

Banning Flavoured Tobacco in Canada: Overview and Update

Rob Cunningham

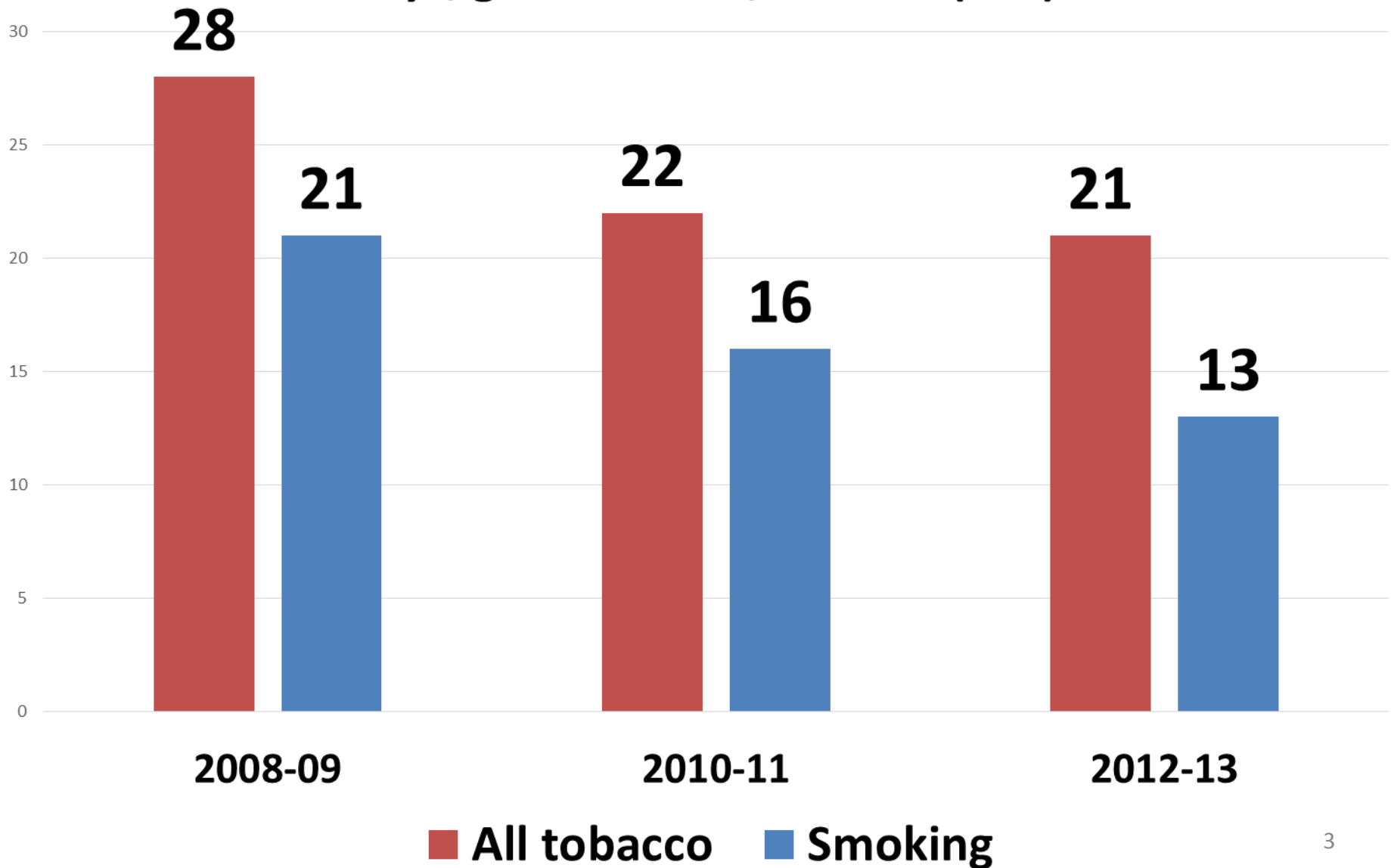


**Clean Air Coalition webinar
Sept. 16, 2015**

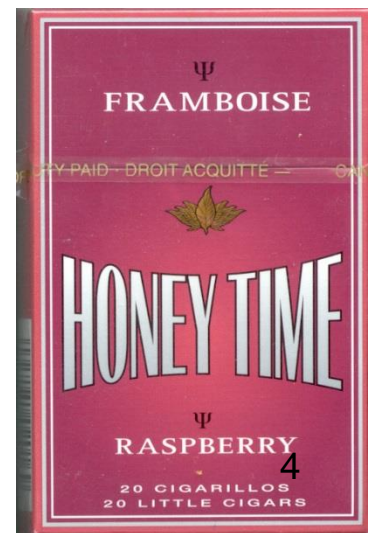
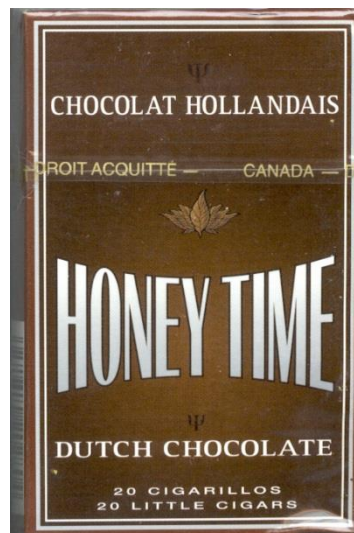
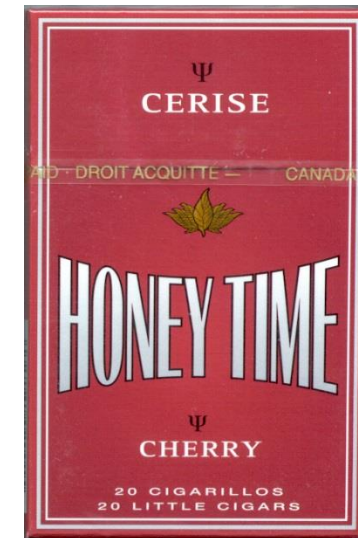
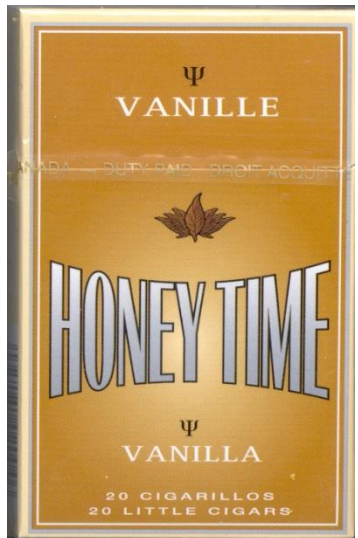
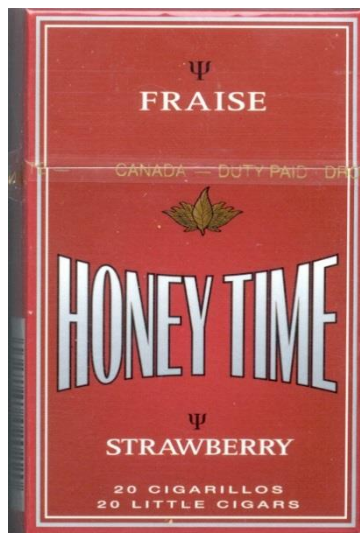
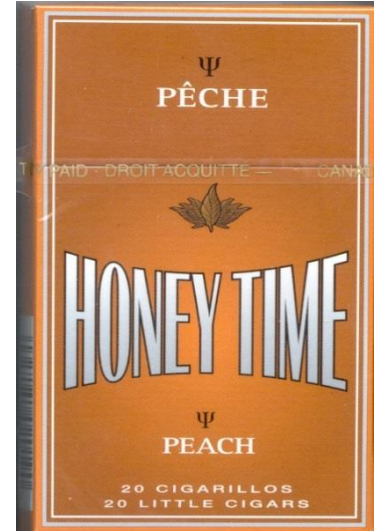
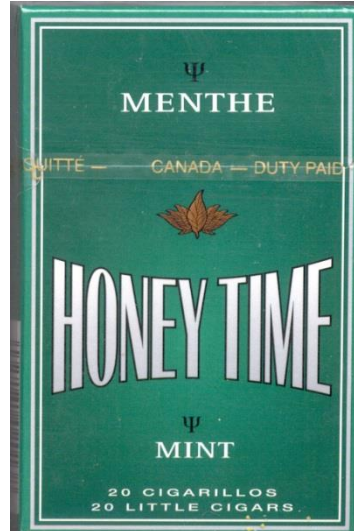
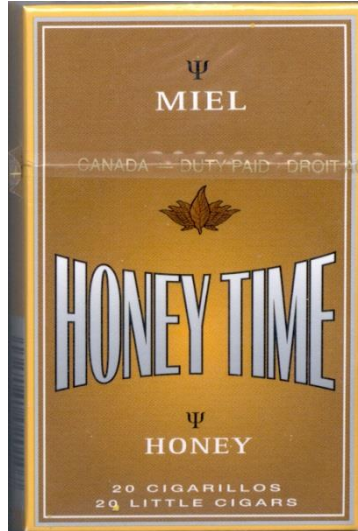
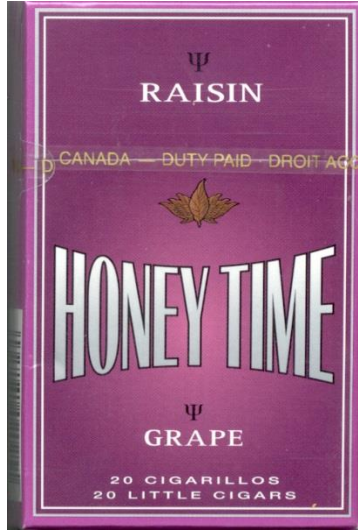
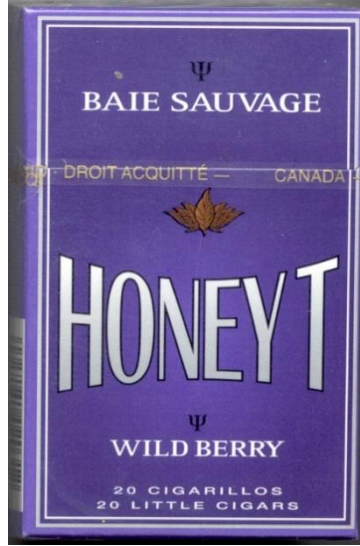
Flavours – Impact on Tobacco Use

