

The rise and rise of specialist vape stores: Time for the Government to act

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Summary

Vaping prevalence among young people has increased rapidly. In a recent *New Zealand Medical Journal* letter, we pointed out the rising number of specialist vape stores (SVRs), many of which are “stores-within-a-store”, small areas within existing retail outlets (typically dairies) that sell a full array of vaping flavours. The Vaping Industry Association of New Zealand (VIANZ) responded to our concerns, though reporting of the VIANZ’s comments and our response focused largely on disagreements about appropriate SVR numbers and gave less prominence to shared concerns. In this briefing, we outline the VIANZ’s comments, explain our response, and offer suggestions to industry actors and policy makers.

The problem of vape store numbers

Rising vaping prevalence among young people has attracted little regulatory attention until recently. Many health researchers, schools, communities, parents and rangatahi themselves have expressed concern at vaping outlet numbers; as of 22 July 2023, 1349 SVR applications have been approved; the vast majority of which are physical retail outlets. Many vape stores operate near schools and communities’ concern at the rising concentration of vape stores in CBD areas has led to calls for the Government to restrict vape store numbers and locations. We provide more background on vaping product

marketing, particularly to youth, and regulatory responses in Appendix 1.

VIANZ's position: Common ground

Our letter documented growth in SVR approvals, noted the “store-within-a-store” problem,[1] and called for limits on vape store numbers, new proximity and density restrictions, and processes that involved communities in SVR approvals. VIANZ recognised the problem of youth vaping; their statement, attributed to Jonathan Devery, a director of Alt vapes and the VAPO chain of specialist vape stores, noted that VIANZ “acknowledges and supports the need for accessibility to vaping products to be carefully controlled... [noting that] VIANZ has repeatedly asked for stronger steps to be taken by Government to protect our rangatahi.” Given VAPO has previously sponsored youth-oriented events, we assume the company regrets its past actions and now aims to protect rangatahi from exposure to vaping products.

VIANZ noted “the Government’s Vaping Regulatory Authority’s (VRA) [failure to enforce] the regulations as was intended [sic] when issuing licences.” VIANZ explained concerns about “stores-within-a-store”, questioned whether these outlets met all the regulatory criteria, stated “the current penalties for breaches of the regulations are not adequate enough [sic] to act as a deterrent”, and called for “far heavier penalties (e.g., \$10,000) for businesses that sell to minors”. VIANZ’s full statement is available here.

We agree that rising ‘store-within-a store’ numbers and inadequate monitoring are problematic and believe existing penalties should be applied. Further, we suggest these penalties should include revocation of approvals, particularly following recurring breaches.

A joint call for Government action

Given the strong agreement between health researchers, communities, schools, parents, and rangatahi, the Government should act immediately to strengthen enforcement and rigorously apply penalties set out in existing regulations. They should prohibit store-within-a-store SVRs, require those “approved” to cease trading, and make public information on compliance audits the VRA undertakes, breaches detected, and enforcement action taken. They should also explain delays in providing data on vaping returns (details of the vaping products sold by SVRs); this information was due on 31 January 2023 but, more than six months later, is still not available.

VIANZ's position: Points of difference

VIANZ stated “New Zealand has over 8000 tobacco retailers nationwide, this means if we are to successfully stamp out smoking, vaping [sic] needs to be available in every location that tobacco is sold”. VIANZ argued access to vaping products was particularly important “where the health and financial burden from tobacco is higher (e.g., in Māori and Pacific peoples)” and that “for vaping to remain an effective smoking cessation tool it needs to be as accessible as tobacco.”

However, VIANZ provide no empirical support for calls to increase SVR numbers so these match tobacco outlet numbers and “successfully stamp out smoking”. Nor do they establish that constraints on vaping product availability would impede switching from smoking to vaping. We suggest the evidence-based response to problems caused by tobacco’s widespread availability is simple: reduce tobacco retail outlets. Fortunately, the Government will implement this measure next year as part of its plans to reduce youth

smoking and help people trying to quit avoid relapse.

While increasing vape store numbers will not solve problems caused by tobacco's widespread availability, it will increase young people's exposure to vaping products. VIANZ's response does not reflect calls from Māori communities for fewer vape store outlets; a recent commentary described vaping as an "imposition of settler colonial law over our mana Motuhake".

VIANZ objected to a comparison between SVR numbers and McDonald's and KFC outlets, arguing that these stores were "only a small subset of the total number of fast-food outlets across New Zealand". However, VIANZ did not acknowledge that SVRs are only a small subset of the total number of vaping outlets; for example, the BAT Vuse website declares this brand is available at more than 4000 outlets throughout Aotearoa. Nor did VIANZ explain why Aotearoa needs more SVRs than community pharmacists, which currently number around 900.

So what more could the Government and VIANZ do?

The Government should clearly do more to protect our rangatahi from vaping. However, responsibility lies not only with the Government; VIANZ also has a role to play. We offer some straightforward suggestions that could demonstrate a commitment to protecting rangatahi:

VIANZ could:

- publicly oppose the proliferation of vape stores, particularly the high number of outlets operating in some CBDs;
- support proximity restrictions to address the problem that many existing vape stores, including SVRs, are situated near schools;
- require its members to ensure none of its products are visible from outside SVR outlets;
- apologise for harms caused by past marketing, including event sponsorship, and
- demonstrate their commitment to supporting people so they stop smoking **and** vaping by supporting calls for mandatory basic training in smoking cessation support.

We elaborate on these suggestions in Appendix 2.

