PROUDUTION PROUDITION DOES NOT WORK



# VAPOUR PRODUCT RECULATION IN AUSTRALIA: A CASE STUDY IN FAILURE

## **EXECUTIVE SUMMARY**

With one of the strictest prohibitionist approaches to nicotine products out of any developed country, Australia's approach to vapour regulation stands as a testament to what not to do, and perhaps one of the clearest examples of the disastrous consequences of prohibitionist policies. Although there is no formal ban in Australia on electronic cigarettes, the application of burdensome prescription requirements, ISO standards, and excessive other regulatory barriers has create a de facto ban leading to the effective elimination of a legal market for reduced risk smoking alternatives. As a result, with an effective non-existent legal market, and significant consumer demand by smokers wishing to quit through less harmful alternatives, consumers have been driven to the black market, handing control of a billion dollar industry to organised crime, with disastrous consequences.

While jurisdictions like the United Kingdom and New Zealand have used regulation to encourage smokers to transition to safer alternatives which helped to drive smoking rates to historic lows, Australia has seen underage vaping rise, smoking rates begin rising, and public health messaging descend into misinformation and fear campaigns. The consequences have been severe: booming criminality, widespread non-compliance, lost tax revenue, unprecedented crime, and a growing public disaster.

It is an undisputed scientific fact that vapour products provide smokers with a significantly safer way to consume nicotine. Over 150 public health institutions, including the UK Government's Office for Health Improvement and Disparities, the US Food and Drug Administration, the New Zealand Department of Health and the Cochrane network, have concluded that vaping poses only a fraction of the risks associated with smoking and is one of the most effective tools available for helping smokers quit. In the UK and New Zealand, these findings have driven progressive regulatory policies that support smokers in switching to less harmful alternatives. As a result, both countries have experienced record-low smoking rates and widespread consumer adoption of regulated vapour products – an undisputed boon to public health.

Australia, by contrast, implemented a de facto prohibition model. Vapour products were classified as prescription-only medicines, and legal access was functionally unattainable for most consumers, with 93.2% of vapers reportedly purchasing their products illegally in 2022-2023.

Although the prescription requirement was technically formally lifted in 2024, access remains highly restricted: Sales are limited to pharmacies – of which there are only about 6,000 nationwide, and surveys suggest almost two thirds of pharmacies choose not to stock the products for their own safety – while flavours, packaging, and product variety are subject to tight constraints, making it virtually impossible for consumers to find suppliers legally, and even when one is located, to find products in stock that appeal to them. As a result, legal sales make up just 1 in 1,700 vape transactions.

This system has not curbed demand. Instead, it has fuelled the emergence of a sprawling illicit market, now believed to be worth AUD \$1–2 billion (USD \$750 million–\$1.3 billion) annually. Organised criminal networks dominate this trade, smuggling unregulated products into the country, distributing them through underground networks, and using the profits to finance other illegal activities. The black market has also become increasingly violent, with a wave of violence showing over 200 incidents of firebombings arson and even targeted killings linked to turf wars over the illegal vape and tobacco trade.

At the same time, underage access to vapour products has surged. Without legal safeguards or responsible retailing, illicit vendors sell indiscriminately, including to minors. As a result, 14.5% of 14–17-year-olds in Australia were current vapers in 2023. Illicit products have also been found to contain dangerous contaminants, ranging from heavy metals to synthetic opioids, posing significant public health risks. Meanwhile, Australia's smoking rate has increased, reversing decades of progress in tobacco control and falling well behind countries that have embraced regulated harm reduction. Smoking incidence grew (13.6% in 2025 vs. 13.3% in 2024) in Quarter 1 of 2025 for the first time since 2005,² since vaping restrictions were introduced in mid-2024 – primarily driven by increased smoking rates for 18-24 year olds.

Australia's current regulatory approach shows: Prohibition Does Not Work. Reforming the system in line with evidence-based harm reduction principles would curtail the black market, protect public health, and unlock substantial government revenue.

## **VAPING RECULATION IN AUSTRALIA**

In stark contrast to many other countries in early 2000s who recognised the life-saving potential of vapour products, Australia moved quickly to restrict access to vapour products following their emergence.

