



Position Statement

Bringing waterpipe tobacco use, sale and advertising in line with other tobacco laws in Victoria

August 2016

Recommendations

Quit Victoria, Cancer Council Victoria, the Australian Lebanese Medical Association and the Heart Foundation (Victoria) recommend the State Government:

1. Amend the *Tobacco Act 1987* (Vic) 'tobacco product' definition to remove the term 'main ingredient' to ensure the use of all tobacco products in enclosed workplaces is banned and all laws that apply to tobacco products also apply to waterpipe tobacco.

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1. Introduction

Using a waterpipe to smoke tobacco is not a safe alternative to cigarette smoking.(1) Waterpipe smoking is associated with several diseases known to be caused by cigarette smoking.(1, 2) Many of the harmful gases and chemicals found in cigarette smoke are also present in waterpipe smoke, including carbon monoxide, nicotine and heavy metals.(1, 3) In addition, studies indicate that a single session of waterpipe smoking exposes users to a much larger volume of smoke (and therefore higher levels of tobacco toxicants) than a single cigarette.(4) Secondhand smoke from waterpipe tobacco use produces a similar or greater level of air pollutants as cigarettes, and therefore poses a serious health risk to those exposed.(5, 6) In 2013, the rate of waterpipe use in the last 12 months among adults in Victoria was 4.5 per cent.(7) Surveys of Australian Arabic speaking communities indicate that their rates of waterpipes use are higher (11 to 16 per cent) and that users perceived waterpipe smoking to be less harmful than cigarette smoking.(8, 9)

Waterpipes are not captured in the *Tobacco Act 1987 (Vic)* ('the Act') definition of 'tobacco product', leaving Victoria as the only Australian state that does not prohibit waterpipe smoking in enclosed workplaces. As a result, a number of establishments allow and promote the smoking of waterpipes indoors, potentially exposing Victorians to harmful secondhand smoke and reinforcing incorrect assumptions that waterpipe smoking is somehow safe.

Quit Victoria, Cancer Council Victoria, the Australian Lebanese Medical Association and the Heart Foundation (Victoria) recommend an amendment to the *Tobacco Act 1987* definition of 'tobacco product' to ensure that the smoking of waterpipes and other similar devices in enclosed workplaces is banned by the Act.

1.1 Description of waterpipes and waterpipe smoking

Names for waterpipe vary and include "narjeela", "narghile", "arghile", "shisha", "goza", "hubble bubble" and "hookah".(10) Traditional waterpipes used for tobacco smoking have a head, body, water bowl, and a hose with a mouthpiece. A tube extends down from the head, through the body and ends submerged in water that half-fills the water bowl. Tobacco is placed in the head. It is not directly lit, but is usually covered with perforated aluminium foil, and charcoal (the burning agent) is placed on top.(1) When the charcoal is lit, it heats the tobacco producing smoke at a lower temperature than cigarette smoke.(11) When the smoker inhales through the hose, the tobacco smoke is pulled down the waterpipe body and bubbles through the water in the bowl. The cooled smoke surfaces and is drawn through the hose and inhaled.(1, 3)

The most common type of tobacco used in waterpipes is called 'maassel' which is a tobacco fermented in molasses and flavoured with fruit essences or other flavours such as mint.(1, 12, 13) The introduction of mass production of maassel in the 1990s is thought to have contributed to the growth in popularity of waterpipe smoking.(12) This sweetened and flavoured tobacco is preferred by the majority of waterpipe users, especially young people. Many young people are drawn to waterpipe smoking because of maassel's aromatic and smooth smoke and variety of flavours.(1, 12-16)

2. Who uses waterpipes and where?

In 2013, the Victorian Smoking and Health telephone survey found 4.5% of adults in Victoria used waterpipes in the 12 months before the survey. Waterpipe usage was more common among current smokers, among males compared with females and adults aged 18-29 years.(7) The greater prevalence among younger adults in this study is consistent with studies in other English speaking countries showing increasing uptake amongst high school and university students.(12)

Other studies on the prevalence of waterpipe smoking in Australia have been limited to Arabic speaking populations.(8, 9) One study surveyed 1100 adult (18 years and over) Arabic speakers residing in south-west Sydney. The survey found that 11.4 per cent of respondents were current users of waterpipes (1 per cent daily users) and the data also indicated that respondents believed waterpipe smoking was less harmful than cigarettes. While the most common places to smoke were in people's homes, around one third of respondents indicated that they smoke (outdoors) at Arabic cafes.(8)

A survey was conducted by Quit Victoria in 2011 of 119 Arabic community members in Melbourne. It found that 4 per cent of respondents indicated that they smoked waterpipes daily, with a further 12 per cent of respondents reporting that they smoked waterpipes occasionally.(9)