- Increases youth experimentation/onset
- Discourages cessation
- May affect perception of health effects
- Many types of tobacco products other than cigarettes are often flavoured
- Why is tobacco industry so opposed?
- Why should tobacco be allowed to taste better and easier to consume?

All tobacco use and smoking prevalence, past 30 days, grades 10-12, Canada (YSS)

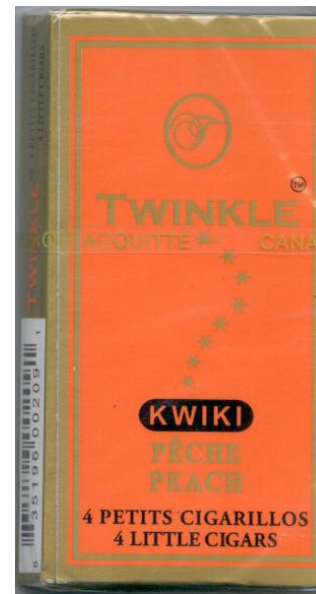
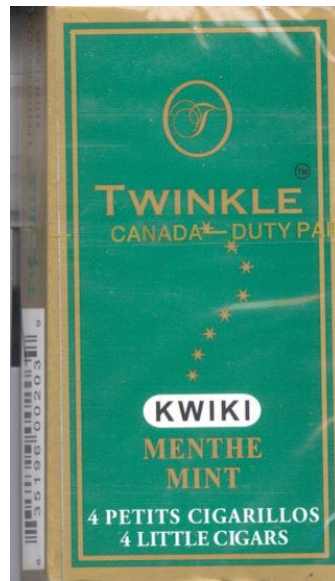
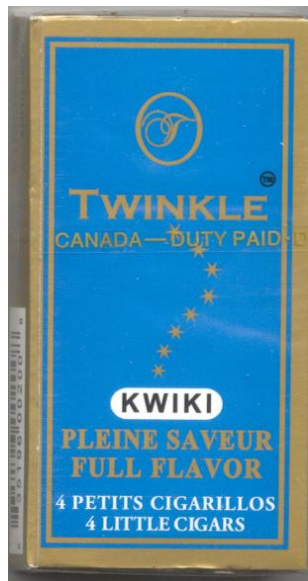
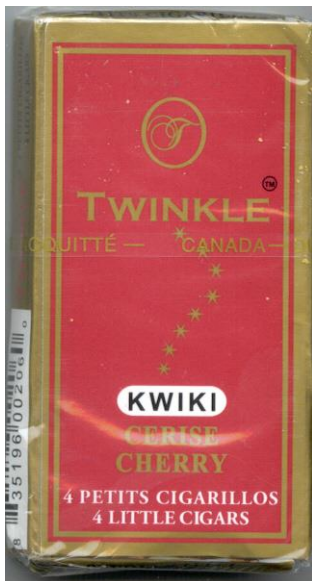


