

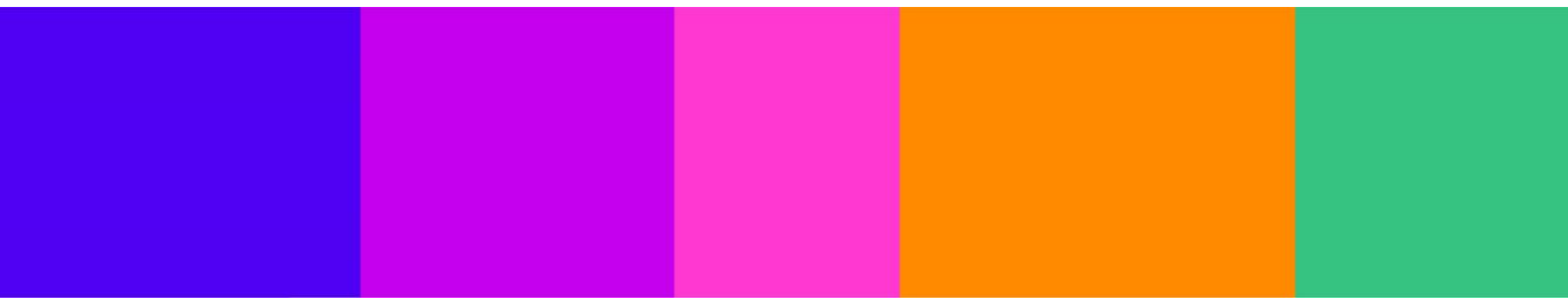


# Consultation response form

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Please complete this form in full and return to [protectingchildren@ofcom.org.uk](mailto:protectingchildren@ofcom.org.uk).

<b>Consultation title</b>	Consultation: Protecting children from harms online
<b>Organisation name</b>	Juul Labs Inc.



## Your response

Question	Your response
<p><b>Volume 3: The causes and impacts of online harm to children</b></p> <p><b>Draft Children’s Register of Risk (Section 7)</b></p>	
<p><b>Proposed approach:</b></p> <p>4. Do you have any views on Ofcom’s assessment of the causes and impacts of online harms? Please provide evidence to support your answer.</p> <p>a. Do you think we have missed anything important in our analysis?</p> <p>5. Do you have any views about our interpretation of the links between risk factors and different kinds of content harmful to children? Please provide evidence to support your answer.</p> <p>6. Do you have any views on the age groups we recommended for assessing risk by age? Please provide evidence to support your answer.</p> <p>7. Do you have any views on our interpretation of non-designated content or our approach to identifying non-designated content? Please provide evidence to support your answer.</p> <p><b>Evidence gathering for future work:</b></p> <p>8. Do you have any evidence relating to kinds of content that increase the</p>	<p>Confidential? – <b>No</b></p> <p>Juul Labs, Inc. (JLI) is an independent e-cigarette manufacturer. Our mission is to help transition the world’s one billion adult smokers away from combustible cigarettes, eliminate their use, and combat underage use of our products. We want the e-cigarette industry to be responsible and regulated in the right way, led by science and evidence. We are committed to playing our part in this; of most relevance to this consultation, we do not use social media to advertise our products; our social media activity is limited to non-promotional purposes only. We made a submission to Ofcom’s call for evidence on the second phase of online safety regulation focusing on the protection of children online, and we welcome the opportunity to provide our thoughts on the proposed Codes of Practice.</p> <p>JLI is supportive of Ofcom’s overall assessment of the causes and impacts of online harms on children, as well as the risk factors identified that make harmful content easily available for children online. We particularly welcome Ofcom’s inclusion of content that encourages the use of age-restricted products like e-cigarettes as priority content. This is an important step in ensuring online platforms take strong action to support government-wide efforts to tackle underage vaping.</p> <p>As Public Health England<sup>1</sup> and the NHS<sup>2</sup> have noted, the use of e-cigarettes is a useful tool to help adult smokers quit, with some evidence suggesting it is the most</p>

<sup>1</sup> PHE. Nicotine vaping in England: 2022 evidence update main findings. See: <https://www.gov.uk/government/publications/nicotine-vaping-in-england-2022-evidence-update/nicotine-vaping-in-england-2022-evidence-update-main-findings>

<sup>2</sup> NHS. Using e-cigarettes to stop smoking. See: <https://www.nhs.uk/live-well/quit-smoking/using-e-cigarettes-to-stop-smoking/>

