

use;¹³ however, some states in Malaysia have already banned vaping outright, causing a backlash among the growing number of e-cigarette users and proponents of e-cigarette use for smoking cessation.

What should Malaysia's action be? Should it follow countries like Argentina, Brazil, the United Arab Emirates, Singapore, and Thailand, which have banned all forms of vaping?¹⁴ Or should it take other forms of action such as a partial ban, formation of vape-free zones, restriction of use by introduction of legislation or by incorporating vaping into the tobacco control act? Lessons can be learned from the present tobacco control measures in Malaysia. The principal strategies to combat the smoking menace in Malaysia have been health education and promotion directed at smokers. Cigarette advertisements are now banned and cigarette packaging has gory illustrations of the consequences of smoking. The bulk of tobacco control measures are directed towards smokers, with the core message being that smoking is injurious to the smoker's health. However, non-smokers are still not made aware of the dangers of second-hand smoke, resulting in increased tolerance towards smoking in public.¹⁵ Policies to regulate e-cigarettes should be carefully formulated and take into account their potential to normalise smoking. Formulation of policies which frame vaping as an unacceptable social habit might prevent a new wave of smoking normalisation.

The Ministry of Health Malaysia has recommended that e-cigarettes be strictly regulated as a pharmaceutical product, and has restricted the sale of e-cigarettes to minors and implemented an immediate e-cigarette ban in schools and tertiary institutions nationwide. It is also reviewing the Poisons Act 1952 to include e-cigarettes, and has enforced quality and safety specifications for e-cigarette devices. Will Malaysia's aspiration to be a smoke-free nation by

2045 include e-cigarettes as well? The right policies to achieve this aspiration will depend on evolving evidence and definitive answers.

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The debate on regulation of e-cigarettes in China

China manufactures 80% of the world's e-cigarettes.¹ The domestic Chinese e-cigarette market has expanded since 2014, with a 33% increase in sales in 2015 alone.² The 2014 China Global Youth Tobacco Survey, which studied 155 117 students aged

13–15 years, showed that 45.0% of them had heard about—and 1.2% had used—e-cigarettes.³ Some members of the global public health community are calling for regulation of e-cigarettes, but, owing to inconclusive evidence on their impact,⁴ no simple

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and unified guidelines exist to assist countries in such regulation. In China, a regulatory framework has been debated between the public health community and government agencies since 2005. We aim to analyse the development of a regulatory system for e-cigarettes and the interests and strategies of policy makers in China, and hope that this Comment might assist other countries undergoing similar debates on the regulation of e-cigarettes.

There have been dramatic changes in the way that e-cigarettes are marketed in China since they first emerged in 2005. Back then, e-cigarette companies promoted their products as a cigarette-like but healthier alternative to tobacco, as a tool to help quit smoking, and as gifts,⁵ which attracted attention from tobacco control advocates and government agencies. However, with little evidence on the health effects of e-cigarettes, and little international experience in their regulation, government agencies were initially hesitant to take over regulatory responsibility. The ensuing debate centred on whether to categorise e-cigarettes as tobacco, medicinal, general, or harmful products—each coming under different agencies with different regulatory mechanisms.

Over a decade later, this issue is still unresolved. The China Food and Drug Administration expressed its position in 2006 that “Electronic Nicotine Delivery Systems (ENDS) should not be managed as medical equipment.”⁶ The State Tobacco Monopoly Administration (STMA) refused to classify e-cigarettes as tobacco products but rather as potentially harmful chemical products, recommending regulation under State Administration of Work Safety.

Nonetheless, the e-cigarette industry was challenged by the media and public health advocates for its marketing ploys. The industry then changed its strategy to promote e-cigarettes as fashionable, innovative, leisure consumer goods, and built a fan base, both online and offline. Many e-cigarette centres, clubs, and bars were established in major cities to help disseminate and portray the culture of vaping, and to increase sales of e-cigarettes.

As the e-cigarette industry developed, the Chinese tobacco monopoly decided to include e-cigarette development in its own strategy. It established a task force led by the STMA’s leaders to coordinate issues related to all new tobacco products. Its local branches,

an affiliated research centre, and two e-cigarette companies agreed to cooperate in development of e-cigarettes co-branded with the key existing cigarette brands.⁷

The trajectory of e-cigarette regulatory development has also been affected by the changing policy context in China. First, many tobacco control measures have been implemented, such as increases in tobacco tax, revision of advertising laws, non-smoking directives to government officials, and a national smoke-free law under process. Second, as China’s economy has begun to slow down since 2009, a core strategy of the Chinese administration to stimulate economic vitality is through deregulation of industries. The government also encourages industries to form associations for improved self-regulation. With more than 1000 brands, 6000 products, and over 1800 companies in the industry, leading e-cigarette companies echoed this central policy by establishing the first National Association of Electronic Cigarettes in 2015.⁸

The Ministry of Industry and Information Technology (MIIT)—the supervising ministry for STMA—seems to support the self-regulation of the e-cigarette industry. By encouraging small and medium



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e-cigarette companies to form into associations, MIIT might be able to manage the industry more easily. However, MIIT suggested that the STMA should seriously consider and push forward the regulation of e-cigarettes and other tobacco products.⁹ At the time of writing, the central government has yet to make a decision on how to regulate e-cigarettes.

Whether e-cigarettes end up being regulated by the STMA or through self-regulation by the e-cigarette industry, we call upon the central government to include e-cigarettes in all future tobacco surveys, and establish a regulatory system as soon as possible to at least ban sales to children, prevent e-cigarette marketing towards youth and non-smokers, and require disclosure of ingredients and labelling—as a first step until the science is clear.

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