A study tracking internet search engine queries in Australia between 2004 to 2013 found that searches for waterpipes have increased steadily since 2005. Promotion of waterpipes and waterpipe cafes through the internet has been one of the factors that has led to its rise in popularity, as well as the introduction of flavoured waterpipe tobacco (maassel), and the appeal of the social nature of waterpipe smoking and café culture. At the same time, the lack of waterpipe-specific policies and regulations has allowed waterpipe smoking to spread and thrive globally.(12)

3. Health effects of waterpipe smoking

Waterpipe tobacco smoke contains many of the same toxicants as cigarette smoke, including those that cause cardiovascular disease (e.g. carbon monoxide), lung disease (e.g. volatile aldehydes), cancer (e.g. polycyclic aromatic hydrocarbons) and dependence (i.e. nicotine).(3) In addition, a single session of waterpipe smoking has been shown to expose users to much larger smoke volumes (and therefore higher levels of tobacco toxicants) than smoking a single cigarette.(4) In an average session, waterpipe smokers inhale more than 100 times the volume of smoke compared to one cigarette (74 litres of smoke from a waterpipe versus 0.6 litres from one cigarette).(4)

The smoke from a waterpipe is not exactly the same as the smoke from a cigarette. They have different levels and ratios of nicotine, carbon monoxide and other toxic chemicals. This is partly due to burning charcoal to heat the waterpipe tobacco.(1, 3) For example, compared to smoking a single cigarette, a waterpipe user will inhale during an average waterpipe session:(3, 4)

- two to three times the amount of nicotine,
- about 11 times the amount of carbon monoxide,
- about 25 times the amount of tar, and
- tens of times more lead.

The evidence shows that waterpipe users are exposed to high toxicant loads, despite the widespread perception that waterpipe smoking is a safer alternative to cigarette smoking.(1, 3, 4, 10)

Waterpipe tobacco smoking is associated with a number of short term and long term health effects, which are also caused by cigarette smoking. The immediate effects of waterpipe tobacco smoking include increased heart rate and blood pressure, and lower exercise capacity.(2) In the long term, waterpipe tobacco smoking is associated with:(1, 2, 17-19)

- cancers of the lung, oesophagus, head and neck, and possibly the stomach and bladder.
- heart disease
- lung disease including reduced lung function, Chronic Obstructive Pulmonary Disease (COPD), emphysema, and chronic bronchitis
- periodontal disease

- low birth weight in newborns
- decreased bone density and fractures.

Smoke from waterpipes has also been associated with carbon monoxide poisoning, as documented by several international case reports.(2, 20) There has been one known report of severe CO poisoning in Australia, with a 20 year old women hospitalised after experiencing severe light-headedness and nausea following an hour long waterpipe session. (21)

Exposure of pregnant women to the typically high levels of carbon monoxide in waterpipe smoke is particularly concerning. From studies of cigarette smoking, carbon monoxide is believed to play a role in a number of serious health effects affecting unborn babies including miscarriage, low birthweight and Sudden Infant Death Syndrome (SIDS).(22)

4. Secondhand smoke from waterpipes

Secondhand smoke from waterpipes is a mixture of tobacco smoke and the smoke from the charcoal.(1)

It has been shown that waterpipe smoking can be responsible for the build-up of dangerous levels of indoor secondhand smoke pollution similar to what occurs with cigarette smoking.(6) Secondhand waterpipe smoke contains fine particles which are made up of toxic and cancer-causing substances. These fine particles can be inhaled deep into the lungs, and they increase the risk of cardiovascular disease.(5, 6, 23) Research shows that a single person smoking a waterpipe for up to 30 minutes produces, on average, more fine particles than smoking a cigarette.(6, 23) When smoking sessions are longer and the waterpipe is shared among a group, high levels of fine particles gradually build up. (6) Studies measuring levels of fine particles in hookah bars found that they ranged from unhealthy to hazardous (on the scale used by the U.S. Environmental Agency). Further, levels of fine particles in waterpipe venues tended to be higher than in venues where only cigarettes were smoked.(1, 5)

As with direct smoking, the secondhand smoke produced by waterpipe smoking has different levels and ratios of carbon monoxide and other harmful chemicals compared to secondhand smoke from cigarette smoking. For example, it is estimated that smoking a waterpipe for one hour can release as much carbon monoxide into the air as from 20 cigarettes. In addition an hour long waterpipe session also emits certain toxic and cancer-causing chemicals in amounts found in the secondhand smoke from about four cigarettes.(23)

