Banning Flavoured Tobacco in Canada: Overview and Update

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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

BAIE SAUVAGE

RAISIN

MIEL

MENTHE

PÊCHE

HONEY TIME

HONEY TIME

HONEY TIME

HONEY TIME

HONEY TIME

FRAISE

VANILLE

CERISE

CHOCOLAT HOLLANDAIS

FRAMBOISE

HONEY TIME

HONEY TIME

HONEY TIME

HONEY TIME

HONEY TIME

STRAWBERRY

VANILLA

CHERRY

DUTCH CHOCOLATE

RASPBERRY
“Twinkle” brand

• Note little stars on package
• Four pack
Canada-
Little Cigars
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
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

- 2006-07: 16%
- 2008-09: 17%
- 2010-11: 11%
- 2012-13: 9%

Bill C-32 in effect
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
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
- Cappucino
- Licorice
- Apple
- Cinnamon
Water pipe smoking (past 30 days) among Canadian Grade 12 high school students (Youth Smoking Survey)

- 2006-07: 5%
- 2010-11: 6%
- 2012-13: 7%
Ever smoked water pipes among Canadian Grade 12 high school students (Youth Smoking Survey)

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>2006-07</td>
<td>12%</td>
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<tr>
<td>2010-11</td>
<td>15%</td>
</tr>
<tr>
<td>2012-13</td>
<td>22%</td>
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</table>
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

Peter Jackson MENTHOL

NEXT

KING SIZE MENTHOL
EXPERIENCE THE EXCEPTIONAL
MENTHOL TASTE OF NEXT

Craven A MENTHOL

SPECIAL
HOUSE OF CRAVEN, TORONTO M3B 3L1

studio MENTHOL

Accord

UNCOMPROMISED QUALITY FOR SUPERIOR TASTE
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
<table>
<thead>
<tr>
<th>Product</th>
<th>Number</th>
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<tbody>
<tr>
<td>any flavoured tobacco</td>
<td>12,200</td>
</tr>
<tr>
<td>menthol cigarettes</td>
<td>6,400</td>
</tr>
<tr>
<td>cigarillos</td>
<td>4,800</td>
</tr>
<tr>
<td>cigars</td>
<td>3,900</td>
</tr>
<tr>
<td>bidis</td>
<td></td>
</tr>
<tr>
<td>smokeless</td>
<td>3,500</td>
</tr>
<tr>
<td>waterpipe</td>
<td>4,100</td>
</tr>
</tbody>
</table>
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
Cigars weighing more than 6g, Canada, 2014

Chocolate Aroma

PHILLIES BLUNT

5 CIGARS

PHILLIES BLUNT

The fresher the cigar ... the better the taste

These cigars are as fresh as the day they were made. Enjoy the great taste of Phillies Blunt Chocolate Aroma, specially blended for flavor and sealed in a unique Freshness Film.

Chocolate  Grape  34

WARNING

TOBACCO USE CAUSES MOUTH DISEASES

AVERTISSEMENT

Le tabagisme cause des maladies de la bouche

Tobacco smoke causes oral cancer, gum diseases and tooth loss.

Health Canada  Santé Canada
Provincial legislation

- Provinces bring forward legislation to ban flavours, including menthol, in tobacco products:
  - 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

Ont

Sask

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

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

In British Columbia, on June 10, 2014, the mandate letter from Premier Christy Clark to Health Minister Terry Lake 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”.

Terry Lake
BC Health Minister
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

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
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