

05 February 2015

Copied to the chair of the Health and Wellbeing Board and local tobacco control lead.

Dear Director of Public Health,

The National Centre for Smoking Cessation and Training (NCSCT) and Action on Smoking and Health (ASH) are writing to you following the licencing of the Voke nicotine inhaler by the MHRA. As you may know this product is being produced and will be marketed in the UK by Nicoventures, a wholly owned subsidiary of British American Tobacco (BAT).

The purpose of this letter is to enable you to develop policies in advance of having to make purchasing decisions. However, you may also find the content and supporting information useful in any response to a letter recently sent by the Tobacco Manufacturers Association to council chief executives. There is a brief enclosed which you should find useful and ASH will be happy to provide further advice on request.

Voke has only recently received its licence and it is our understanding that it will not be on the market for some months yet. This is the first such product licenced as a medicine, but BAT has made it publicly known that it is also taking an electronic cigarette through the licencing process, so there will be others in future.

Nicotine containing products such as Voke that become licenced as medicines will be available over the counter on general sale for over 18s and can be prescribed by health professionals, including those working for stop smoking services. Local authorities and stop smoking services have already approached us with questions about how they ensure that their policies with respect to licenced medicines are consistent with their obligations within the Local Government Declaration on Tobacco Control and Article 5.3 of the World Health Organisation Framework Convention on Tobacco Control (FCTC) to which the UK is a party.

There are two main areas to consider:

1. Prescribing or recommending products owned by tobacco companies.
2. Engagement with tobacco companies that own a medicinally licenced product.

**Article 5.3 and its guidelines – protecting health policy from the vested interests of the tobacco industry**

Article 5.3 of the FCTC requires that *“in setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law”*.

There are two key principles which run through the guidelines to Article 5.3 and therefore through the Local Government Declaration on Tobacco Control: that public authorities should maximise transparency in their interactions with the tobacco industry, and should as

far as possible *“interact with the tobacco industry only when and to the extent strictly necessary to enable them to effectively regulate the tobacco industry and tobacco products”*.

The guidelines to Article 5.3 make very clear that interaction with the tobacco industry is not forbidden but that great care needs to be taken to ensure that the tobacco industry has no role in policy development. A detailed brief on developing a local policy on Article 5.3 is enclosed with this letter.

## **1. Prescribing or recommending products owned by tobacco companies**

Some of the most effective treatments currently on the market, such as varenicline or combination nicotine replacement therapy, are not always routinely made available to smokers. We would encourage all local organisations to review their current prescribing practices and ensure funding is available for all treatments with a good evidence base. It may then be appropriate to consider whether to prescribe novel products coming to market.

We enclose a note with this letter to support review of local prescribing practice.

The release of new medications in the past has generally resulted in an increased interest in the new product from those quitting smoking. It is worth noting that given the publicity around novel nicotine devices it is likely that when licenced products are on the market smokers will approach services for information, advice and prescriptions. We know that services are already being approached regarding unlicensed products.

The decision over whether an individual should be prescribed or recommended any medicine shown to be effective should be based on professional assessment of the need and potential benefit. If it is believed that a particular product might be a cost-effective way of improving the chances of a smoker quitting there is no reason not to prescribe or recommend the product just because it is manufactured or distributed by an organisation owned by a tobacco company.

## **2. Engagement with tobacco companies that own a medicinally licenced product**

As noted above, the UK is a party to the WHO Framework Convention on Tobacco Control. In addition to this, over one-third of English top tier councils have affirmed this commitment through the Local Government Declaration on Tobacco Control.

**Local authorities do not need to engage with the tobacco industry about any areas of health policy regardless of whether their Stop Smoking Services are prescribing or recommending a product marketed by a tobacco company. Where contact is necessary in relation to licenced medicines that contact should be kept to a minimum, where possible confined to written correspondence and the minutes of all meetings should be made public.**

### **Next steps**

This is a fast moving area of policy and practice. We would encourage councils and local NHS organisations to:

- have a clear corporate policy in place on engagement with the tobacco industry which all staff and elected members are aware of (see enclosed brief)
- review current prescribing practice in line with NICE guidance and the best available evidence (see enclosed note)
- consider what role newly licenced nicotine delivery devices might have as part of current services, whether recommended or prescribed

If you have any further questions in relation to this or other areas of tobacco control and smoking cessation policy please don't hesitate to get in touch.

Yours sincerely

Handwritten signature of Deborah Arnott in blue ink.

Deborah Arnott, MBA FRCP (Hon)  
Chief Executive  
Action on Smoking and Health

Handwritten signature of Dr Andy McEwen in blue ink.

Dr Andy McEwen  
Executive Director  
NCSCT