Although the health effects of secondhand smoke from waterpipes have not yet been widely studied, they are likely to include many of those caused by secondhand smoke from cigarettes.(5) These include lung cancer, heart disease, and stroke in adults,(24, 25) and ear and chest infections, worsening of asthma, weaker lungs and sudden infant death syndrome (SIDS) in children.(5, 24)

5. Addiction to waterpipe smoking

Waterpipe tobacco smoking can be addictive, at least in some users. It contains the addictive drug nicotine. Smoking habits vary enormously among waterpipe users; many smoke only occasionally while others may have more than one waterpipe session per day.(26) People who smoke waterpipes more frequently are more likely to report that they are addicted.(26-28) While occasional smoking is common among waterpipe users, the longer they have been smoking, the more likely they are to smoke waterpipes daily or regularly.(28)

On average, daily waterpipe users take in enough nicotine to maintain nicotine addiction; equivalent to the nicotine from 10 cigarettes per day.(29) Often, daily waterpipe users feel that they are addicted in much the same way as cigarette smokers.(27) They have reported having urges to smoke, withdrawal symptoms, difficulty

quitting and increasing use of the waterpipe over time.(26) Urges to smoke may be linked to triggers, such as time of day or the sight and smell of a waterpipe.(27)

For occasional smokers, the nicotine inhaled from a single session of waterpipe use is equivalent to smoking two to three cigarettes in one day.(4, 29) Occasional use of the waterpipe can be enough to start to develop nicotine addiction. A study of adolescent waterpipe smokers showed that tobacco cravings, withdrawal symptoms and failed attempts at quitting waterpipe smoking can occur while smoking waterpipes on a non-daily basis. In half the waterpipe users who developed symptoms of nicotine dependence, their first symptom appeared by the time they were using waterpipes six days per month.(30)

6. The current definition of ‘tobacco product’ in the *Tobacco Act 1987* (Vic)

Since 1 March 2006, smoking has been banned in enclosed workplaces (including restaurants and bars) in Victoria under section 5A(1) of *Tobacco Act 1987* (Vic). Despite this ban, waterpipe tobacco continues to be smoked indoors at shisha cafes as the Act’s definition of ‘tobacco product’ (section 3) fails to include waterpipe tobacco.

Current definition:

tobacco product means tobacco, cigarette or cigar or any other product the main ingredient of which is tobacco and which is designed for human consumption

Waterpipe tobacco consists of a mixture of tobacco, molasses and flavourings. Tobacco may not be the ‘main ingredient’ in maassel, with the molasses and fruit flavouring possibly accounting for up to 70 per cent of the maassel mixture, meaning it currently does not fit the definition of ‘tobacco product’. In addition, the volume of ingredients is not clearly labelled on waterpipe tobacco. This makes it difficult to determine if tobacco is the ‘main ingredient’, effectively exempting waterpipe tobacco smoking from the existing Victorian ban on smoking in enclosed workplaces.

7. Recommendation for amendment to definition of ‘tobacco product’ in the *Tobacco Act 1987* (Vic)

Waterpipe tobacco smoking should be subject to the same restrictions as cigarette smoking for following reasons.

- It is associated with the same deadly diseases caused by cigarette smoking including cancer, heart disease, lung disease, periodontal disease, decreased bone density and low birth weight in newborns.(2)
- It presents an immediate risk of carbon monoxide poisoning.(2)
- It produces toxic levels of indoor secondhand smoke, which tend to be higher in waterpipe smoking venues compared to those in which only cigarettes are smoked.(1, 5)
- It can be addictive and symptoms of dependence can occur in non-daily users.(26, 30)

An amendment to the definition of ‘tobacco product’ to remove the term ‘main ingredient’ would see the use of waterpipes and other similar products banned in enclosed workplaces, such as at shisha bars and cafes, and bring Victoria in line with the rest of Australia. We propose the Act be amended as below.

Proposed definition:

tobacco product means tobacco, or a cigarette or cigar, or any other product containing tobacco and designed for human consumption or use.

Additionally, the current definition of 'tobacco product' in the *Tobacco Act 1987* (Vic) (section 3) allows venues to promote this type of smoking without complying with other laws and regulations, including sales to minors and point-of-sale legislation. As a result, waterpipe users are not protected or informed in the same way other tobacco users are. Ease of availability and ready access to tobacco products can send young people mixed messages about the social acceptability and dangers of smoking⁽³¹⁾. Exposure to retail cigarette advertising has been linked in two experimental studies with adolescents to increased perceived smoking prevalence among high school students and adults.⁽³¹⁾ Banning point-of-sale advertising and display will reduce tobacco uptake by young people, help current smokers to quit and assist recent quitters in avoiding relapse.