Canada – Little Cigars



“Twinkle” brand

- Note little stars on package
- Four pack



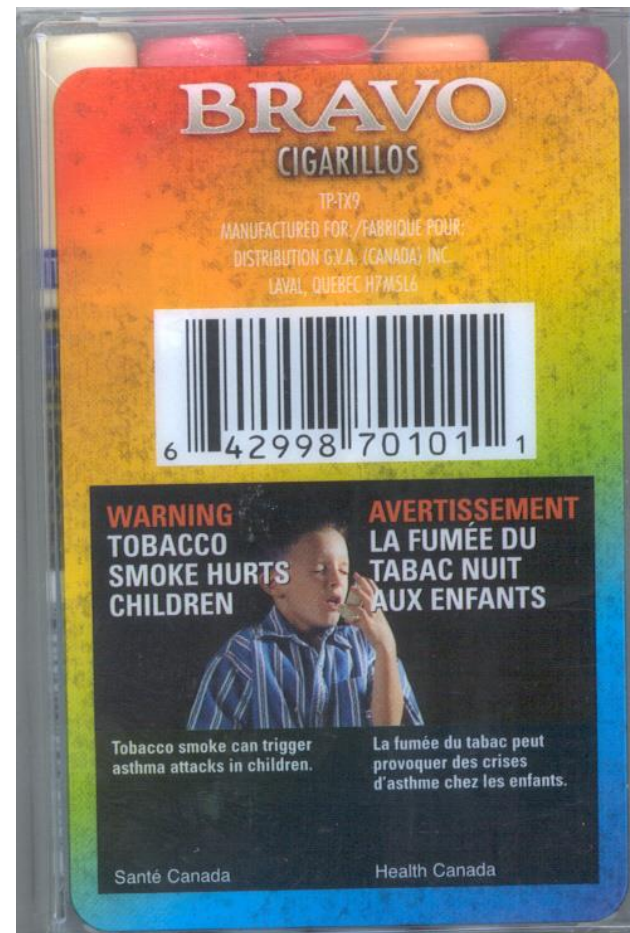
Canada- Little Cigars



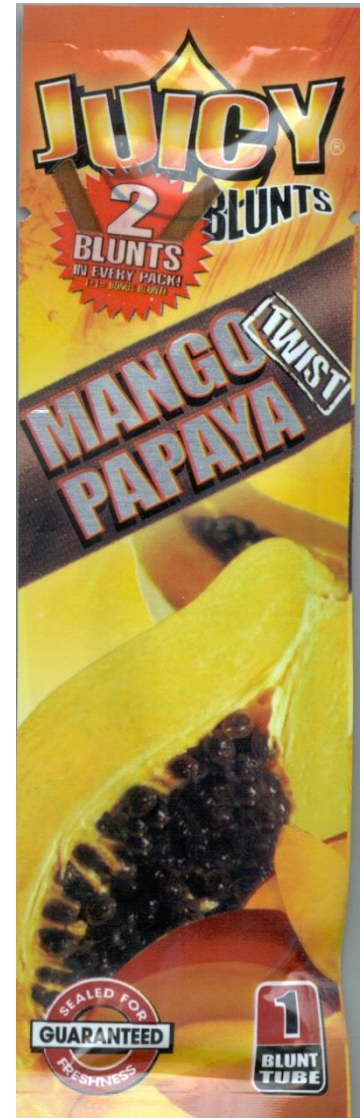
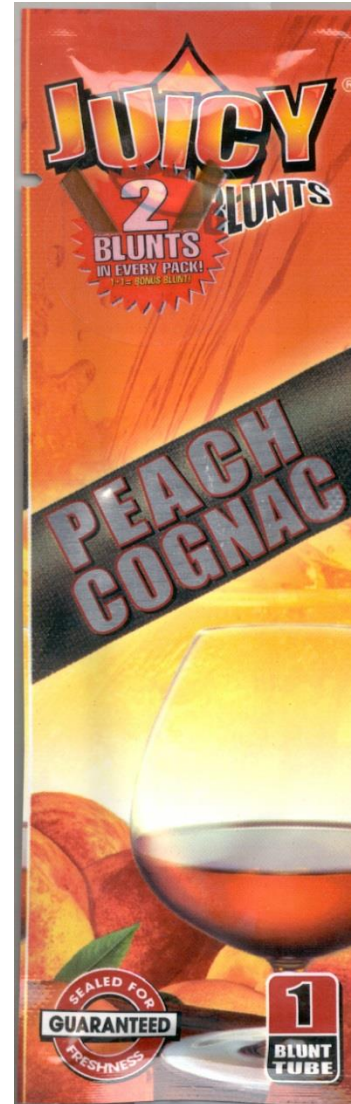
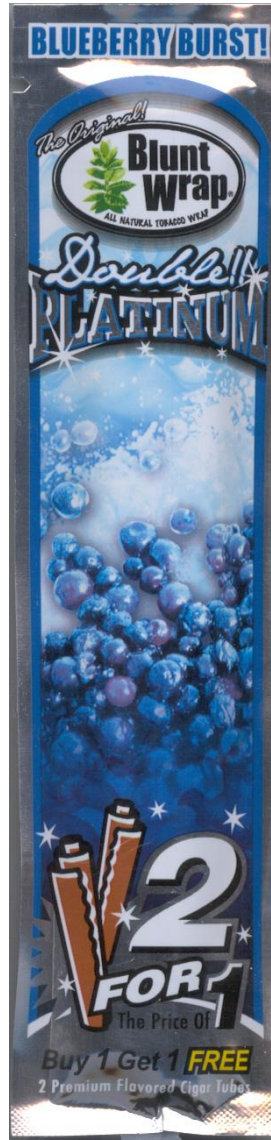
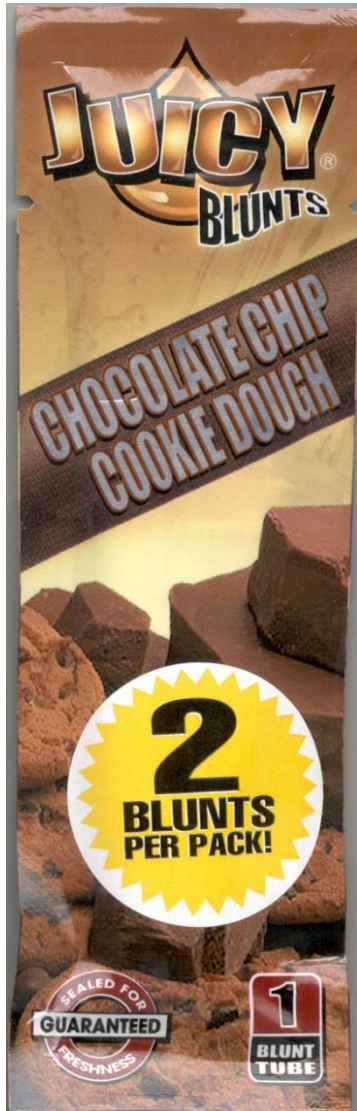
Front



Back



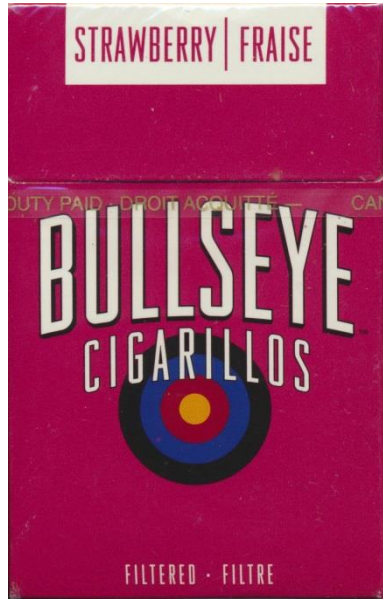
Blunt wraps



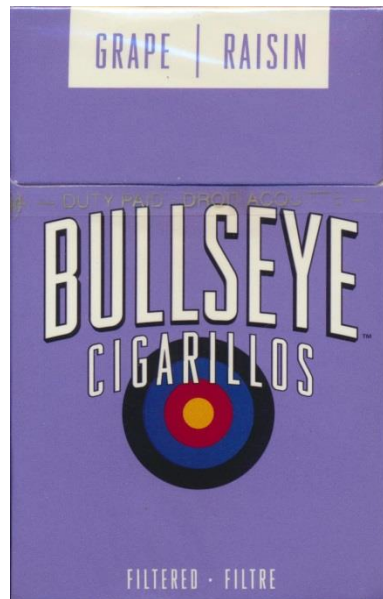
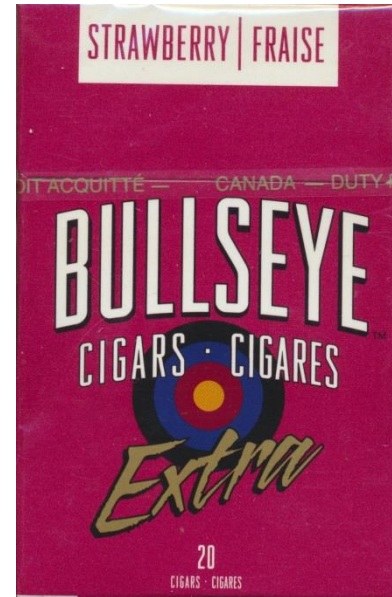
Canada, Bill C-32, **(in force July 5, 2010)**

- ban all flavours, at any level of additive
- applies to cigarettes, cigarillos (1.4g or less, or with cigarette filter), and blunt wraps
- exemption for menthol

before Bill C-32



after Bill C-32



Canada

After Bill C-32 was implemented Oct. 5, 2010, if a cigarillo/little cigar weighed more than 1.4g and did not have a cigarette filter, the product could still be flavoured; Bullseye products are shown here, before and after Bill C-32

