

# Highlights of



## OBSERVATÓRIO SOBRE AS ESTRATÉGIAS DA INDÚSTRIA DO TABACO

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### Editorial

In this 26th Edition of "Destaques" from the CETAB/Fiocruz Tobacco Industry Strategy Monitoring Observatory, we return to a critical issue for Brazilian public health: the tobacco industry's lobbying to legalize electronic cigarettes.

We examine two legislative proposals currently under discussion in the National Congress, which involve, on one hand, the protection of public health policy, and on the other, the interests of the tobacco industry aiming to perpetuate its market.

Bill 5008/2023, authored by Senator Soraya Thronicke, proposes the regulation of Electronic Smoking Devices (ESDs), which is, in fact, a misconception, as the prohibition of their commercialization already implies regulation.

Meanwhile, Bill 2158/2024, authored by Representative Flávia Moraes, takes a firm stance against electronic smoking devices, proposing criminalization in cases of non-compliance with Anvisa's RDC 855/2024.

Good reading,

Luis Guilherme Hasselmann

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## **Electronic Cigarettes and Public Health: A Critical Analysis of Legislative Proposals Bill 5008/2023 and Bill 2158/2024**

The use of electronic cigarettes in Brazil continues to raise concerns that impact public health, especially when considering the tactics of the tobacco industry to promote these products. Two recent legislative proposals reflect different approaches to addressing this challenge: Bill 5008/2023 and Bill 2158/2024.

### **Bill 5008/2023: Regulation That Favors the Industry**

Bill 5008/2023, presented by Senator Soraya Thronicke (Podemos-MS), suggests establishing a regulatory framework for electronic cigarettes in Brazil. Although the proposal might initially seem to establish strict rules for the production, commercialization, oversight, and advertising of these devices, it raises significant concerns about the true intentions behind these regulations (Senado Notícias, 2023).

Experts in the field of health indicate that Bill 5008/2023 could, in reality, open the door to the legalization of electronic cigarettes in a way that directly benefits the tobacco industry, allowing these products to be widely marketed. The proposed regulation may be seen as a disguise to normalize the use of electronic cigarettes, creating a market controlled by the industry and thus perpetuating the use of nicotine, which is an addictive drug, and in the case of ESD offerings, mainly targets young people. Such an approach risks repeating historical mistakes, as occurred with the introduction of descriptors used by the tobacco industry in the past, like "light," "mild," and "low tar" on tobacco product packaging.

### **Bill 2158/2024: A Decisive Response Against Electronic Cigarettes**

Contrasting with Bill 5008/2023, Bill 2158/2024, authored by Representative Flávia Moraes (PDT/GO), proposes a more restrictive and protective public health approach. By criminalizing the manufacture, import, commercialization, distribution, storage, transport, and advertising of electronic smoking devices, the proposal aims to eradicate the use of these products in Brazil (Câmara dos Deputados, 2024).

This approach reflects an understanding of the risks associated with electronic cigarettes, which, although often promoted as "safer" alternatives to traditional cigarettes, have shown the potential to cause significant health problems such as respiratory and cardiovascular issues, and nicotine addiction, particularly among young people and non-smokers. Flávia Moraes's proposal recognizes these risks and seeks to protect public health with a preventive and comprehensive measure.



## Tobacco Industry Strategies to Promote ESDs

Faced with these legislative proposals, the tobacco industry has intensified its marketing and influence strategies to secure a place for electronic smoking devices. One of the most commonly used tactics is "brand stretching," which expands the presence of electronic cigarette brands into other sectors, such as alcoholic beverages and fashion, associating their products with a modern and desirable lifestyle (Moura, 2024).

By using digital influencers and cross-promotional marketing campaigns, these companies seek to attract young consumers, associating the use of electronic cigarettes with images of well-being, fitness, and fashion. This not only increases the visibility of these products but also minimizes perceived risks, creating a false sense of safety regarding the use of ESDs.

It is essential that lawmakers and policymakers in Brazil remain critical and vigilant about the tobacco industry's attempts to shape regulations in its favor. While Bill 5008/2023 promises strict regulation, it may actually facilitate access to and social acceptance of electronic cigarettes, compromising public health in the long term. In contrast, Bill 2158/2024 represents a more conservative but potentially more effective approach to protecting the population from the risks associated with these devices.

CETAB advocates for regulation based on robust scientific evidence and aligned with the principles of precaution in public health, considering the priority of protecting the population, especially young people, from the tobacco industry's deceptive strategies.

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