2008				
	2020	2021	2024	2025
Nicotine-containing	Therapeutic Goods	New classification comes	Government	Illicit market remains
e-liquids are classified	Administration	into effect but fails to curb	bans imports of	the primary source of
as poisons.	decides to classify vapour products as	illicit access.	"non-therapeutic vapes".	vapour products, with serious consequences
As restrictions are not	a prescription-only	Underage vaping	Prescription	for the public.
strongly enforced,	smoking cessation	soars, significant	requirement is lifted, but	
vapour products begin gaining popularity.	treatment.	black market forms.	legal sales remain overly restricted.	

In 2008 the National Drugs and Poisons Schedule Committee banned their sale and possession, classifying nicotine-containing e-liquids as a "Schedule 7 Poison" — a category including substances such as arsenic and cyanide. However, due to jurisdictional issues between the Commonwealth and the States, the ban was not strongly enforced in practice, and the products gradually gained popularity as smokers recognised their life-saving potential.

Over a decade later, in 2020, the Therapeutic Goods Administration (TGA) sought to formalise the regulatory framework by reclassifying vapour products as a prescription-only smoking cessation treatment. Doctors were permitted to prescribe them only if approved nicotine replacement therapies were deemed unsuitable, with the TGA maintaining that "e-cigarettes are not first-line treatments for smoking cessation". These rules came into effect in October 2021.

In reality, legal access proved even more limited than this restrictive policy implied. Only doctors authorised under the "Special Access Scheme B Pathway" could prescribe vapour products and, as of January 2023, fewer than 1% of General Practitioners in Australia held such authorisation. This is not to mention the burden, both financial and in terms of time, of users even if they found such a doctor, of visiting them for an appointment.

<sup>3</sup> Record of Reasons – 54th Meeting, 14-15 October, National Drugs and Poisons Schedule Committee, 2008

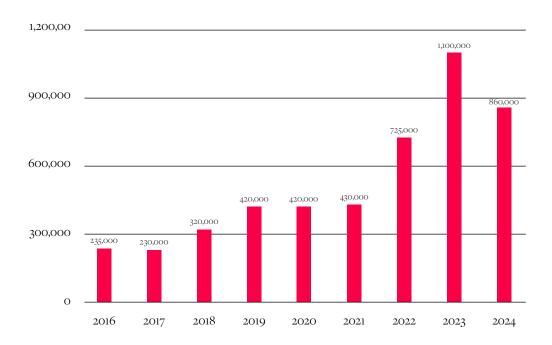
<sup>4</sup> Australian State & Territory regulatory controls on Schedule 7 poisons, Therapeutic Goods Administration, 2017

<sup>5</sup> Health risk assessment of nicotine pouches, German Federal Institute for Risk Assessment, 2022

 $<sup>6\,\</sup>underline{\text{Australian Medical Association gets vaping completely wrong...again, Colin Mendelsohn, 2023}$ 

These stringent requirements effectively amounted to a de facto ban on legal sales. Yet rather than uptake reducing, the number of vapers in Australia surged — from 420,000 in 2020 to 1.1 million in 2023<sup>7</sup> — with approximately 92% of consumers sourcing products from a quickly- expanding black market.<sup>8</sup>

## ECigIntelligence estimates of the number of adult vapers in Australia. (ECI)



This fact was not lost on the National Advisory Council on Alcohol and Other Drugs, which reportedly warned the Government in early 2023 that "nicotine on the unregulated market is now more available and potent than that in the regulated one and is being sold to people who should not have access [like the underage]." The Advisory Council further cautioned authorities that "further restrictions will only make the problem worse", but its warning was ignored.<sup>9</sup>

In December 2023, a law was passed restricting advertising, while in January 2024 prescribing rights were extended to all doctors and nurses in an attempt to widen access. In March of the same year, the Government tried to stop the flow of illegal products by banning the import of "non-therapeutic vapes" and imposing new pre-market requirements for legal products. This latter move reportedly had the effect of nearly doubling the street price of vapour products, greatly increasing the potential profits of illicit vendors but doing little to actually stop illicit imports.

