying how	Inductive
Misleading citation of evidence	Deductive ^{abd}
Misquoting	Deductive ^{abd}
Selective quoting	Deductive ^{abd}
Misleading inferences	Inductive
Misinterpretation	Deductive ^{abd}
Denying evidence	Inductive
Misrepresentation of strong evidence	Deductive ^a
<i>Logical fallacies, flawed arguments</i>	Deductive ^c
Bandwagon fallacy	Inductive
Appeal to hypocrisy	Inductive
<i>Ad hominem</i> or attribution of motives	Inductive
False equivalence	Deductive ^c
Diversion	Inductive
Straw man	Deductive ^c
Self-contradiction	Inductive
Arguments	
<i>Denying the effectiveness of strategies</i>	Deductive ^a
Making unsubstantiated claims about the adverse effects of ENDS control	Deductive ^{af}
Increase or shift risk of problems	Deductive ^a
Will make it harder for people who are currently smoking to quit	Inductive
Will drive people back to smoking	Inductive
Benefits the tobacco or pharmaceutical industries	Inductive
Increase uptake of cigarettes	Inductive
Other	Inductive

Black market	Deductive ^{bcd}
Increased risk of harm	Inductive
Encroachment on human/business rights, freedom of choice	Deductive ^g
Hardship for businesses	Deductive ^{af}
Other	Inductive
Excessive regulatory burden	Deductive ^a
Economy (negative impact)	Deductive ^{abcf}
Punishing smokers or ignoring the needs of smokers	Deductive ^f
People will be driven to purchase unregulated or dangerous ENDS	Inductive
Exacerbate social inequity	Inductive
Closure of businesses	Deductive ^a
Imposition on those using vaping “responsibly”	Deductive ^a
Job loss	Deductive ^{af}
Criminalising ENDS users or vendors	Deductive ^f
ENDS users will be financially disadvantaged	Inductive
Loss of tourism appeal	Deductive ^a
Promoting alternative approaches that favour vested interests	Deductive ^a
Targeted approaches	Deductive ^a
Responsible sales	Deductive ^a
Compulsory product safety standards	Inductive
Design factors	Deductive ^a
Education	Deductive ^a
Law enforcement	Deductive ^a
Treatment services or interventions	Deductive ^a
Other	Inductive
Retailers as experts (instead of medical/pharmaceutical professionals)	Inductive
Risk-proportionate regulation	Inductive
Industry self-regulation or co-regulation	Deductive ^a
Monitoring	Inductive
Advertising and marketing regulations	Inductive
Equivalent restrictions to combustible cigarettes	Inductive
Promoting taxation	Inductive
Promoting personal responsibility	Deductive ^a
Making unsubstantiated claims about the benefits of a consumer model	Inductive
Save lives or reduce harm	Inductive
Reduce smoking or cigarette sales	Inductive
Economy, small business	Inductive
Drive down organised crime	Inductive
Increase quality or safety of devices	Inductive
Job creation	Inductive
Save users of ENDS money	Inductive
Reduce illicit tobacco use	Inductive
Better for tobacco control than currently supported measures	Inductive
De-criminalise users of ENDS	Inductive
Making unsubstantiated claims about the ineffectiveness of policy proposals	Deductive ^f
Other	Inductive
People will just buy from overseas or the internet	Inductive
Young people will do what they want either way	Inductive
Control will make ENDS more appealing to youth	Inductive
Emphasising complexity	Deductive ^a

^aStafford et al. (2020); ^bHatchard et al. (2014); ^cEvans-Reeves et al. (2014); ^dUlucanlar et al. (2014);

^eWaa et al. (2017); ^fUlucanlar et al. (2016); ^gHiilamo et al. (2015).

Table S3: *Communication practices and industry arguments identified in submissions, stratified by industry actor type*

