

YOUTH ACCESS PREVENTION GUIDE

VAPOUR PRODUCTS ASSOCIATION OF SOUTH AFRICA



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INTRODUCTION

As part of the Vapour Products Association of South Africa's (VPASA) efforts to prevent youth access to electronic nicotine delivery systems (ENDS) and electronic non-nicotine delivery systems (ENNDS), VPASA's Youth Access Prevention (YAP) campaign highlights the need to restrict the sale of ENDS and ENNDS products to persons under the age of 18.

Launched in 2021, the YAP campaign is aimed at strengthening self-regulation in the industry and reiterating the industry's commitment to responding to controversy around vaping and the youth, while reinforcing the industry's commitment to prohibiting the sale of ENDS/ENNDS products to those under the age of 18.

The 2023 iteration of the campaign will target parents, manufacturers, media, and other stakeholders on the dangers of under-18s accessing and consuming ENDS/ENNDS products, and the potentially long-term addictive nature of vaping.

As an integral element of the campaign, this guide is aimed at providing recommendations to retailers and vendors operating in the vaping industry, and ensuring that VPASA members abide by the association's code of conduct by exercising best practices when conducting business.

While current laws pertain to the smoking of traditional tobacco products, the impending Tobacco Products and Electronic Delivery Systems Control Bill intends to classify ENDS/ENNDS in the same category as traditional tobacco products.

As the Bill does address the prohibition of vaping products sales to persons under the age of 18, VPASA opposes some elements of the bill as it believes that several negative effects may be encountered, such as the rise of an informal market and the potential creation of a black market for vaping products, amongst others, that will increase youth accessibility to vaping products.

Given the prevalent misconception that the tobacco industry has expanded into vaping with the intention of appealing to younger consumers, VPASA is actively advocating for a separation of the Bill as traditional tobacco smoking and vaping are distinctively different.

As discussions regarding regulation continue, VPASA believes that it is imperative to address the misinformation that has contributed to this negative portrayal of the vaping industry, particularly in relation to persons under the age of 18.

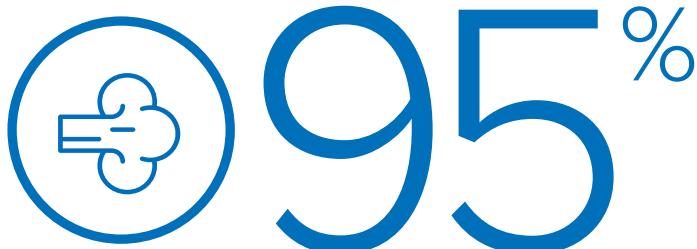
Drawing from the knowledge of the United Kingdom Vaping Industry Association (UKVIA), recognised as the industry leader in Electronic Vapour Product (EVP) regulations, VPASA has tailored this expertise in line with the South African market through the gathering of insights from best practices, industry experience and anecdotal evidence.

As such, VPASA members are required to adhere to all reasonable precautions and exercise due diligence to avoid the sale of ENDS/ENNDS products to persons under the age of 18, and ensure that their products or marketing endeavours do not appeal to this demographic.

IMPORTANCE OF YOUTH ACCESS PREVENTION

Evidence published by reputable medical researchers such as Public Health England (PHE) maintains that e-cigarettes are at least 95% less harmful than conventional tobacco smoking.

ENDS/ENNDS products are a suitable alternative for adult smokers and nicotine users seeking a less harmful means of consuming nicotine. By denying youth access to ENDS/ENNDS products at the point of sale, we inadvertently diminish the availability of these products to them.



Public Health England (PHE) maintains that e-cigarettes are at least 95% less harmful than conventional tobacco smoking.



This product
contains nicotine.
Nicotine is addictive.