In summary, we agree that much greater protection for rangatahi is needed, a view shared by VIANZ, and call for more comprehensive monitoring and stronger enforcement of existing regulations. However, VIANZ's stance would have more credibility if the group took stronger action to protect young people and made it clear that vaping is a transition and not an end in itself.

What is new in this Briefing

- The number of specialist vape store approvals now exceeds 1300 and many communities have noted concerns about vape stores' locations near schools and the number of outlets operating within CBD areas.
- The growth of “stores-within-a-store” has seen specialist vape stores located within dairies but poor enforcement of existing regulations has allowed alleged breaches to continue without sanction.
- VIANZ has noted strong concerns about rangatahi vaping and called on the Government to do more to protect young people and enforce existing regulations.

Implications for public health policy and practice

- Comprehensive cross-sector support for stronger enforcement, including from VIANZ, suggests the Government has a powerful mandate to introduce measures that will better protect young people from vaping uptake.
- Industry actors, such as VIANZ, could demonstrate a stronger commitment to reducing youth vaping by agreeing to limits on specialist vape store numbers, proximity to schools and density.
- VIANZ members could also apologise for past aggressive marketing to young people and take steps to reduce continuing marketing that reaches young people by ensuring products cannot be seen by people outside their stores.

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Appendix 1: Vape marketing in New Zealand

Rising vaping prevalence among young people has caused considerable concern and even newly announced measures fall short of the comprehensive response needed to protect young people. We have outlined information on rising nicotine use ([here](#)), trends in youth

vaping prevalence (here), and appropriate regulatory responses (here and here).

Vaping products gained endorsement from the Ministry of Health because of their potential to assist people who smoke, and who had not been able to quit using established treatments such as NRT, by providing them with a less harmful alternative to smoking. However, the marketing of vaping products bore little relationship to the role regulators had anticipated these products could play in supporting the Smokefree 2025 goal. Rather than target people who smoke, vaping manufacturers used a period of unregulated marketing to target young people.[2] Brands such as Vuse (then Vype) sponsored dance parties and music festivals (here and here),[2] and used social media “influencers” to position their products as lifestyle accessories. Even post-regulation, we found many examples of major brands’ on-going marketing to young people.[3]

Sustained marketing normalised vaping and positioned it as an appealing lifestyle activity; the widespread availability of vaping products has made it easy for young people to begin vaping. We can understand how vaping uptake among young people has occurred by examining findings from smoked tobacco research. Studies on young people’s exposure to the tobacco “powerwalls” that once dominated retail environments found a dose response relationship between frequency of store visit (and thus exposure to powerwalls) and smoking experimentation.[4] Because it is logical to expect the same association to exist between exposure to vaping products and experimentation, many health researchers, schools, communities, parents and rangatahi themselves have expressed concern at the growing number of outlets selling vaping products and called for stronger regulation.

Appendix 2: Further detail on possible industry actions

In this section we expand on suggestions that VIANZ and its members could adopt to support their concerns over rising vaping among rangatahi.

1. Cap and reduce vape store numbers

VIANZ could publicly oppose the proliferation of vape stores, particularly the high number of outlets operating in some CBDs. According to their own reasoning, total vape store numbers should reduce to just 600, to parallel the number of tobacco retail outlets able to operate from July 2024. Further, as smoking prevalence decreases, tobacco retailer numbers should decrease further and, alongside that, so too should vape store numbers.

2. Call on members to cease operating within 300m of schools

VIANZ could address the troubling problem that many existing vape stores, including SVRs, are located near schools. Evidence that more than 80% of specialist vape stores are situated within one kilometre of schools, suggests the SVR sector represented by VIANZ has a key opportunity to protect rangatahi by calling on these stores to cease operating.

3. Reduce young people's exposure to vaping products

VIANZ should require its members to ensure none of its products are visible from outside SVR outlets. Mr Devery's stores (VAPO) could lead the way. VAPO outlets have large window displays featuring visually appealing vapes and e-liquids that are visible to all who walk by, including young people aged under 18 (George St Dunedin store shown below).



4. Apologise for past marketing that targeted young people

VAPO sponsored the Cellar Stage at Rhythm and Vines, a music festival more likely to have

been attended by young people who do not smoke than by older people who have been unable to quit after many years of smoking. We have documented other promotions designed to position vaping as a social practice rather than a tool that offers people who have been unable to quit smoking a less harmful option.[2, 3]

5. Actively support vaping cessation

Evidence that, while less harmful than smoking, vaping is not risk free suggests VIANZ could also play a leading role in supporting people to stop smoking and vaping. While many health experts agree that vaping exposes users to fewer harmful chemicals than smoking, they also agree that people who switch from smoking to vaping should aim to stop vaping. VIANZ could support mandatory training requirements so all staff selling vaping products have a sound understanding of smoking (and vaping) cessation strategies and can advise customers appropriately. We look forward to learning how VIANZ members support vaping cessation.

References

1. Boston A, Robertson L, Hoek J. Specialist vape store developments during the implementation of New Zealand's Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020. *Tob Control* 2022;tobaccocontrol-2021-057123.
2. Hoek J, Freeman B. BAT(NZ) draws on cigarette marketing tactics to launch Vype in New Zealand. *Tobacco Control* 2019;**28**(e2):tobaccocontrol-2019-054967.
3. Cochran C, Robertson L, Hoek J. Online marketing activity following New Zealand's vaping legislation. *Tobacco Control* 2023;**32**(2):263-264.
4. Paynter J, Edwards R, Schluter P, *et al.* Point of sale tobacco displays and smoking among 14-15 year olds in New Zealand: a cross-sectional study. *Tobacco Control* 2009;**18**(268-274).



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