

HEATED TOBACCO PRODUCTS GLOBAL REGULATION

Heated tobacco products (HTPs) are relatively new, and the tobacco control laws in many of the countries where these products are sold were adopted before HTPs were first introduced. These laws, and the definitions used in them, are often not well suited to regulating HTPs, in particular because HTPs do not fit within existing categories of tobacco products, and because a key component of the systems are the electronic heating devices, which the tobacco companies are promoting separately from the heated cigarettes.

How Countries Have Regulated HTPs

Few countries have adopted laws or regulations to specifically address HTPs in their tobacco control laws, meaning that existing laws have to be applied to HTPs. The regulatory situation across countries where HTPs are sold is varied and complex.

European Union

In EU countries, the cigarettes used with HTP heating devices are often classified as 'smokeless' tobacco products and this impacts how tobacco control policy measures are applied to HTPs.

- HTP cigarette packs carry a 30% text-only

health warning instead of the 65% graphic health warning required on traditional cigarette packs.

- HTP cigarette packs are not required to be in plain packaging in France, Norway, UK and Slovenia, as these countries only apply plain packaging to cigarettes and roll-your-own tobacco.
- HTPs are subject to lower tobacco excise tax rates.
- Advertising of HTPs varies across different EU countries, most likely due to tobacco companies marketing the heating devices rather than the heated cigarettes (see below).

Tobacco Companies Are Circumventing Existing Laws

HTP systems have two main components:

1. sticks or pods that contain tobacco and which are purchased regularly by consumers ("heated cigarettes"); and
2. rechargeable electronic heating device which contains no tobacco.

Tobacco companies use different branding for these two components. For example, Marlboro HEETs (the heated cigarettes) are for use with IQOS, and BAT's Neosticks are for use with glo. In many countries, the electronic heating devices are not within the legal definition of a 'tobacco product' and, therefore, fall outside some tobacco control regulatory regimes.

The tobacco companies' marketing strategies in most countries focus on the heating device brand (for example, IQOS and glo) to circumvent existing tobacco advertising bans. In addition, the attractive packaging used for the devices is



often not required to contain tobacco health warnings. For instance, in Canada prior to 2018, specialty IQOS stores displayed the device and used only IQOS branding and signage (as opposed to HEETS branding and signage), enabling PMI to evade the existing ban on tobacco product advertising. After Canada amended its law to include the heating device within the definition of "tobacco product", PMI was forced to remove IQOS advertising, including signage from IQOS stores.

Of course in any country where heating devices are present, the level of HTP advertising reflects both what is permitted under the existing tobacco advertising law as well as whether the government is enforcing the law.

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HTPs specifically regulated as tobacco products

At least nine countries have adopted new laws to specifically regulate HTPs.

- Canada¹, Belarus², Moldova³ and Georgia⁴ have legislated to include HTPs within their tobacco control laws so that both the heated cigarettes and heating devices are covered by advertising bans, smoke-free laws and, for Canada, the plain packaging law.
- Israel's tobacco control law applies advertising restrictions, a display ban, text health warnings and plain packaging to the packaging of heated cigarettes and heating devices.⁵
- Republic of Korea devised new health warnings for the packs of heated cigarettes.⁶
- Portugal includes the use of HTPs under its smoke-free law and has extended its tobacco advertising ban to include heating devices.⁷
- Sweden specifically includes the use of HTPs in its smoke-free laws.⁸
- In the United States, the Food and Drug Administration regulates the sale of PMI's IQOS device and heated cigarettes as tobacco products and, specifically, as non-combusted cigarettes.⁹ PMI has also submitted an application to sell IQOS as a modified risk tobacco product, which would

permit the company to make claims in marketing materials about the risk of using IQOS relative to smoking cigarettes. That decision is still pending.

Countries with bans on HTPs

- Panama¹⁰, Ethiopia¹¹ and India¹² have legislated to ban the sale of HTPs. Mexico¹³ and Turkey¹⁴ have legislated to ban the import of HTPs.
- In at least 11 countries, HTPs are banned under existing laws either because those countries prohibit all new nicotine products (Australia, Brazil and Singapore) or because HTPs are covered by laws that ban 'smokeless' tobacco (Finland, Malta and Sri Lanka) or e-cigarettes (Brunei, Cambodia, Qatar, Thailand and Uganda).

Does using HTPs count as smoking?

Many countries employ the definition of "smoking" advised in the WHO Framework Convention on Tobacco Control, which refers to being in possession or control of a "lit tobacco product".¹⁴ Because HTPs are not "lit" when used, their use may not be covered by the existing smoke-free laws of these countries.

See other fact sheets in the HTP Toolkit to read more about HTPs and smoke as well as the process of combustion in HTP use.

Key Messages

- **In many countries, tobacco control laws were adopted before heated tobacco products arrived on their markets, meaning these new products are not effectively regulated.**
- **Governments should consider banning heated tobacco products, particularly if they are not already on their market, or ensuring their existing tobacco control provisions apply to both the cigarettes and the devices.**
- **Governments should review their laws on tobacco product advertising, packaging and labeling, taxation, and exposure to secondhand smoke, to ensure the laws properly address heated tobacco products, including the heating devices, and are fully compliant with WHO Framework Convention on Tobacco Control.**

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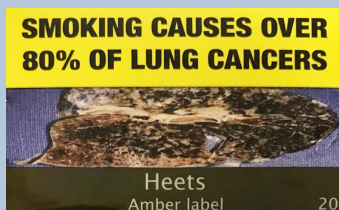
COLOMBIA



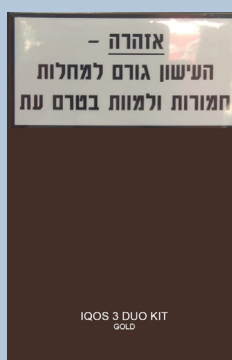
REPUBLIC OF KOREA



EUROPEAN UNION (GERMANY)



NEW ZEALAND



ISRAEL HEATING DEVICE PACKAGING



ISRAEL HEATED CIGARETTES

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