PACKAGING

In an industry, such as the vaping industry, where all affairs are under constant scrutiny, perception is everything. Beyond the efforts to restrict the sale of ENDS/ENNDS products to persons under the age of 18, VPASA members must ensure the following:

- Accurate product information is clearly visible on the product packaging
- Vital warnings and advisories are clearly visible on the product packaging
- Age restrictions are clearly visible on the product packaging
- The product or its packaging cannot be seen as inappropriate or appeal to the youth

VPASA advises that its members implement the following with regards to their packaging to mitigate two prominent issues, namely:

1. KNOWN PRODUCT REPRESENTATION

These examples of e-liquids can not only infringe on the copyright patents of notable brands, but also be viewed as potentially appealing to the youth considering the recognisable products they reference.



2. ARTWORK CHOICES

These examples of e-liquids may be viewed as appealing to the youth based purely on design choices. While the purpose is to not alienate nor slander any brand, the depiction of cartoon characters on any product will be construed as targeting youth by a layperson. As such, several international e-liquid brands have chosen to change their labels to address this issue.



LABELLING

To measure ourselves accordingly, VPASA evaluates the product outside of the confines of the retail environment or in the hands of a consumer already well-acquainted with its contents.

VPASA members should consider whether, at a quick glance or brief examination of the label, a layperson can understand the product's intended use. Equally important is whether, under the same circumstances, the product may inadvertently appear to be safe for children if the layperson neglects to read the entire label. As such, there is a level of responsibility that manufacturers must adopt to mitigate this.

To address this, VPASA advises members to adopt the following template.

Nicotine Strength
Needs to be clear and visible.
Section titled in indicate the value refers to nicotine. Strength displayed as percentage (%) or milligram (mg).
Nicotine type to be indicated.

Nicotine warning
Needs to be clear and visible.
Distinguishable from the rest of the design

Age Restriction
Needs to be clear and visible.
Distinguishable from the rest of the design
Symbol and text to be included



Additional warnings
Needs to be clear and visible.
Warnings specific to usage.

Suitable Usage (Nicotine)
Needs to be clear and visible.
Specific to nicotine type and strength.
Focus on coil resistance and power output.
Insufficient to specify POD or sub-ohm.

Volume
Needs to be clear and visible.

PRODUCT INSTRUCTIONS

Shake well before every use
Keep out of direct sunlight
Keep in a cool dry place
Keep cap closed when not used

INGREDIENTS

Propylene glycol (PG)
Vegetable glycerine (VG)
Flavouring (natural and artificial)
Nicotine
Other additives that need to be mentioned

CONTACT DETAILS

Company logo
Company name
Email address, Website
Social media links

WARNING
THIS PRODUCT CONTAINS NICOTINE.
NICOTINE IS AN ADDICTIVE SUBSTANCE.

NOT FOR SALE TO ANY PERSON UNDER THE AGE OF 18



ADDITIONAL WARNINGS

For use in electronic vape device (electronic-cigarette, e-cig, e-pipe, e-hookah)
Do not ingest. Do not drink.
Keep away from children and pets.
Do not use if pregnant or breastfeeding.
Do not use if under the legal age of 18.
Avoid contact with skin and eyes.

SUITABLE USAGE

FREEBASE: 0mg - 6mg
Suitable for all vaping types

FREEBASE: 9mg - 12mg
Suitable for Mouth-to-lung vaping
Higher coil resistances / lower wattage

NICOTINE SALTS: 20mg - 50mg
Only to be used in devices with >1.0 ohm coil resistance / low power

NICOTINE STRENGTH



NICOTINE TYPE: FREEBASE / NIC SALT

60ml

Although the experience is circumstantial and the design of products is dependent on several factors, including consumer age, cultural and personality traits, elements including font choice, colours, brand/product name, and main graphics, may be attractive to the youth. VPASA advises its members to be cognisant of this whilst conducting business.