Code	Submitter type						
	Retailers <i>n</i> = 85	Advocacy orgs. <i>n</i> = 32	Manufacturers <i>n</i> = 23	Industry/trade assoc. <i>n</i> = 22	Legal/consulting firms, individuals <i>n</i> = 20	Unspecified <i>n</i> = 8	Other <i>n</i> = 6
Practice	<i>n</i> (%)	<i>n</i> (%)	<i>n</i> (%)	<i>n</i> (%)	<i>n</i> (%)	<i>n</i> (%)	<i>n</i> (%)
<i>Misuse of Evidence</i>	81 (95)	32 (100)	23 (100)	21 (95)	20 (100)	4 (50)	6 (100)
Making unsupported factual assertions	75 (88)	32 (100)	23 (100)	20 (91)	20 (100)	3 (38)	6 (100)
Promotion of weak evidence	64 (75)	29 (91)	18 (78)	15 (68)	20 (100)	2 (25)	5 (83)
Use of anecdotal evidence	57 (67)	14 (44)	5 (22)	8 (36)	9 (45)	2 (25)	4 (67)
Citing studies or authors with a conflict of interest or industry funding	14 (16)	28 (88)	18 (78)	14 (64)	19 (95)	0 (0)	1 (17)
Citing dubious sources	9 (11)	20 (63)	15 (65)	5 (23)	14 (70)	0 (0)	2 (33)
Presenting qualitative research as hypothesis- testing	0 (0)	9 (28)	4 (17)	0 (0)	4 (20)	0 (0)	0 (0)
Presenting editorials or opinions as evidence	0 (0)	4 (13)	4 (17)	1 (5)	6 (30)	0 (0)	0 (0)
Modelling or simulation studies	0 (0)	6 (19)	4 (17)	1 (5)	4 (20)	0 (0)	0 (0)
Secondary citations	1 (1)	3 (9)	5 (22)	1 (5)	4 (20)	0 (0)	0 (0)
Citing market research	0 (0)	0 (0)	6 (26)	0 (0)	0 (0)	0 (0)	0 (0)
Other	0 (0)	1 (3)	1 (4)	0 (0)	0 (0)	0 (0)	0 (0)
<i>Evidential landscaping</i>	36 (42)	26 (81)	19 (83)	13 (59)	15 (75)	1 (13)	3 (50)
Excluding relevant evidence	30 (35)	21 (66)	18 (78)	11 (50)	13 (65)	1 (13)	3 (50)
Claiming there is more evidence to support a point than is cited	30 (35)	20 (63)	18 (78)	11 (50)	12 (60)	1 (13)	3 (50)
Presenting positive evidence only	1 (1)	3 (9)	1 (4)	0 (0)	2 (10)	0 (0)	0 (0)
Citing evidence for an irrelevant point	3 (4)	16 (50)	11 (48)	3 (14)	5 (25)	0 (0)	0 (0)
Promoting alternative evidence	4 (5)	10 (31)	7 (30)	1 (5)	3 (15)	0 (0)	0 (0)
<i>Mimicked scientific critique</i>	22 (26)	27 (84)	20 (87)	15 (68)	15 (75)	0 (0)	3 (50)
Adopting the litigation (vs scientific) model	6 (7)	22 (69)	17 (74)	11 (50)	14 (70)	0 (0)	1 (17)
Inaccurately reporting funding or affiliations	0 (0)	18 (56)	3 (13)	2 (9)	8 (40)	0 (0)	0 (0)
Stating support for evidence-based approaches	8 (9)	19 (59)	16 (70)	7 (32)	7 (35)	0 (0)	1 (17)
Claiming authorities are ignoring evidence	17 (20)	11 (34)	5 (22)	3 (14)	7 (35)	0 (0)	0 (0)
Seeking methodological perfection	0 (0)	7 (22)	3 (13)	0 (0)	5 (25)	0 (0)	0 (0)
Lack of rigour	0 (0)	3 (9)	0 (0)	0 (0)	3 (15)	0 (0)	1 (17)
Stating lack of evidence	1 (1)	3 (9)	0 (0)	0 (0)	0 (0)	0 (0)	1 (17)