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<p>risk of harm from Primary Priority, Priority or Non-designated Content, when viewed in combination (to be considered as part of cumulative harm)?</p> <p>9. Have you identified risks to children from GenAI content or applications on U2U or Search services?</p> <p>a) Please Provide any information about any risks identified</p> <p>10. Do you have any specific evidence relevant to our assessment of body image content and depressive content as kinds of non-designated content? Specifically, we are interested in:</p> <p>a) (i) specific examples of body image or depressive content linked to significant harms to children,</p> <p>b. (ii) evidence distinguishing body image or depressive content from existing categories of priority or primary priority content.</p> <p>11. Do you propose any other category of content that could meet the definition of NDC under the Act at this stage? Please provide evidence to support your answer.</p>	<p>effective quitting aid<sup>3</sup>. However, vaping is not risk-free. As noted by Chief Medical Officer Chris Witty “<i>if you smoke, vaping is much safer; if you don’t smoke, don’t vape</i>”. It is unacceptable that children are being exposed to online content that encourages them to use e-cigarettes. As Ofcom highlights in the Codes of Practice, this could affect children’s perception of the risks associated with vaping at a young age and increase the likelihood they use e-cigarettes. We understand the Government intends to take action to create a more responsible vaping sector and stop underage use of vaping products. Taking action to tackle harmful online content is vital if this ambition is to be achieved.</p> <p>The Codes of Practice provide strong evidence showing that there is a growing presence of online user generated content that directly or indirectly encourages and glamorises the use of e-cigarettes that is easily accessible for children. This has coincided with a sharp increase in the number of children using e-cigarettes. We would like to highlight the following additional evidence to complement Ofcom’s Codes of Practice:</p> <ul style="list-style-type: none"> <li>● <b>Youth awareness of online content: The 2024 data produced by Action to Stop Smoking (ASH)<sup>4</sup></b> shows that awareness of vaping promotion is at an all-time high (only 19% of children surveyed reported not being aware of vaping promotion), and online is the second most popular place for children to see vapes being promoted. Although the percentage of children stating they have seen vaping promotion online decreased from 32% to 29% between 2023 to 2024, it is still 5% above the level in 2022. Additionally, this year’s data shows an increase in the access to vaping content online through popular video-sharing platforms, search engines, and social media, like TikTok, YouTube, Google and Facebook.</li> </ul>

<sup>3</sup> Cochrane. Cochrane evidence review on e-cigarettes. 2022. See. <https://www.cochrane.org/news/latest-cochrane-review-finds-high-certainty-evidence-nicotine-e-cigarettes-are-more-effective>

<sup>4</sup> ASH. UK policy on smoking and vaping. 2024. See: <https://ash.org.uk/uploads/ASH-DA-US-e-cig-summit-240514.pdf> (The Codes of Practice make reference to ASH's data from 2023. This document shows the top lines of the data for 2024 as presented by ASH in the E-cig Summit in May 2024).

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	<ul style="list-style-type: none"> <li>● <b>Use of influencers: A study by Campaign for Tobacco-Free Kids<sup>5</sup></b> from this year shows that the use of influencers, amongst other marketing techniques to promote vaping content, has become a persistent issue worldwide, including in the UK. The study argues that certain brands use influencers of all sizes (from one thousand followers to millions of followers) to promote the use of e-cigarette. The study estimates that between 2018 and 2023, the marketing of only one product brand (Vuse) has reached 86.2 million people, with 42% being under 25 and 4.2 million being under 18s. Also, the study argues that despite Instagram banning influencer content promoting vaping in December of 2019, companies have not respected these rules and Instagram has not properly enforced them.</li> </ul> <p>Furthermore, we also agree with the Code's differentiation between educational content related to age-restricted products and content encouraging its use. The 2024 ASH data mentioned above<sup>6</sup> shows that 58% of adults and 50% of under 18s wrongly believe that vaping is more harmful than smoking. The rates have almost doubled since 2022 for both categories. Although vaping is not risk-free and should under no circumstances be done by children, it is important that adult smokers are aware that vaping is a less harmful option that can help them quit smoking. It is therefore important that the Government and other health organisations are able to rely on online mediums to tackle harm misperceptions of vaping through, for instance, evidence-based information campaigns.</p> <p>Finally, as next steps once the Codes are adopted, we would suggest Ofcom considers the following actions:</p> <ul style="list-style-type: none"> <li>● <b>Produce further evidence on the impacts of vaping content.</b> Although the evidence concerning the presence of user-generated vaping content online is quite strong, further</li> </ul>

<sup>5</sup> Campaign for Tobacco-Free Kids. #SponsoredbyBig Tobacco: Tobacco & Nicotine Marketing on Social Media. 2024. See: [https://assets.tobaccofreekids.org/content/what\\_we\\_do/industry\\_watch/social-media-marketing-tactics/2023\\_12\\_08\\_SponsoredByBigTobacco.pdf](https://assets.tobaccofreekids.org/content/what_we_do/industry_watch/social-media-marketing-tactics/2023_12_08_SponsoredByBigTobacco.pdf)

<sup>6</sup> ASH. UK policy on smoking and vaping. 2024. See: <https://ash.org.uk/uploads/ASH-DA-US-e-cig-summit-240514.pdf>.

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	<p>analysis surrounding specific risk factors of vaping content for children is needed. For instance, it would be useful to understand if online vaping content, both as advertising and user-generated, has different impacts on specific age groups or if the use of certain functionalities to deploy vaping content online could amount to more substantive cumulative harms beyond affecting children's risk perceptions of vaping.</p> <ul style="list-style-type: none"><li data-bbox="750 649 1388 1534">● <b>Ensure consistency with online advertising rules.</b> Although the Codes of Practice already correctly identify paid for influencer content as potentially harmful user-generated content, Ofcom should ensure its approach to tackle irresponsible vaping user-generated content is properly aligned with efforts to tackle paid for online advertising. We would suggest Ofcom works closely with the relevant authorities on paid online advertising, like the ASA, during the implementation of the Codes of Practice to ensure that, as new forms of user-generated content and advertising of age-restricted products emerge, they are properly tackled and regulatory loopholes are not exploited by advertisers. JLI supports the ASA's CAP Code, which prohibits online advertising of age-restricted products online. However, we consider that the code could be further refined to follow the OSA's structure and create an advertising regime that properly limits children's access to vaping advertising online and offline, while allowing highly targeted promotional information to be provided to adult smokers.</li></ul>

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