<sup>7</sup> ECigIntelligence Vapour Market Database

 $<sup>8\ \</sup>underline{Impact\ Analysis: Proposed\ reforms\ to\ the\ regulation\ of\ vapes, Office\ of\ Impact\ Analysis, \underline{2023}}$ 

<sup>9</sup> Vaping ban likely to fuel black market: emails reveal drug advisory group's fears, Sydney Morning Herald, 2023

<sup>10</sup> Public Health (Tobacco and Other Products) Act 2023, Australian Government, 2023

<sup>11</sup> New regulation of vapes starting January 2024, Therapeutic Goods Administration, 2023

<sup>12</sup> New regulation of vapes starting January 2024, Therapeutic Goods Administration, 2023

 $<sup>13\ \</sup>underline{\text{Exposing the thriving black market in illegal vapes}}, 60\ \underline{\text{Minutes Australia}}, 2024$ 

Signs from various Australian pharmacies, likely intended to dissuade contact from organised crime







In a final bid to prop up the country's clearly failed regulatory system, federal authorities finally removed the prescription requirement in October 2024. Hut this move has done little to expand access or redirect consumers to the legal market, due to a series of persistent obstacles:

- Tasmania<sup>15</sup> and Western Australia<sup>16</sup> quickly reintroduced the prescription requirement at state level.
- In other states, sales remain confined to registered pharmacies. Numbering approximately 6,000 nationwide,<sup>17</sup> these have a much more limited presence than general retailers like convenience stores, petrol stations, and supermarkets.
- Furthermore, surveys suggest that between half and three-quarters of pharmacies choose not to stock vapour products, often due to concerns about inadvertently selling unapproved items<sup>18 19</sup> and fears that they may targeted by organised criminals involved in illicit sales.<sup>20</sup> This caution is also reflected in the fact that only 2,000 of the country's 38,000 pharmacists have reportedly lodged a Special Access Scheme notification to sell vapour products without a prescription.<sup>21</sup>
- Smokers have been actively discouraged from trying vapour products by years of negative public messaging, with both health authorities and media outlets routinely demonising vaping and making misleading claims about the products' health effects.<sup>22</sup>
- Burdensome pre-market approval rules limit the variety of legal products available, compared to the choices offered illicitly.
- Upcoming regulations taking effect in July 2025 will further reduce legal products' appeal, prohibiting most flavours, requiring plain "pharmaceutical-style" packaging, strict naming conventions, multiple health warnings, and tight restrictions on device design.<sup>23</sup>
- Most significantly, illegal products remain much cheaper. Without compliance costs, taxes, or distribution constraints, they continue to significantly undercut legal options.

<sup>14</sup> Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Bill 2024, Australian Parliament, 2024

<sup>15</sup> Public Health Amendment (Vaping) Act, Tasmanian Government, 2025

<sup>16</sup> Medicines and Poisons Regulations, Western Australian Legislation, 2024

<sup>17</sup> About Pharmacy, Find a Pharmacy, 2025

 $<sup>18\,\</sup>underline{Pharmacy-Only\,Vaping\,Model\,Failing\,as\,Three-Quarters\,of\,Pharmacies\,Refuse\,to\,Stock\,Products, A.L.I.V.E., 2025, A.$ 

<sup>19</sup> More than half of WA pharmacies choosing not to stock vapes, survey shows, The Guardian, 2024

 $<sup>{\</sup>bf 20} \ \underline{\bf Exposing \ the \ thriving \ black \ market \ in \ illegal \ vapes, 60 \ Minutes \ Australia, 2024}$ 

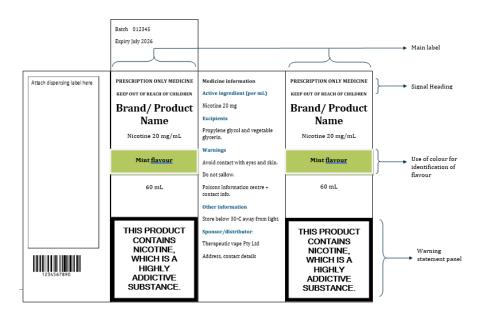
<sup>21</sup> Are Australian vaping laws effective or falling short, News GP, 2025

<sup>22</sup> Do you know what you're vaping? NSW Government, 2023

 $<sup>{\</sup>bf 23} \ Understanding \ requirements for unapproved \ the rapeutic \ vaping \ devices \ and \ accessories \ in \ Australia, \ The \ rapeutic \ Goods \ Administration, \ 2024 \ requirements \ and \ accessories \ in \ Australia, \ The \ rapeutic \ Goods \ Administration, \ 2024 \ requirements \ and \ accessories \ in \ Australia, \ The \ rapeutic \ Goods \ Administration, \ 2024 \ requirements \ and \ accessories \ in \ Australia, \ The \ rapeutic \ Goods \ Administration, \ 2024 \ requirements \ and \ accessories \ in \ Australia, \ The \ rapeutic \ Goods \ Administration, \ 2024 \ requirements \ and \ accessories \ requirements \ accessories \ accessories \ requirements \ accessories \ requirements \ accessories \ accessories$ 