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Claiming studies were flawed without specifying how	0 (0)	3 (9)	0 (0)	0 (0)	0 (0)	0 (0)	1 (17)
Misleading citation of evidence	16 (19)	28 (88)	16 (70)	14 (64)	17 (85)	1 (13)	2 (33)
Misquoting	14 (16)	25 (78)	13 (57)	10 (45)	11 (55)	1 (13)	1 (17)
Selective quoting	7 (8)	21 (66)	13 (57)	8 (36)	12 (60)	0 (0)	1 (17)
Misleading inferences	2 (2)	15 (47)	13 (57)	5 (23)	12 (60)	0 (0)	2 (33)
Misinterpretation	2 (2)	8 (25)	3 (13)	1 (5)	8 (40)	0 (0)	0 (0)
Denying evidence	18 (21)	19 (59)	11 (48)	4 (18)	10 (50)	2 (25)	1 (17)
Misrepresentation of strong evidence	0 (0)	3 (9)	2 (9)	0 (0)	1 (5)	0 (0)	0 (0)
<i>Logical fallacies, flawed arguments</i>	70 (82)	31 (97)	21 (91)	20 (91)	19 (95)	3 (38)	6 (100)
Bandwagon fallacy	49 (58)	24 (75)	18 (78)	17 (77)	16 (80)	1 (13)	3 (50)
Appeal to hypocrisy	33 (39)	22 (69)	7 (30)	9 (41)	14 (70)	0 (0)	2 (33)
Ad hominem or attribution of motives	24 (28)	18 (56)	3 (13)	2 (9)	14 (70)	2 (25)	2 (33)
False equivalence	18 (21)	24 (75)	9 (39)	3 (14)	8 (40)	1 (13)	3 (50)
Diversion	22 (26)	5 (16)	7 (30)	6 (27)	3 (15)	2 (25)	4 (67)
Straw man	14 (16)	14 (44)	3 (13)	0 (0)	8 (40)	1 (13)	0 (0)
Self-contradiction	3 (4)	10 (31)	1 (4)	0 (0)	6 (30)	0 (0)	1 (17)
Arguments							
<i>Denying the effectiveness of strategies</i>	78 (92)	32 (100)	23 (100)	22 (100)	20 (100)	4 (50)	6 (100)
Making unsubstantiated claims about the adverse effects of ENDS control	70 (82)	32 (100)	20 (87)	19 (86)	14 (70)	3 (38)	6 (100)
Increase or shift risk of problems	40 (47)	24 (75)	12 (52)	8 (36)	11 (55)	3 (38)	4 (67)
Will make it harder for people who are currently smoking to quit	26 (31)	17 (53)	11 (48)	6 (27)	5 (25)	3 (38)	3 (50)
Will drive people back to smoking	20 (24)	12 (38)	7 (30)	0 (0)	2 (10)	2 (25)	3 (50)
Benefits the tobacco or pharmaceutical industries	7 (8)	11 (34)	1 (4)	2 (9)	6 (30)	1 (13)	0 (0)
Increase uptake of cigarettes	3 (4)	2 (6)	0 (0)	0 (0)	1 (5)	0 (0)	0 (0)
Other	2 (2)	0 (0)	0 (0)	1 (5)	0 (0)	0 (0)	2 (33)
Black market	37 (44)	15 (47)	9 (39)	13 (59)	5 (25)	1 (13)	5 (83)
Increased risk of harm	34 (40)	22 (69)	10 (43)	7 (32)	7 (35)	1 (13)	3 (50)
Encroachment on human/business rights, freedom of choice	21 (25)	20 (63)	8 (35)	6 (27)	3 (15)	2 (25)	2 (33)
Hardship for businesses	25 (29)	4 (13)	2 (9)	6 (27)	0 (0)	0 (0)	3 (50)
Other	16 (19)	8 (25)	5 (22)	5 (23)	5 (25)	1 (13)	3 (50)
Excessive regulatory burden	15 (18)	9 (28)	7 (30)	4 (18)	4 (20)	0 (0)	1 (17)