cigarillos before Bill C-32



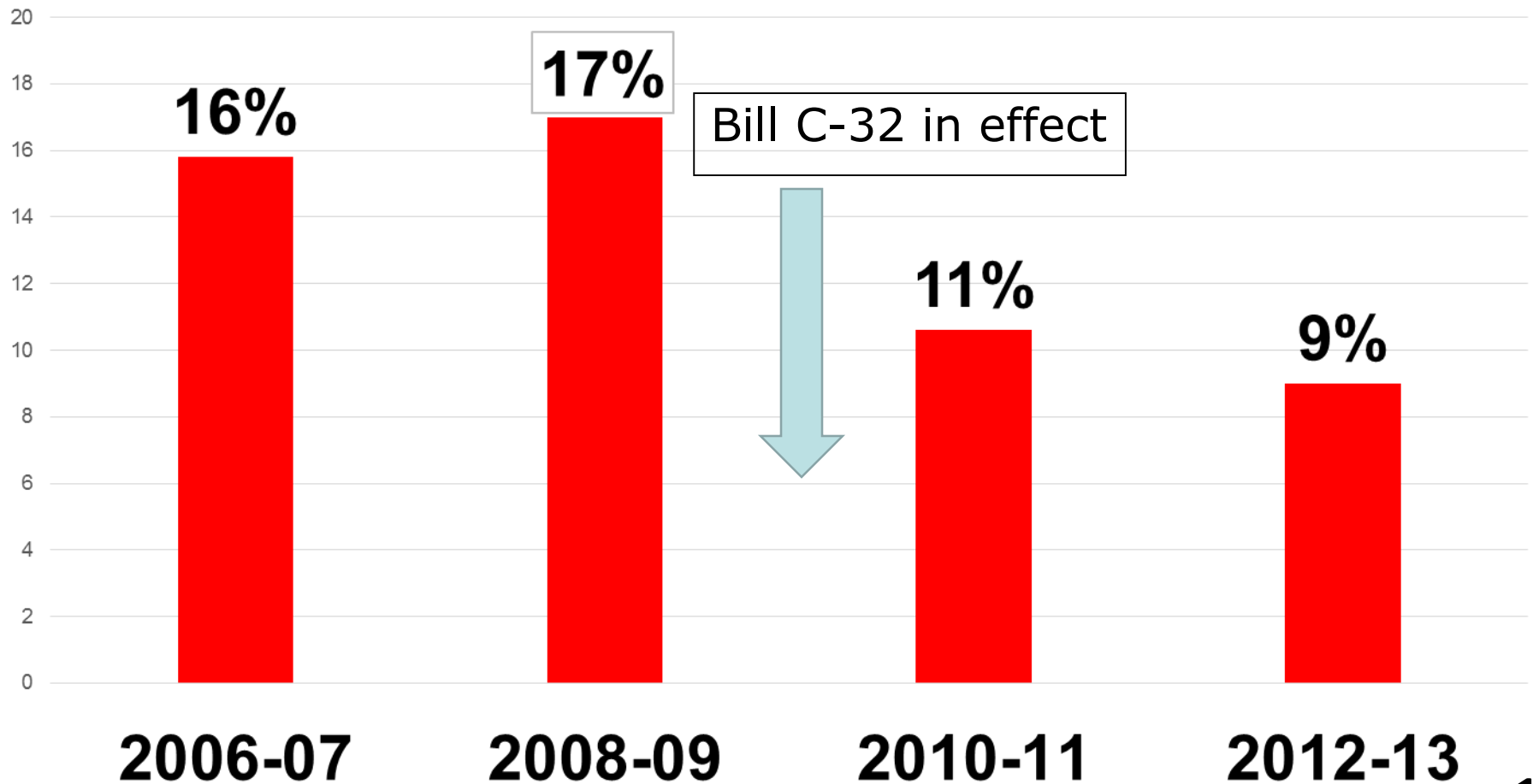
**Prime Time
peach, rum, raspberry**

“cigars” after Bill C-32



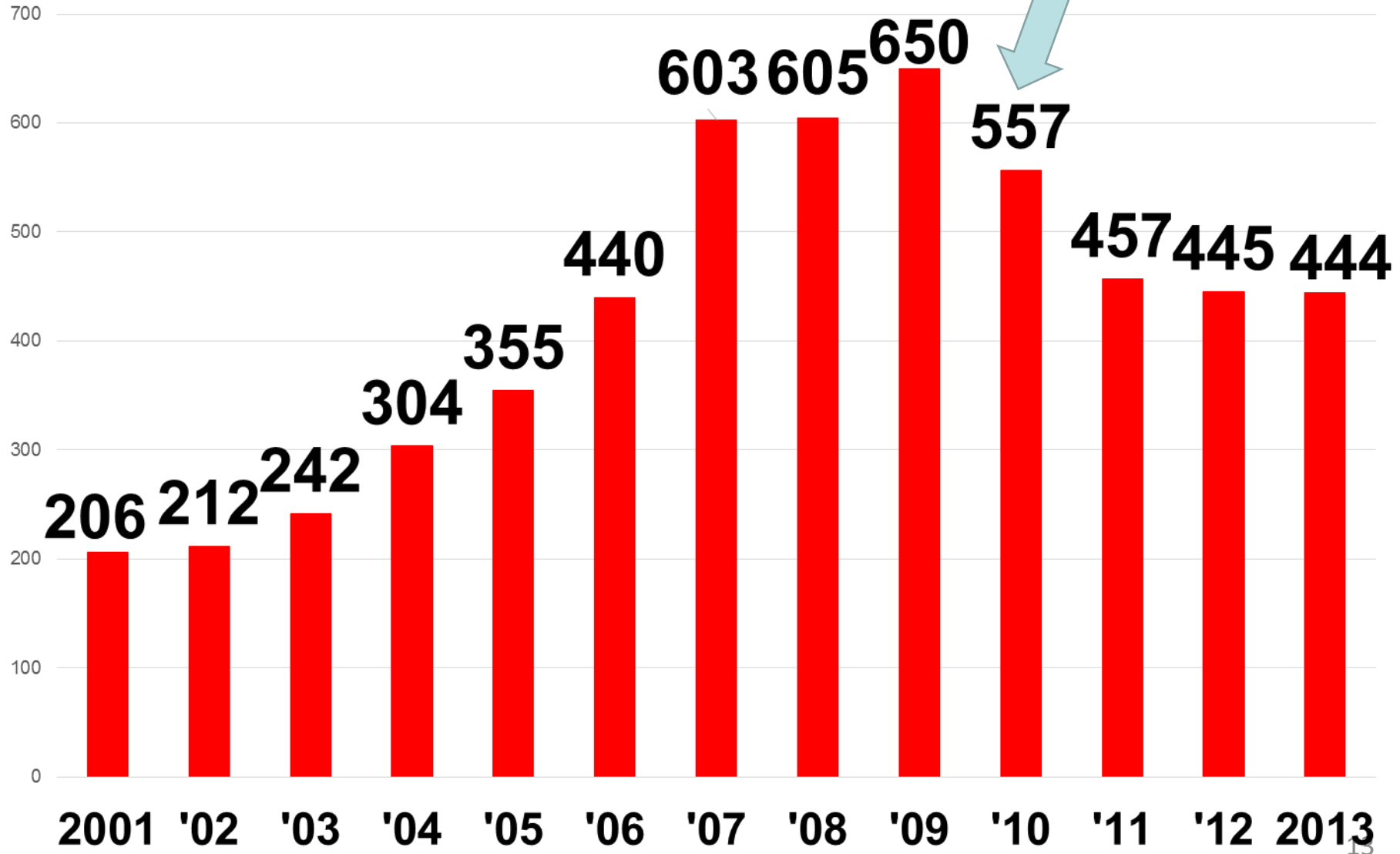
**Prime Time Plus
peach, rum, cherry**

Cigarillo/little cigar/cigar, current smoking (past 30 days), Canada, grade 10-12 students, Youth Smoking Survey, 2006-07 to 2012-13



Cigar sales (all types), Canada, 2001-2013 (million)

Bill C-32 in effect
July 5, 2010



Cigarillos sold individually, Canada



**Vanilla, peach, grape, cherry
individual Prime Time cigarillos
purchased for \$1.46 each,
October 4, 2013**



**Individual M Colt flavoured
cigarillos purchased for 97 cents
each, Oct. 4, 2013**

Blunts (type of cigar), Canada



Chocolate

Peach

Watermelon

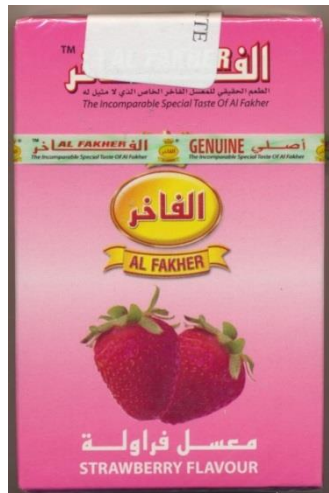
Cherry

Grape 15

Bluntarillos, Canada

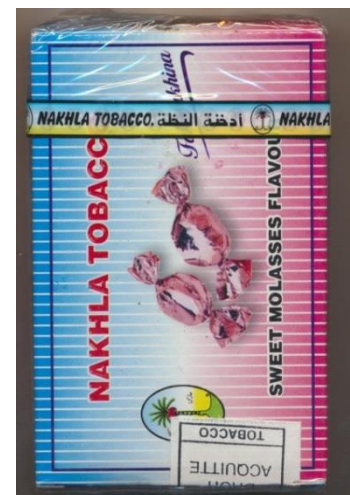
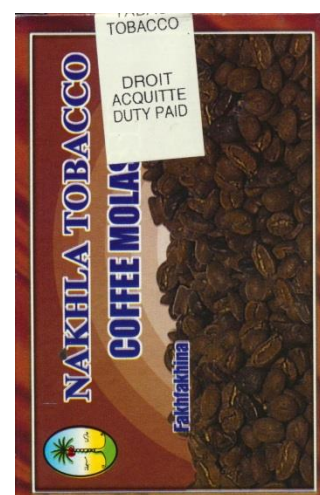
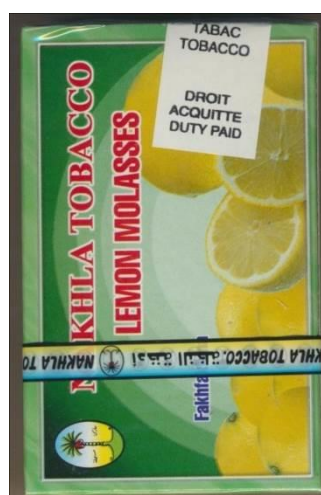