Given these barriers, it is unsurprising that illicit sales in 2025 reportedly outnumber legal ones by an estimated 1,700 to 1,<sup>24</sup> with approximately 1 million vapers in the country. As legal products remain harder to obtain due to limited access and more expensive due to compliance costs, most consumers resort to the black market — bringing with it a host of problems for regulators, health authorities, and the public.

## Diagram on new vapour product packaging requirements effective from July 2025.



### E-liquid packaging example



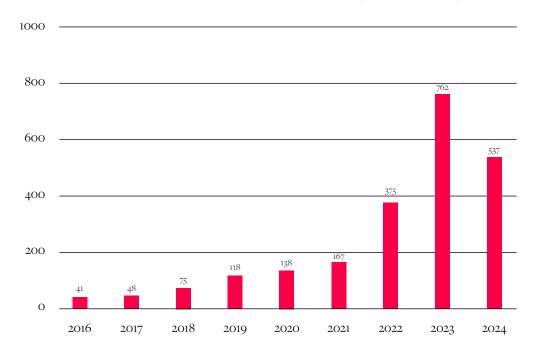
## THE RESULTING BLACK MARKET AND ITS CONSEQUENCES

Australia's rapid move toward prohibition has created ideal conditions for a booming black market. With no accessible legal retail pathway to vapour products, criminal networks have stepped in to meet the demand from around one million regular consumers — with serious consequences for law enforcement, public health and government revenue.

Estimates on the size of the illegal vapes market vary significantly. In February 2024 parliamentary inquiry valued the vapour product trade at AUD 300–500 million (USD 190 – 320 million) in the state of Victoria alone,  $^{25}$  suggesting a national figure of AUD 1–2 billion (USD 750 million – 1.3 billion).

The Therapeutic Goods Administration (TGA), the country's drug regulator reported that over 10 million vapes are sold each month on the black market.

## ECigIntelligence estimates on the size of the Australian vapour product market, including both legal and illicit sales (min. USD, ECI)



Independent estimates from TechSci Research<sup>26</sup> and IMARC<sup>27</sup> put the national figure closer to USD 500 million, while industry data provider ECigIntelligence (ECI) suggests a bit lower estimate of USD 418 million.<sup>28</sup> Meanwhile, an investigation by journalists from 60 Minutes Australia claimed that vapour products have become "the second-largest illicit drug operation in Australia [after methamphetamine], worth 2 billion [Australian] dollars a year."<sup>29</sup>

<sup>25</sup> E-Cigarette use in Victoria, Victoria Parliamentary Budget Office, 2024

<sup>26</sup> Australia E-Cigarette Market Overview, TechSci Research, 2024

<sup>27</sup> Australia E-Cigarette Market Size, Share, Trends and Forecast by Product, Flavor, Mode of Operation, Distribution Channel, and Region, IMARC, 2024

<sup>28</sup> ECigIntelligence Vapour Market Database

 $<sup>\</sup>underline{29\ Exposing\ the\ thriving\ black\ market\ in\ illegal\ vapes, 60\ Minutes\ Australia, \underline{2024}}$ 

Despite any numerical disparities, all sources agree on three core facts: Australia's vapour market is large, predominantly illegal, and continuing to grow, with billions in potential but unrealised excise revenue being lost to the black market.<sup>30</sup>

An underground supply chain – spanning manufacture, import, distribution, and retail – has enabled criminal syndicates to dominate the vapour product market.