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Economy (negative impact)	17 (20)	5 (16)	3 (13)	7 (32)	2 (10)	0 (0)	2 (33)
Punishing smokers or ignoring the needs of smokers	4 (5)	12 (38)	6 (26)	2 (9)	4 (20)	0 (0)	0 (0)
People will be driven to purchase unregulated or dangerous ENDS	9 (11)	6 (19)	1 (4)	3 (14)	1 (5)	0 (0)	2 (33)
Exacerbate social inequity	2 (2)	7 (22)	2 (9)	2 (9)	3 (15)	0 (0)	3 (50)
Closure of businesses	12 (14)	3 (9)	1 (4)	0 (0)	0 (0)	0 (0)	2 (33)
Imposition on those using vaping “responsibly”	6 (7)	3 (9)	1 (4)	2 (9)	1 (5)	0 (0)	0 (0)
Job loss	10 (12)	1 (3)	0 (0)	1 (5)	1 (5)	0 (0)	1 (17)
Criminalising ENDS users or vendors	1 (1)	7 (22)	1 (4)	2 (9)	0 (0)	0 (0)	0 (0)
ENDS users will be financially disadvantaged	4 (5)	3 (9)	0 (0)	1 (5)	0 (0)	1 (13)	2 (33)
Loss of tourism appeal	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Promoting alternative approaches that favour vested interests	67 (79)	30 (94)	23 (100)	19 (86)	16 (80)	4 (50)	5 (83)
Targeted approaches	47 (55)	17 (53)	21 (91)	14 (64)	13 (65)	3 (38)	4 (67)
Responsible sales	37 (44)	10 (31)	11 (48)	8 (36)	10 (50)	3 (38)	2 (33)
Compulsory product safety standards	19 (22)	12 (38)	20 (87)	8 (36)	9 (45)	1 (13)	1 (17)
Design factors	9 (11)	5 (16)	13 (57)	2 (9)	4 (20)	1 (13)	1 (17)
Education	8 (9)	7 (22)	6 (26)	3 (14)	3 (15)	0 (0)	1 (17)
Law enforcement	10 (12)	4 (13)	7 (30)	3 (14)	1 (5)	0 (0)	3 (50)
Treatment services or interventions	0 (0)	0 (0)	1 (4)	0 (0)	0 (0)	0 (0)	0 (0)
Other	41 (48)	18 (56)	17 (74)	13 (59)	10 (50)	2 (25)	4 (67)
Retailers as experts (instead of medical/pharmaceutical professionals)	35 (41)	6 (19)	2 (9)	7 (32)	1 (5)	2 (25)	1 (17)
Risk-proportionate regulation	8 (9)	18 (56)	13 (57)	4 (18)	8 (40)	0 (0)	0 (0)
Industry self-regulation or co-regulation	19 (22)	5 (16)	15 (65)	5 (23)	2 (10)	1 (13)	1 (17)
Monitoring	16 (19)	6 (19)	12 (52)	4 (18)	5 (25)	1 (13)	1 (17)
Advertising and marketing regulations	10 (12)	10 (31)	12 (52)	2 (9)	8 (40)	0 (0)	1 (17)
Equivalent restrictions to combustible cigarettes	8 (9)	7 (22)	3 (13)	2 (9)	3 (15)	0 (0)	0 (0)
Promoting taxation	2 (2)	2 (6)	0 (0)	0 (0)	2 (10)	0 (0)	0 (0)
Promoting personal responsibility	1 (1)	3 (9)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Making unsubstantiated claims about the benefits of a consumer model	44 (52)	25 (78)	17 (74)	17 (77)	9 (45)	1 (13)	3 (50)
Save lives or reduce harm	20 (24)	16 (50)	10 (43)	10 (45)	6 (30)	1 (13)	1 (17)
Reduce smoking or cigarette sales	15 (18)	16 (50)	10 (43)	14 (64)	5 (25)	1 (13)	3 (50)

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Economy, small business	23 (27)	10 (31)	1 (4)	12 (55)	2 (10)	0 (0)	2 (33)
Drive down organised crime	5 (6)	10 (31)	5 (22)	6 (27)	0 (0)	1 (13)	2 (33)
Increase quality or safety of devices	8 (9)	6 (19)	4 (17)	5 (23)	0 (0)	0 (0)	1 (17)
Job creation	11 (13)	2 (6)	0 (0)	2 (9)	1 (5)	0 (0)	0 (0)
Save users of ENDS money	0 (0)	2 (6)	1 (4)	2 (9)	1 (5)	0 (0)	1 (17)
Reduce illicit tobacco use	0 (0)	4 (13)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Better for tobacco control than currently supported measures	1 (1)	1 (3)	0 (0)	1 (5)	1 (5)	0 (0)	0 (0)
De-criminalise users of ENDS	1 (1)	1 (3)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Making unsubstantiated claims about the ineffectiveness of policy proposals	14 (16)	6 (19)	5 (22)	6 (27)	4 (20)	0 (0)	3 (50)
Other	8 (9)	4 (13)	5 (22)	3 (14)	1 (5)	0 (0)	3 (50)
People will just buy from overseas or the internet	2 (2)	1 (3)	0 (0)	3 (14)	3 (15)	0 (0)	0 (0)
Young people will do what they want either way	3 (4)	2 (6)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Control will make ENDS more appealing to youth	2 (2)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Emphasising complexity	0 (0)	0 (0)	2 (9)	0 (0)	0 (0)	0 (0)	0 (0)

Note. Significance testing not conducted due to small samples sizes.