Water pipe tobacco, Canada



Strawberry Lemon

Watermelon Grape Mint Fruit cocktail



Orange

Pistachio

Lemon

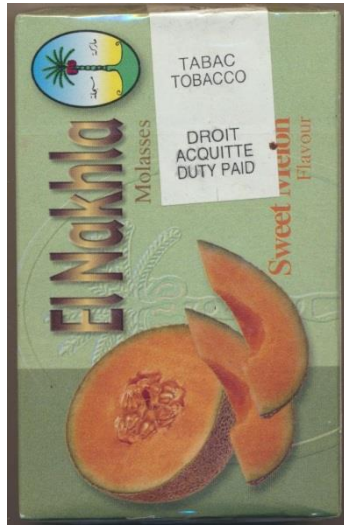
Coffee

Sweet

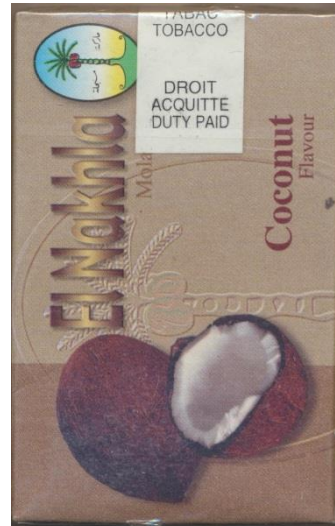
Water pipe tobacco, Canada



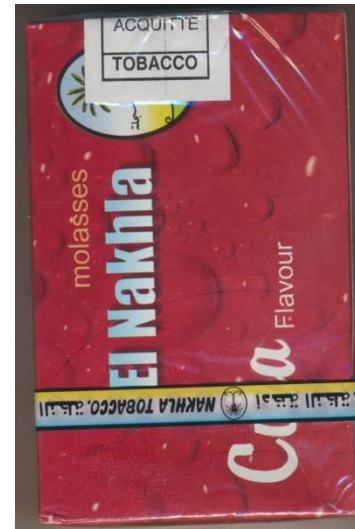
Banana



Melon



Coconut



Cola



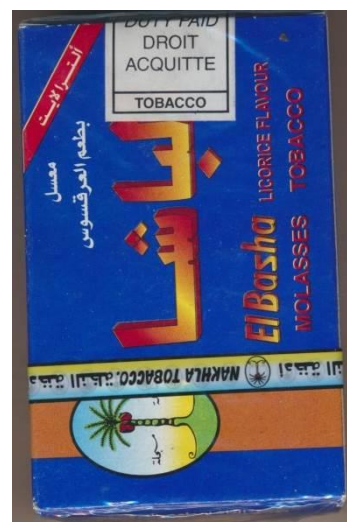
Tropicana



Caramel



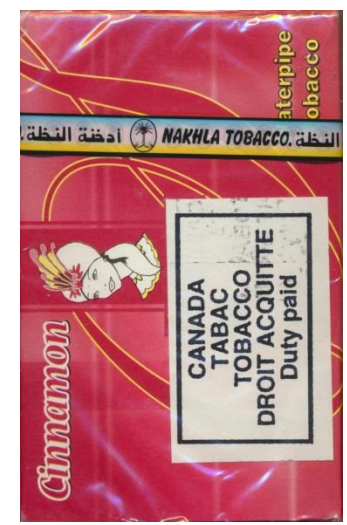
Cappuccino



Licorice

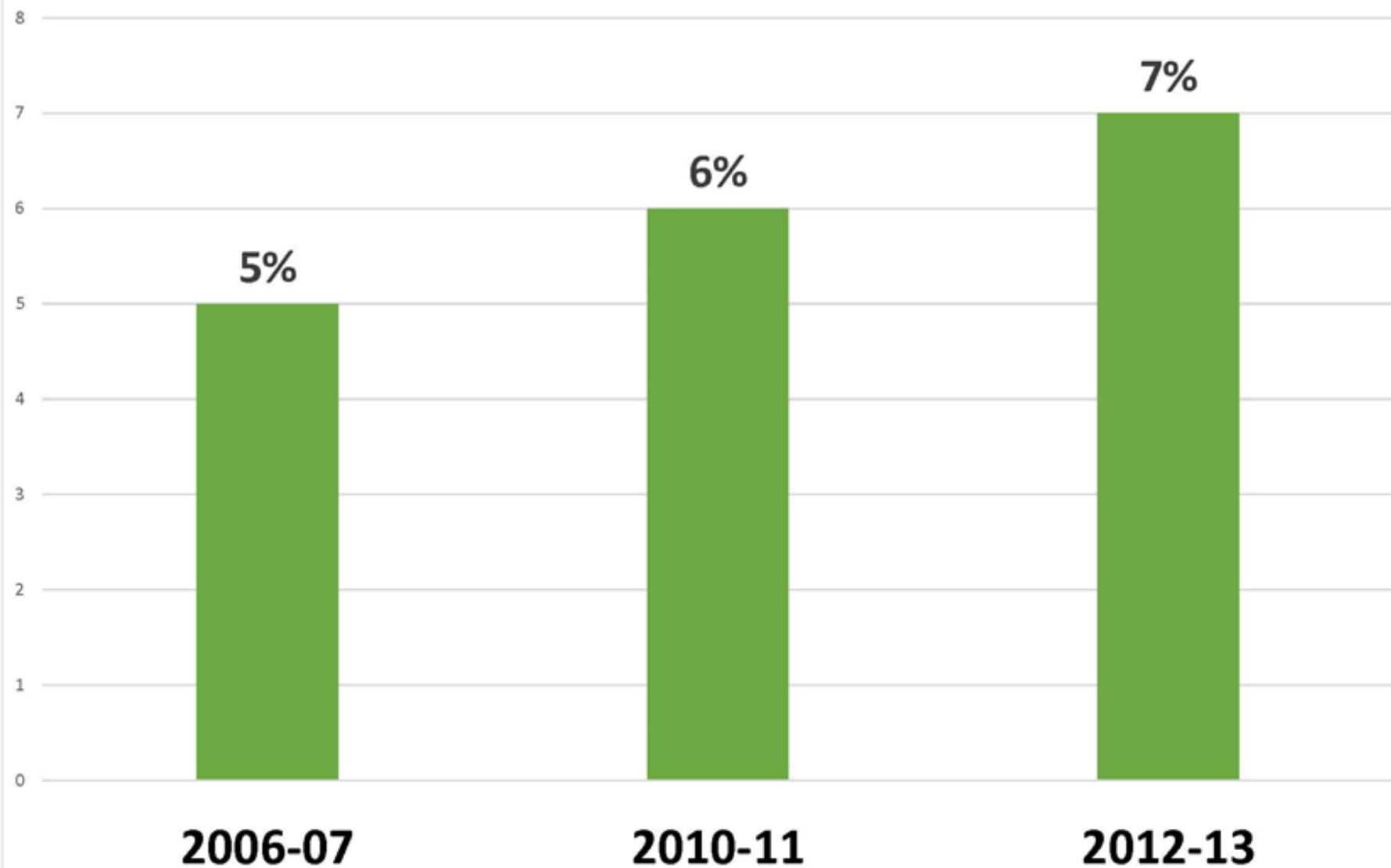


Apple

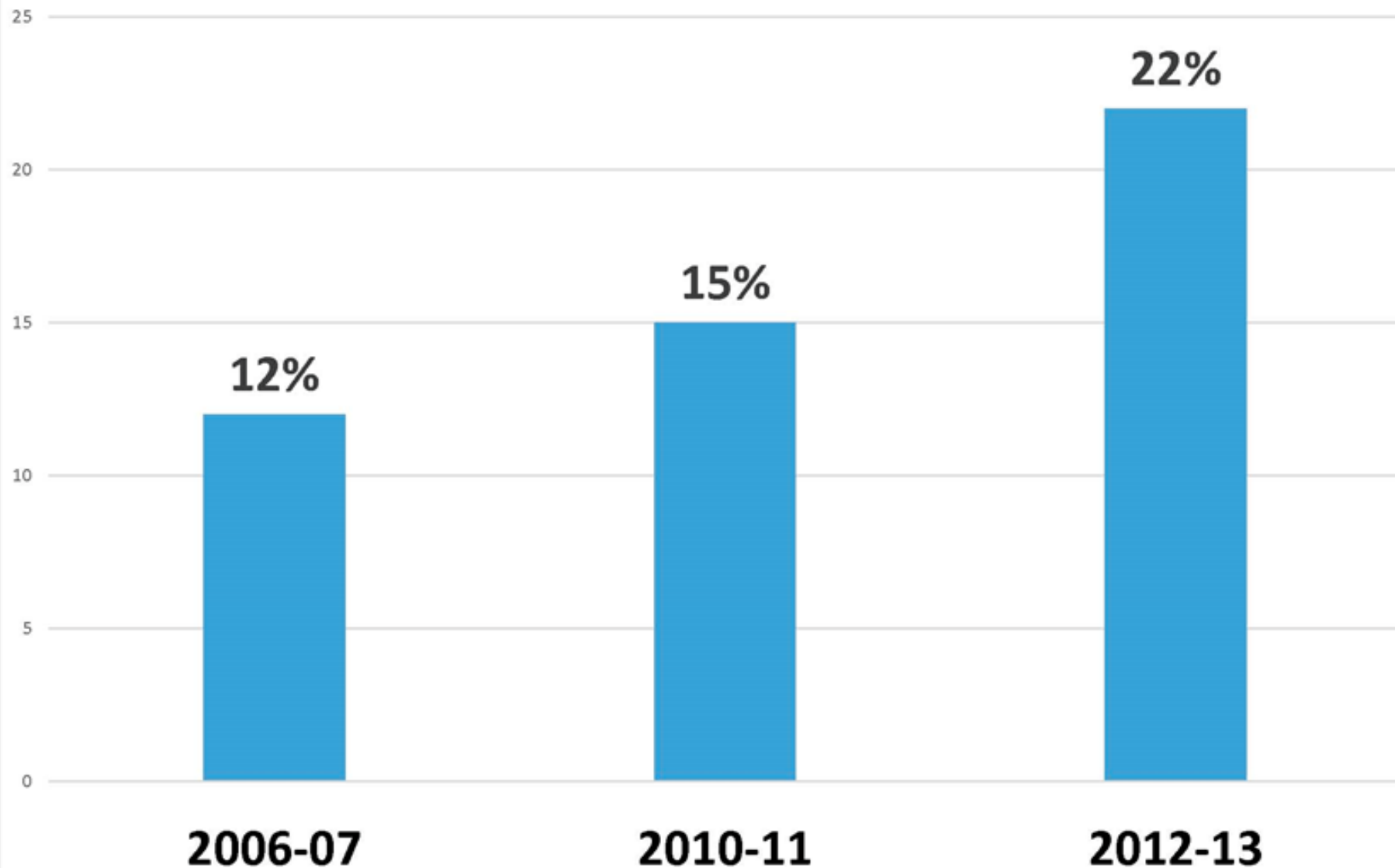


Cinnamon

Water pipe smoking (past 30 days) among Canadian Grade 12 high school students (Youth Smoking Survey)



Ever smoked water pipes among Canadian Grade 12 high school students (Youth Smoking Survey)



Smokeless tobacco, Canada