The process begins where the products are made, primarily in China, where representatives of Australian criminal organisations have been known to conduct deals with local manufacturers for large-scale sea-borne shipments to Australia.<sup>31 32</sup> Since the introduction of the import ban in January 2024, transit via neighbouring New Zealand has also become a popular point of entry.<sup>33</sup>

Australia processes around 9.38 million shipping containers annually.<sup>34</sup> Of the 2.5 million destined for the domestic market,<sup>35</sup> only a small fraction are scanned by the Australian Border Force (ABF), which prioritises higher-risk categories such as narcotics, firearms, and biohazards.<sup>36</sup> ABF Commissioner Michael Outram has publicly acknowledged the agency's limitations, stating that "prohibition [of] goods at the border, in itself, is unlikely to solve a problem" — and that without significantly increased funding or a shift in enforcement priorities, the flow of illegal vapour products will continue.<sup>37</sup>

Once inside the country, illegal vapes are distributed via sophisticated domestic networks controlled by organised crime. These syndicates rely on existing trafficking infrastructure — including smuggling routes, encrypted communications, and intermediaries — to move products across the country and into compliant retail outlets and the warehouses of illicit online vendors.<sup>38</sup>

Some retailers participate willingly, incentivised by financial gain or guaranteed supply. Others are coerced through intimidation or threats.<sup>39 40</sup> The result is a system that increasingly mirrors traditional drug markets: centralised supply, decentralised distribution cells, and rising levels of violence used to secure territory and deter competitors. Illegal products — mostly typical Chinese disposable vapes — are sold in ordinary retail stores, including smoke shops and convenience stores. Legal products in pharmacies are available in tobacco, menthol and mint flavors only, and must be sold in plain packaging.

 $<sup>{\</sup>color{red}30}\,\underline{\color{blue}Tobacco}\,\underline{\color{blue}An\,updated\,economic\,assessment}, \underline{\color{blue}Independent\,Economics,2023}$ 

<sup>31</sup> Leaked text messages expose major flaw with Albanese government's vape ban - as illegal devices continue to flood into the country: 'A complete and utter policy failure', Daily Mail, 2024

<sup>32</sup> The sneaky way Chinese vape kingpins are getting their nicotine-laden devices into Australia – as experts admit it's 'too late' for thousands of addicted kids, Daily Mail, 2022

<sup>33</sup> Australia Disposable Import Ban Leads to 93% Decline in Chinese Exports, While New Zealand Takes over, 2 Firsts, 2024

<sup>34</sup> Australian sea freight, Australian Department of Infrastructure, Transport, Regional Development, Communications and the Arts, 2023

<sup>35</sup> Exporting to Australia from the Pacific, Australian Department of Agriculture, Fisheries and Forestry, 2025

<sup>36</sup> Border Force is developing technology to scan cargo at ports, IT News, 2022

<sup>37</sup> Ban won't stop vapes flooding in: Border Force chief, Sydney Morning Herald, 2023

<sup>38 &</sup>lt;u>Underworld vape wars: Crims swap cocaine for black market trade, Daily Telegraph, 2024</u>

<sup>39 &#</sup>x27;Earn or burn': the firebombings and underworld conflicts exposing Australia's illicit tobacco trade, The Guardian, 2023

<sup>40</sup> Terrified tobacconist in the crosshairs of feared vape gangs who demand small business owners sell them their shops - as cops admit they're powerless to stop the intimidation, Daily Mail, 2023

Police across the country reported surges in crime tied to the illegal vape trade, including over two hundred arson attacks on vape shops,<sup>41 42</sup> and even targeted killings of alleged ringleaders<sup>43</sup>; all part of an intensifying turf war between rival syndicates that poses a growing danger to ordinary people who risk being caught up in the violence.

Tragically, at least one innocent Melbourne woman was also killed, a result of mistaken identity, with her murder traced to orders given by an international drug kingpin presently residing in Iraq.<sup>44</sup>

It is important to note that, although receiving the largest share of media attention, the marked rise in organised crime has been only one of the many disastrous consequences of Australia's effective prohibition on vapour products. Scenes from recent arson attacks on vape shops, believed to be linked to turf organised crime groups competing in the illicit vapour product trade.







# "AUSTRALIA'S CURRENT STRATECY MAY BE CREATING MORE HARM THAN IT MITICATES, MIRRORING MANY OF THE UNINTENDED CONSEQUENCES HISTORICALLY ASSOCIATED WITH DRIFT PROHIBITION"

Professors James Martin & Edward Jegasothy, writing in the Harm Reduction Journal (2025)

By effectively ceding control of the vapour product market to underground vendors, Australian authorities are exposing vapers to potentially dangerous illegal products that do not adhere to any product or ingredient standards. Some of the products tested have been found to contain highly toxic substances such as arsenic, zinc, and large quantities of heavy metals including lead and mercury. Recently, a batch of products was even found to contain nitazenes, which are synthetic opioids potentially significantly more potent than fentanyl.

