

March 21, 2024

The Honourable Mark Holland
Minister of Health
House of Commons
Ottawa, ON
K1A 0A6

Re: Recommendation for Provincial and Federal Restrictions on Nicotine Pouches

Dear Minister Holland:

The Middlesex-London Health Unit (MLHU), on behalf of Ontario's Southwest Tobacco Control Area Network (SWTCAN), expresses our shared support and endorsement of the Windsor-Essex County Board of Health Resolution Report entitled "*Steps Toward Limiting Nicotine Addiction in Youth*", attached as Appendix A. The pervasive distribution, flavoring, display, promotion, and underage sales of nicotine pouches within our communities threaten to undermine the gains that have been made to reduce youth and young adult nicotine dependence. The SWTCAN, comprised of Chatham-Kent Public Health, Grey Bruce Public Health, Huron Perth Public Health, Lambton Public Health, Middlesex-London Health Unit, Southwestern Public Health, and the Windsor-Essex County Health Unit, asks for swift action to address this new kind of flavoured nicotine product that is being marketed and sold to young people in convenience stores and gas station kiosks.

The administrative decision by Health Canada to approve Zonnic nicotine pouches for sale under the *Natural Health Products Regulations* has meant that flavoured nicotine pouches are now available for purchase in all kinds of retail settings, primarily convenience stores and gas stations, displayed alongside candy, chips, and gum. The pouches come in colourful packaging and in a variety of sweet and fruity flavours, which are particularly appealing to younger consumers. Other brands of nicotine pouches, including "Zyn" and "KlinT" have found their way to the retail shelves in southwestern Ontario. Large video advertisements and branded display units promote the sale of nicotine pouches in the same retail settings where commercial tobacco and vaping products are available for purchase. The spectrum of available nicotine products is growing as the commercial tobacco and vapour product industry capitalize on gaps in the current regulatory framework.

The rapid emergence of nicotine pouches in the market has meant that provincial governments have had insufficient time to establish their own regulatory frameworks to prepare their own response to regulate the sale of these products, with the exception of British Columbia and Quebec. The Ontario public health units of the SWTCAN recommend the enactment of federal and provincial regulatory measures to address the retail sale and promotion of flavoured nicotine pouches. Specifically:

- that the federal government takes swift action to close the regulatory gap that permits the sale of nicotine pouches to individuals under 18 years of age; and,
- that the provincial government consider taking action to embed restrictions on the flavouring, sale, display, and promotion of nicotine pouches under the *Smoke-free Ontario Act, 2017*.

To provide the necessary time for provincial governments to respond to this emerging nicotine delivery device, the SWTCAN recommends that Health Canada reclassify nicotine pouches as a prescription product or enact a suspension and temporary moratorium on the approval and sale of all nicotine pouches until appropriate regulatory measures are in place.

Nicotine is a highly addictive substance, with substantial evidence documenting the adverse effect of nicotine on the developing brains of youth and young adults. The Middlesex-London Health Unit and the public health units within the SWTCAN remain committed to working collaboratively with our school, municipal, provincial, and federal partners to prevent nicotine dependence, to promote cessation, and to protect communities through the promotion and enforcement of health protective policies.

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The Middlesex-London Board of Health reviewed further information, which has been attached to this letter (Report No. 16-24 and Appendix A).

Sincerely,

Matthew Newton-Reid Board Chair Dr. Alexander Summers MD, MPH, CCFP, FRCPC Medical Officer of Health Emily Williams BScN, RN, MBA, CHE Chief Executive Officer

Cc: Ontario Boards of Health
Hon. Sylvia Jones, Ontario Minister of Health
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Lianne Rood, Member of Parliament, Lambton-Kent-Middlesex
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