Citrus



Cherry



Mint



Peach



Wintergreen Wintergreen



Wintergreen



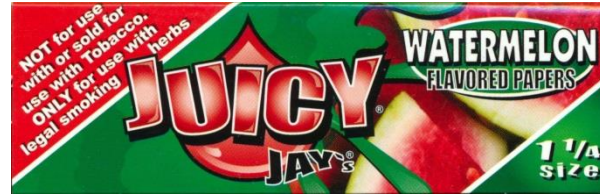
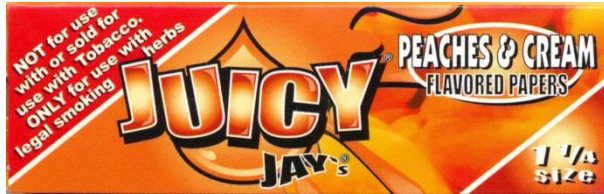
Berry 21



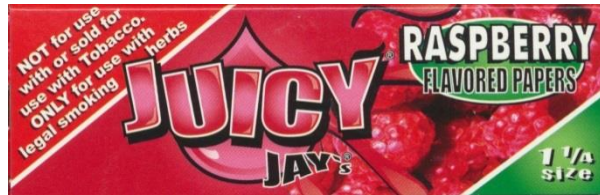
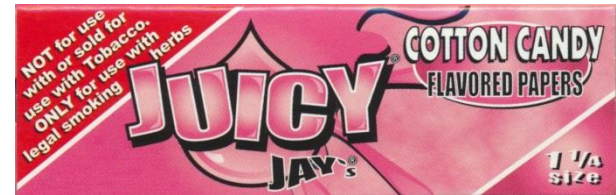
Kreteks (clove flavoured), Canada, 2015



Cigarette Papers, Canada



Cigarette Papers, Canada

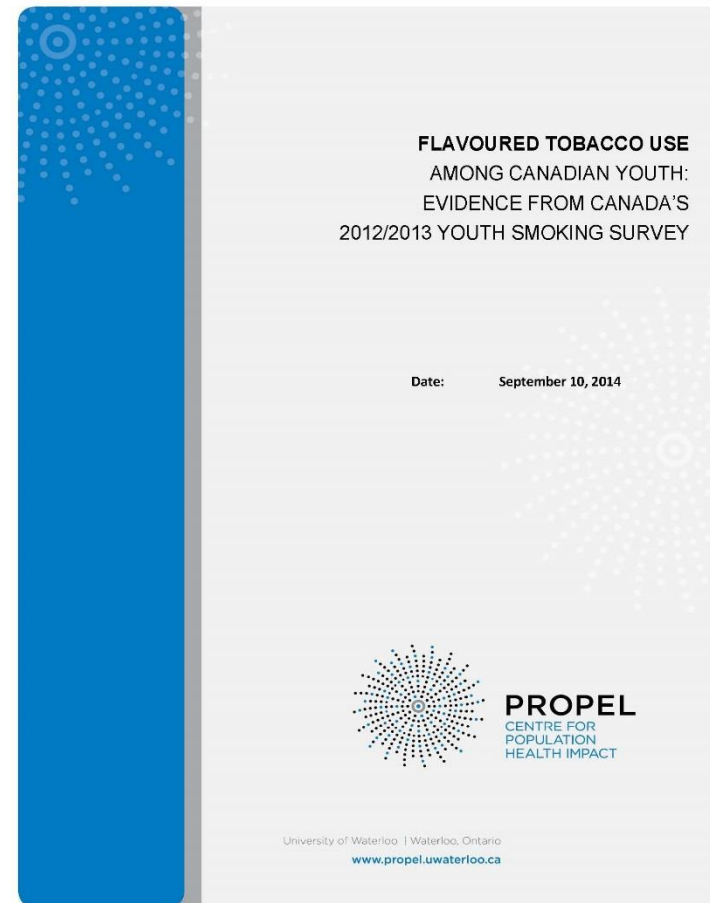


Menthol - Canada



Youth Smoking Survey

- National, for students in grades 6-12
- Data on youth flavoured tobacco use released Oct. 2013 (for 2010-11)
- New data released Sept 2014 (for 2012-13)



Youth Smoking Survey

- Of high school students (grades 9-12) Canada-wide who use tobacco products, fully 50% use flavoured tobacco (2012-13) (BC, 44%)

44%

Youth Smoking Survey (2012-13)