8. Other tobacco control laws that should apply to waterpipe tobacco

Because waterpipe tobacco is not currently captured in the Act, it also means that other laws in relation to tobacco in Victoria such as a ban on sales to minors, point-of-sale advertising restrictions and retailer signage requirements do not apply to retailers or venues that sell waterpipe tobacco.

Amending the definition of 'tobacco product' in the Act would ensure that waterpipe tobacco is not sold to minors, there is no promotion of tobacco through point of sale displays in retailers or venues where waterpipe tobacco is sold and that signage requirements are met. There is no exemption for waterpipe tobacco under federal laws that mandate plain packaging and graphic health warnings for tobacco products and no justification for treating waterpipe tobacco differently to other tobacco products at the state level in relation to the issues outline above.

9. Legislation in other states and territories

Table 1 below presents a summary of the legislation in Australian states and territories relating to waterpipes.

Table 1

State / territory	Legislation	Waterpipe use prohibited in indoor smokefree areas
ACT	<i>Smoke-Free Public Place Act 2003</i>	✓
	<i>Tobacco Act 1927</i>	✓
NSW	<i>Public Health (Tobacco) Act 2008</i>	✓
NT	<i>Tobacco Control Act</i>	✓
Qld	<i>Tobacco and Other Smoking Products Act 1998</i>	✓
SA	<i>Tobacco Products Regulation Act 1997</i>	✓

Tas	<i>Public Health Act 1997</i>	✓
Vic	<i>Tobacco Act 1987</i>	✗
WA	<i>Tobacco Products Control Act 2006</i>	✓

For a table of definitions for 'tobacco product' / 'smoking product' in each jurisdiction, refer to [Appendix A](#).

Appendix A Definitions for ‘tobacco product’ / ‘smoking product’ in each jurisdiction

State / territory	Legislation	Definitions for ‘tobacco product’ / ‘smoking product’
ACT	<i>Smoke-Free Public Place Act 2003, (s 1)</i>	‘ smoking product —see the Tobacco Act 1927, dictionary.’
	<i>Tobacco Act 1927, (Dictionary)</i>	tobacco product means tobacco, or something containing tobacco, prepared for human consumption (including a cigarette or cigar).
NSW	<i>Public Health (Tobacco) Act 2008, (s 4)</i>	non-tobacco smoking product means any product (other than a tobacco product) that is intended to be smoked, and includes any product known or described as herbal cigarettes. tobacco product means tobacco, or a cigarette or cigar, or any other product containing tobacco and designed for human consumption or use.
NT	<i>Tobacco Control Act, (s 6)</i>	tobacco products (1) A tobacco product is a product, the main ingredient of which is tobacco, that is used or is intended to be used for human consumption by smoking or chewing, and includes tobacco, cigarettes and cigars. (2) A tobacco product includes a product, the main ingredient of which is plant matter (other than tobacco) the possession of which is lawful, that is used or is intended to be used for human consumption by smoking.
Qld	<i>Tobacco and Other Smoking Products Act 1998, (Dictionary)</i>	smoking product — (a) for part 2A, see section 25; or (b) otherwise, means a tobacco product, herbal cigarette or loose smoking blend. tobacco product means tobacco prepared for consumption or something containing tobacco for consumption, and includes a cigarette, cigar and loose tobacco but does not include a smokeless tobacco product.
SA	<i>Tobacco Products Regulation Act 1997, (Dictionary)</i>	tobacco product means— (a) a cigarette; or (b) a cigar; or (c) cigarette or pipe tobacco; or (d) tobacco prepared for chewing or sucking; or (e) snuff; or (f) any other product containing tobacco of a kind prescribed by regulation; or (g) any product that does not contain tobacco but is designed for smoking, and includes any packet, carton, shipper or other device in which any of the above is contained;
Tas	<i>Public Health Act 1997, (s 3)</i>	tobacco product means any of the following: (a) tobacco in any form; (b) any product of which tobacco is an ingredient; (c) any device or article designed or intended only for use in connection with tobacco; (d) any prescribed product; (e) any package, or cigarette shipper, containing a thing referred to in paragraph (a), (b), (c) or (d) of this definition
Vic	<i>Tobacco Act 1987, (s 3)</i>	tobacco product means tobacco, cigarette or cigar or any other product the main ingredient of which is tobacco and which is designed for human consumption;
WA	<i>Tobacco Products Control Act 2006, (Glossary)</i>	tobacco product means any of the following — (a) tobacco in a form prepared for human consumption or use; or (b) a cigarette or cigar or any other product the main, or a substantial, ingredient of which is tobacco and which is designed for human consumption or use; or (c) a product prepared for smoking that contains a herb or other plant matter, whether or not the product also contains tobacco

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