Furthermore, evidence shows that profit-motivated illicit retailers - who are already breaking the law by selling vapour products in the first place – do not abide by restrictions. Consequently and paradoxically, **underage access to vapour products has become easier** as a result of the Government's attempted crackdown on vaping, and as many as 14.5% of Australian 14- to 17-year-olds reported being current vapers in 2023.

<sup>41</sup> Vape shops at war in Australia: Why so many are going up in flames, Daily Mail, 2024

<sup>42</sup> Police link dozen Queensland arson attacks to illegal tobacco trade, ABC News, 2025

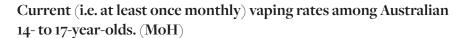
<sup>43</sup> Craigieburn drive-by shooting linked to Melbourne's tobacco war, Daily Mail, 2023

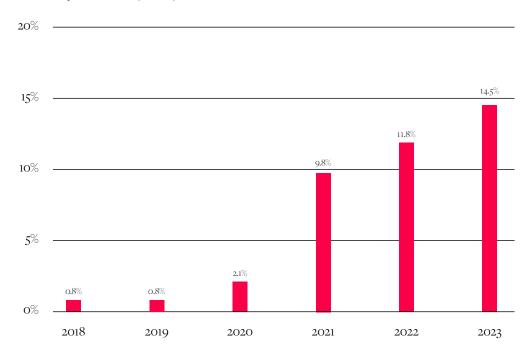
<sup>44</sup> Exiled tobacco kingpin linked to fire that killed innocent burlesque dancer

<sup>45</sup> Shock lab results reveal what's inside popular vapes sold across Queensland, Hot Tomato, 2023

<sup>46</sup> Nitazenes found in black market vapes as criminals make new variations to evade detection, ABC News, 2025

In addition, the financial cost to the Government of maintaining the current system is substantial. Border authorities must devote limited resources to scanning for shipments of illegal vapour products over more pressing priorities, while state and federal police spend time and money pursuing black market vendors and investigating arson attacks. These are taxpayer-funded efforts chasing a product that, if regularised and taxed, could contribute approximately USD 300 million annually to the Australian economy, according to a 2023 estimate.<sup>47</sup>





But perhaps most significantly, Australia's stubborn refusal to permit a managed, open market for vapour products has had the effect of greatly slowing the decline in the country's smoking rates, with serious negative implications for public health.

 $<sup>47\ \</sup>underline{\text{Tobacco and vaping products in Australia: An updated economic assessment, Independent Economics, 2023}$ 

## **SMOKING RATES IN STAGNATION**

It's worth noting that Australia has historically been at the forefront of tobacco control, implementing some of the strictest regulatory and taxation measure. These include:

- Setting a global benchmark for anti-smoking mass media campaigns with the launch of the National Tobacco Campaign in 1997.<sup>48</sup>
- Becoming in 2006 the second country worldwide to mandate prominent health warnings on tobacco packaging.<sup>49</sup>
- Maintaining the highest cigarette prices globally since 2010.<sup>50</sup>
- Pioneering the introduction of plain packaging laws in December 2012, mandating that all tobacco products be sold in uniform, featureless packaging coloured a "drab dark brown".<sup>51</sup>
- Establishing some of the strictest controls on tobacco advertising and smoking in public spaces.<sup>52</sup>

Current (i.e. at least once monthly) smoking rates among Australian 14+ year-olds (red) and New Zealand 15+ year-olds (grey).



<sup>48</sup> Australia's National Tobacco Campaign: Discourse and Change over Two Decades, Academia, 2021

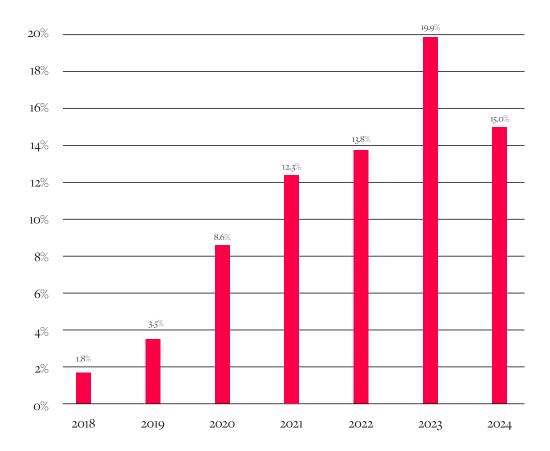
<sup>49</sup> Australia, Tobacco Labelling Resource Centre, 2024