- Of high school students (grades 9-12) Canada-wide who use smoke, 29% smoke menthol (BC, 32%)
- Of high school students who smoke daily, 43% smoke menthol
 - only 4.5% of cigarettes sold in Canada are menthol

32%

**YSS – number of high school students
using in past 30 days – Canada, 2012-13**

137,000 – any flavoured tobacco

50,900 – menthol cigarettes

70,500 – cigarillos

41,300 – cigars

10,000 – bidis

34,000 – smokeless

39,600 – waterpipe

**YSS – number of high school students
using in past 30 days – BC, 2012-13**

12,200 – any flavoured tobacco

6,400 – menthol cigarettes

4,800 – cigarillos

3,900 – cigars

-- – bidis

3,500 – smokeless

4,100 – waterpipe

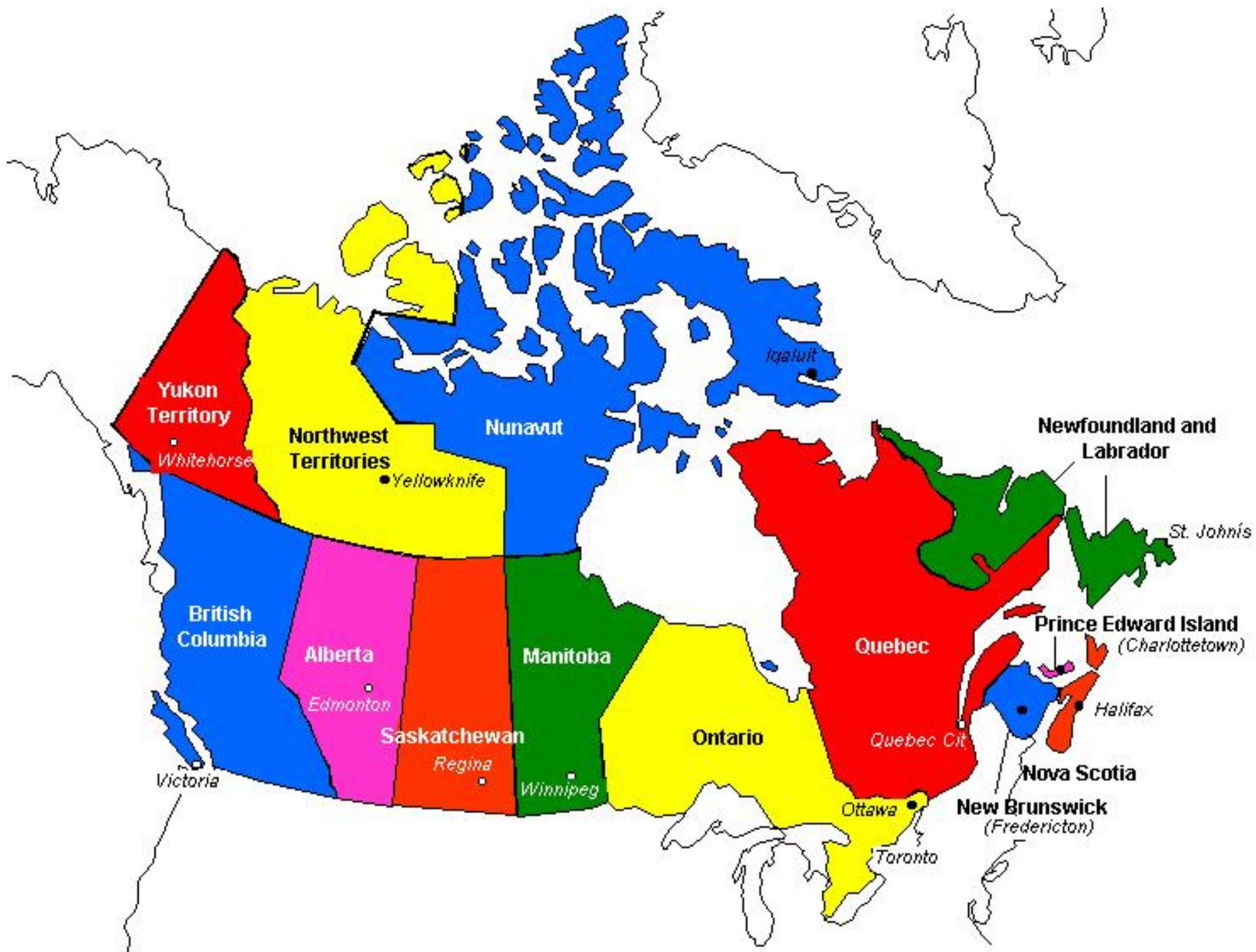
Federal amendment (2015)

- Extend flavours ban in cigars from 1.4g or less to 6g or less,
- rum, whisky, wine, port flavours exempted
- menthol exempted
- Amendments in force Dec. 14, 2015

Cigars weighing more than 6g, Canada, 2014



Chocolate **Grape**
34





Provincial legislation

- Provinces bring forward legislation to ban flavours, including menthol, in tobacco products:
 - Nova Scotia, May 31, 2015
 - Alberta, June 1, 2015 (menthol, Sept 30, 2015)
 - New Brunswick, Jan. 1, 2016
 - Ontario, date to be fixed
 - Quebec, Bill 44, 9 months after bill passed
 - Prince Edward Island, Bill 10, date to be fixed after regulations developed

Nova Scotia World Precedent



May 29, 2015 event
in force May 31, 2015



Health Minister
Leo Glavine

Flavours – 6 new provincial laws

AB



Sask

Ont



PEI

Provinces – different drafting approaches to flavours bans

Nova Scotia “flavoured tobacco” means tobacco that

- (i) has a characterizing scent or flavour, other than tobacco, that is noticeable before or during use, or both,
- (ii) by its packaging, labelling, advertising or otherwise, is represented as being flavoured, or
- (iii) is designated under the regulations as being flavoured,

but does not include tobacco exempted by the regulations;

Provinces – different drafting approaches to flavours bans (2)

- Alberta similar to Nova Scotia (with more regulatory authority)
“flavoured tobacco product” means a characterizing flavour, that is a clearly noticeable smell or taste other than tobacco
- Quebec (Bill 44) bans “a tobacco product that has a flavour or aroma other than that of tobacco, including a menthol, fruit, chocolate, vanilla, honey, candy, cocoa flavour or aroma”
- Rothmans, Benson & Hedges prefers Alberta approach over Quebec approach. Hmm.

Reformulated smokeless tobacco following Alberta legislation

Before:
Wintermint,
Ice Mint

After:
Titanium M,
Titanium Ice



Before:
Citrus, Cherry

After:
Crisp Blend,
Rich Blend



Exceptions in provincial laws

- Nova Scotia: exempts pipe tobacco and cigars with rum, wine, whisky or port flavours, though for cigars each unit must weigh at least 5g and cost at least C\$4.00
- Alberta: exempts pipe tobacco, and exempts cigars weighing more than 5g and costing for than \$4 per unit
- Some provinces do not ban flavoured cigarette papers

Exceptions in provincial laws

- New Brunswick: no exemption for any type of tobacco product

Ban packaging referring to banned flavour

- essential for enforcement,
- common provision in legislation
- Canada (national):
“No person shall package a tobacco product [...] in a manner that suggests, including through illustrations, that it contains [a banned additive/flavour]”