RESTRICTIONS

While the VPASA Code of Conduct comprises five main restrictions that members must adhere to at all times and that are of equal importance, some will be more relevant when considering Youth Access Prevention. These include:



MARKETING TO PERSONS UNDER THE AGE OF 18

No manufacturer, importer, distributor or retailer may take any action, directly or indirectly, with the intent of targeting persons under 18 years of age in the advertising, promotion or marketing of electronic nicotine delivery systems and electronic non-nicotine delivery systems (ENDS/ENNDS) products, or take any action, the primary purpose of which is to initiate, maintain or increase the incidence of ENDS/ENNDS product use by persons under 18 years of age.



GENERAL MARKETING RESTRICTIONS

No manufacturer, importer, distributor or retailer, may place, or intend to place, any advertising or promotion of a relevant product at any educational establishment or health facility, besides that of a pharmacy.

No person depicted in any advertising and promotional materials shall be or shall appear to be under the age of 25. No advertising and promotional materials shall suggest that the use of ENDS/ENNDS products is essential to social prominence, distinction, success or sexual desirability.



MARKETING HEALTH CLAIMS

All product marketing claims shall be supported by documentary evidence demonstrating that the claim is accurate and not misleading. All product marketing claims shall refrain from using the phrase "safer than", when compared to combustible tobacco, to avoid miscommunication with potential users under the age of 18.



SALES

The implementation of the Age Verification Policy applies to online, face-to-face and delivery purchases. VPASA members do not sell ENDS/ENNDS products to purchasers under the age of 18, and are strongly encouraged to verify the age of purchasers before the completion of online and face-to-face transactions.

All claims of safety shall be expressed in cautious terms such as "less harmful than" when the relevant product is compared to combustible tobacco.

BEST PRACTICE FOR AGE VERIFICATION

While it may be uncomfortable for retail employees to ask potential customers to provide proof of their age, employees must overcome this and be cognisant that many customers under the age of 25 are often well accustomed to being asked for identification. By retailers displaying clear signage of their age verification policy, potential customers will be made aware that they may be requested to show identification should they appear underage.

Below are some examples of how to avoid conflict and escalate situations should they arise following a request for age verification should a potential customer appear underage.



EARLY INTERVENTION

Should a retailer or its employees see a group of youths or an individual that they believe is trying to purchase END/ENNDS products, they should offer assistance while communicating their adherence to the store's underage sales policy. Not only will this ensure that underage purchasers are made aware that employees are aware of their possible intentions, but will often deter them from purchasing ENDS/ENNDS products if they are indeed underage.



CLEAR EXPLANATION

When requesting identification or proof of age, it is essential to explain to the potential customer that it is not a personal attack, but rather, company and industry policy.



PROFESSIONALISM

Should a retailer or its employees see a group of youths or an individual that they believe is trying to purchase END/ENNDS products, they should offer assistance while communicating their adherence to the store's underage sales policy. Not only will this ensure that underage purchasers are made aware that employees are aware of their possible intentions, but will often deter them from purchasing ENDS/ENNDS products if they are indeed underage.



WITHDRAWING

Should a customer become aggressive, and the employee fear for their safety, the employee must try and remove themselves from the situation and request that a member of the retailer's management team assist the customer.

IDENTIFICATION DOCUMENTS THAT MAY BE USED

Green South African identification booklet or card
Driver's licence or passport/foreign ID

BEST PRACTICE FOR AGE VERIFICATION

While some potential customers may seek to provide identification and verify their age through the use of international passports or National Identity cards, employees must be cognisant that many of these will feature the following distinctive characteristics:

- Paper that does not reflect ultraviolet light or whose fluorescence is easily distinguishable from the blue used in commonly available fluorescent materials
- Watermarking on the biographical data and visa pages
- An intricate, repetitive pattern as the background design on each page
- A background design on the biographical data page that is different to the design(s) on other pages in the passport
- Ultra-violet fluorescent ink on the biographical data page

ONLINE VERIFICATION

VPASA maintains that it is best practice to employ age verification measures for e-commerce, with its own website featuring an age gate that emphasises its commitment to this. A few of these measures include:

AGE GATES

Self Declaration of compliance with legal age requirement before accessing the site as follows:

- Age disclaimer confirming you are above 18.
- Age declaration where you input your date of birth.
- Ensuring age gates blur background until inputs are made.