 $<sup>50 \; \</sup>underline{\text{Australia's \$40 per pack cigarette tax plans: the need to consider equity, BMJ \; Tobacco \; Control, 2018}$ 

<sup>51</sup> Plain Packaging in Australia, Tobacco Tactics - University of Bath, 2020

 $<sup>52\ \</sup>underline{Tobacco\ control\ policies\ in\ the\ 21st\ century: achievements\ and\ open\ challenges, Molecular\ Oncology, 2021}$ 

## Current (i.e. at least once monthly) vaping rates among New Zealand 15- to 17-year-olds. (MoH)



It has become abundently clear that these measures have completely, totally, and absolutely failed, and the decline in Australia's smoking rates has been slowing down significantly in recent years, if not outright reversing: The latest available smoking data from the Australian Ministry of Health shows that there has been effectively no progress between 2018 (12.3%) and 2023 (11.8%).<sup>53</sup> The extent of this slowdown stands in stark comparison to neighbouring New Zealand, where current **smoking rates nearly halved** from 15.1% in 2018 to 8.4%<sup>54</sup> in 2024.

More worryingly, recently published data by Australian Market Research company Roy Morgan has found that following the strengthening of restrictions on vapour product sales in 2024 – which included a ban on the importation, manufacture and commercial possession of disposable and "non-therapeutic products" from July – smoking rates in Australia may have actually begun increasing, rising from approximately 13.2% in September 2024 to 13.5% in May 2025.55

<sup>53</sup> Current vaping and current smoking in the Australian population aged 14+ years, Department of Health and Aged Care, 2023

<sup>54</sup> New Zealand Health Survey, New Zealand Ministry of Health, 2024

<sup>55</sup> Smoking Rates Rise in Australia After Vape Ban, Driven by 18–24 Age Group, 2 Firsts, 2025

While New Zealand has introduced many of the same tobacco control measures as Australia, the crucial difference between the two rests in the way New Zealand approached progressive regulation for vapour products:

- Instead of effectively banning their sale, New Zealand has permitted and even encouraged their purchase over traditional cigarettes through favourable taxation regimes.
- Rather than demonising vaping through misleading and incorrect public messaging on the products' health
  effects, New Zealand has followed the science and promoted their use for smoking cessation with videos,
  interactive tools, and clear messages dispelling misinformation.
- While Australia has moved to restrict most flavours in its small range of permitted vapour products, New Zealand has adopted evidence based policies, recognised the role of flavours and permitted a broad range of products, subject to rules limiting appeal to the underage (i.e. no cartoon branding, child-oriented names).<sup>56</sup>
- Contrary to Australia's approach to smoking cessation, which strongly discourages the use of anything other than traditional nicotine replacement therapy products such as gums and sprays, New Zealand has followed the UK's example and established a Vaping to Quit Smoking programme within the country's national health provider.<sup>57</sup>









## **NEW ZEALAND**







## **AUSTRALIA**

The combined result of these measures is that New Zealand is now nearing 'smoke-free' status with a smoking prevalence approaching less than 5% among the adult population, while Australia is suffering the public health effects of a comparatively high smoking rate combined with all the negative consequences of an illicit market worth hundreds of millions of dollars run by organised crime.

## **CONCLUSION**

Australia's current regulatory model for vapour products has shown to be a horrific disaster for Australia, with devastating effects on public health, public safety, law enforcement, the economy, and society writ large.

A thriving black market has become the principal means by which nearly a million vapers access unregulated and potentially dangerous products. The proceeds from these sales, worth many hundreds of millions of dollars annually, are flowing into the hands of organised crime syndicates, fuelling further illegal activity rather than contributing to public funds. Meanwhile, permanent negative misinformation about the category has contributed to that the decline in national smoking rates has stagnated.

These problems will not resolve themselves. But they could begin to be addressed if the Government were to stop engaging in science denial and regulate vapour products rationally and in a progressive way, learning from best practice successful models of countries like the United Kingdom and New Zealand. Such a shift would not only protect public health, consumers safety, and disrupt the illicit trade but also unlock substantial fiscal benefits.

The best time to make this change was years ago. The second-best time is now. As we can clearly see: Prohibition Does Not Work.

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