E-cigarettes



Electronic cigarettes

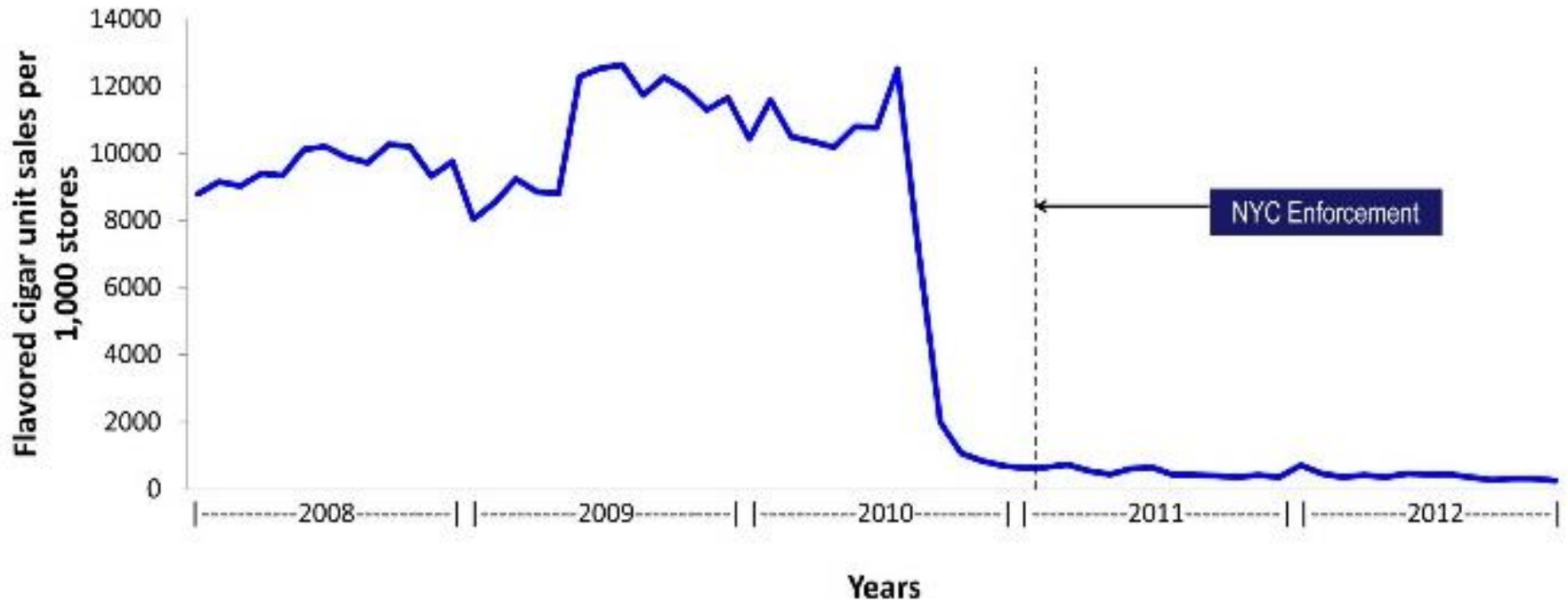
- Four provinces (ON, QC, NS, PEI) have included regulatory authority over flavours in e-cigarettes, e-juices for potential future regulations

Flavour bans – int'l

- New York City (2010), Providence, Rhode Island (2012), flavours ban for all tobacco products, exempt cigarettes (covered federally), menthol, mint
- Ethiopia, Sept. 21, 2015
- Some other restrictions
- Supported by WHO Framework Convention on Tobacco Control guidelines

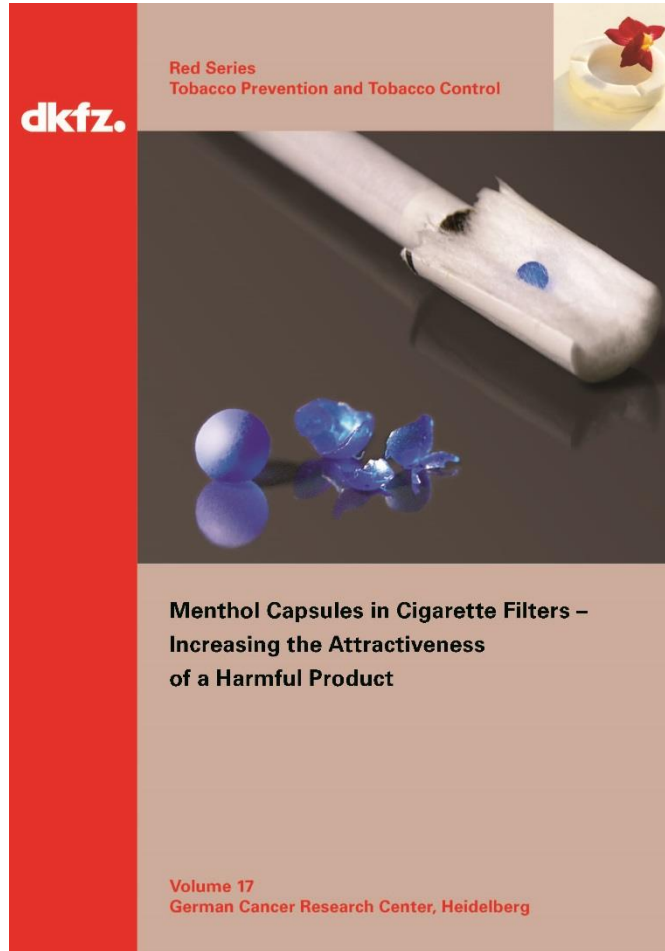
New York City

Figure 2. Monthly flavored cigar unit sales per 1,000 stores, 2008-2012



Source: S.M. Farley, Michael Johns, "Evaluating Changes in Flavored and Menthol Tobacco Product Sales Before and After FDA and New York City Bans" SRNT Poster Presentation, 2014 (store annual sales larger than \$2 million/year).

Capsule bans



Germany, 2012

Belgium,
previously

European Union
May 20, 2016

Menthol bans - international

- Ethiopia, Sept. 21, 2015
- Turkey, May 20, 2020 (Jan. 1, 2019 at manufacturer level, any level of menthol)
- European Union, 28 countries, May 20, 2020
- Moldova, May 20, 2020

British Columbia



Terry Lake
BC Health Minister

In British Columbia, on June 10, 2014, the mandate letter from Premier Christy Clark to Health Minister Terry Lake stated in part: "Your mandate for the following year is "to work with the federal government to regulate the sale of e-cigarettes and flavoured tobacco to minors in British Columbia, or in the absence of a federal strategy, move to introduce legislation".

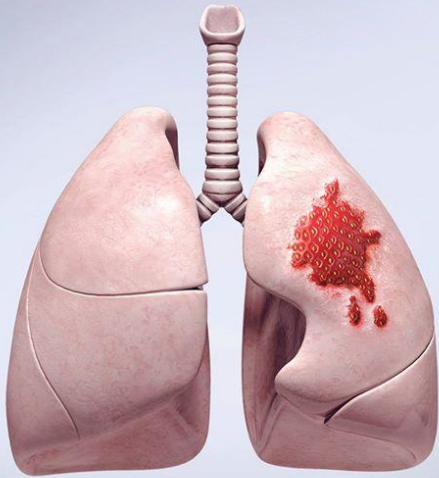
British Columbia

Private Member's Bill M 201, *Tobacco Control Amendment Act, 2015*, introduced by NDP Health Critic Judy Darcy Feb. 16, 2015 – would ban flavours including menthol

Previously Bill M 211, the *Tobacco Control Amendment Act, 2014*, introduced April 30, 2014, died on Order Paper

British Columbia – CCS calls for action

LUNG CANCER,
NOW AVAILABLE IN
STRAWBERRY.



Know the risks of FLAVOURED TOBACCO.
cancer.ca/flavours



4 out of 5 British Columbian teens support ban on flavoured tobacco products

21 January 2014

VANCOUVER, BC -

The Canadian Cancer Society, BC and Yukon, is calling for a ban on flavoured tobacco products in BC after a new poll showed overwhelming support from British Columbians.

The Angus Reid poll conducted on behalf of Canadian Cancer Society, BC and Yukon revealed that 81 per cent of BC teens between 15 and 18 years of age agree that the BC government should adopt legislation to ban all tobacco products with fruit and candy flavours as a measure to reduce tobacco use among youth. In addition, 74 per cent of British Columbians over the age of 18 support a ban. The survey of 306 15 to 18 year olds and 814 adults in British Columbia was conducted between December 23 and December 30, 2013.

“These numbers speak loud and clear: British Columbians want a ban in BC on flavoured tobacco products,” says Kathryn Seely, Director, Public Issues, Canadian Cancer Society, BC and Yukon. “We are urging the BC government to protect children from the predatory marketing practices of the tobacco industry and the products which, through their packaging and appearance, are aggressively targeted to youth. It’s time, now during National Non-Smoking Week, to commit to a ban.”

Poll: flavours ban in BC supported by

- 81% of teens, aged 15-18
- 74% of adults

British Columbia



Lessons Learned

- It can be done
- Main industry arguments on flavours:
(1) contraband; (2) not affect smoking rate
- Problems if not all tobacco products covered
- Quebec approach to legislative drafting best
- No laboratory testing needed
- Other provinces not increasing enforcement resources

Thank you