ON SITE WARNINGS

Warnings must be placed next to images of restricted products and indicate a minimum purchasing age.

AGE VALIDATION ON DELIVERY

ENDS/ENNDS products should only be delivered to ID-verified persons over the age of 18.

Please ensure that your agreements with courier companies are aligned with this requirement.

ONLINE VERIFICATION

Retailers and vendors must be cognisant of the various methods used by underage potential customers in the pursuit of purchasing ENDS/ENNDS products. These include:

- Tampering with their genuine ID
- Using another individual's ID
- Using a fake ID that is an imitation of a genuine form of ID
- Using an ID that is made for the purpose of appearing genuine, but is not real or legally viable

It is important to be cognisant of periods where more underage individuals may seek to purchase ENDS/ENNDS products, including during school holidays or public events such as concerts and the like.

Even after thoroughly checking any form of identification offered by a potential customer who may appear to be underage, retailers and vendors and their employees who remain unsure are obligated to refuse a sale.

DELIVERY

In terms of the delivery of ENDS/ENNDS products, retailers and vendors must ensure that delivery personnel verify that the individual they are delivering to is of legal age as per in-store policies. Any issues relating to this must be reported by the delivery person to the retailer, and should the delivery person have any doubts as to the age of the recipient of the delivery or if no form of ID is presented to them, they must refuse to complete the delivery. In instances where a delivery refusal has occurred, it is important to log the event into a template, such as the one provided in the VAP collateral package.

EMPLOYEE TRAINING

VPASA advises that all current and future members of a retailer's personnel undergo formal induction training, which includes a clear explanation of company policy and processes that have been put in place, as well as a thorough understanding of VPASA's Code of Conduct.

Employees should not be able to sell age-restricted products, such as ENDS/ENNDS products, until they have received full training, or are being supervised by fully trained members of staff. As this guide provides recommendations related to restricting the sale of ENDS/ENNDS products to those under the age of 18, it is important to formally train new employees on the findings of this guide, and have them supervised for a sufficient period of time until they have demonstrated that they have a thorough understanding of VPASA's Code of Conduct and the measures required and highlighted in this guide to restrict youth access to ENDS/ENNDS products.

In this regard, retailers and vendors should implement regular refresher training for their employees at least once per quarter. While this does not have to be as formal as induction training, it serves as a reminder to employees of their moral obligations, and company policies and processes they are expected to adhere to.

KEEPING RECORD AND DUE DILIGENCE

By keeping a record of everything, retailers and vendors of ENDS/ENNDS products will be able to showcase their commitment to enforcing youth access prevention to these products.

VPASA recommends that retailers and vendors print out or have the Pledge and the VPASA Code of Conduct on file for employees to easily access and refer to.

The findings and measures contained in this guide aim to empower and encourage retailers and vendors to play their part in preventing youth access to ENDS/ENNDS products. As such, VPASA encourages retailers and vendors to demonstrate that they took all reasonable precautions and exercised all due diligence to uphold their commitment to the VPASA member's Pledge and the VPASA Code of Conduct.

For the purpose of endorsing youth access prevention to ENDS/ENNDS products, means that the retailer or vendors, and their employees, believed that the individual was 18 years or over, and that the retailer or vendor, and their employees, had taken all reasonable measures to establish their age. To demonstrate compliance and adherence to this, retailers and vendors must be able to show that they have:

- Implemented Pledge and Code of Conduct stipulations
- Trained all employees, provided refresher training and kept training records
- Only accepted forms of identification as listed in this guide
- Kept an up-to-date refusals register
- Accepted digital ID where applicable and strictly in accordance with this guide
- Ensure that appropriate age checks are carried out for online sales and in accordance with this guide
- Complied with all aspects and recommendations as stipulated in this guide

For more information about the Youth Access Prevention (YAP) campaign, kindly visit the VPASA website: www.vpasa.org.za

