

TO: Chair and Members of the Board of Health

FROM: Christopher Mackie, Medical Officer of Health

DATE: 2013 November 21

TOBACCO PROMOTION AT TOBACCO RETAILERS

Recommendation

It is recommended that Report No. 122-13 re Tobacco Promotion in Tobacco Retailers be received for information.

Key Points

- Tobacco use remains the leading cause of preventable disease and premature death in Ontario, costing the Canadian economy \$17 billion annually for tobacco-related illness, including \$4.4 billion in direct healthcare costs.
- Restrictions on marketing and promotion are widely recognized as a means to prevent and reduce tobacco use; ongoing promotion and enforcement of the [Smoke-Free Ontario Act \(SFOA\)](#) and surveillance of tobacco industry activities are important components of the local tobacco program.
- SFOA prohibits the promotion of the sale of tobacco products through product association, product enhancement or any type of promotional material at point-of-sale; it also restricts the sale or distribution of cigarettes in packages of less than 20 and requires tobacco to be packaged in accordance with the federal [Tobacco Act](#) including appropriate health warnings.
- Recently, tobacco industry sales representatives were encouraging tobacco retailers to give away single cigarettes with the purchase of tobacco products. The Health Unit has determined that this is a violation of the relevant legislation and will treat it as such if it is observed in Middlesex-London.

Background

The substantial decline in smoking prevalence among Canadians over the past forty-five years represents one of the most important public health achievements of our time; however, tobacco use remains a serious challenge to the population's health. Tobacco use remains the leading cause of preventable disease and death in Canada; it is estimated that 37,000 die each year and 100 die every day from a tobacco-related illness. Tobacco use is responsible for 80% of lung cancers, 80% of chronic obstructive pulmonary disorder (COPD) and has been linked with breast cancer and cancer in 18 other locations in the human body, as well as surgical complications, heart attacks and strokes.

Ontario's Action Plan for Health Care set a target that Ontario would achieve the lowest smoking rate in Canada. This commitment is expressed throughout the Ministry of Health and Long-Term Care's Smoke-Free Ontario Strategy and is an area of focus under Ontario's Public Health Sector Strategic Plan ["Make No Little Plans"](#). To achieve the target, Ontario requires approximately 490,000 fewer smokers, doubling the current quit rate; however, this is a moving target because the tobacco industry continues to creatively recruit new tobacco users to replace those who quit smoking or succumb to tobacco-related illness. To achieve the target, we need smoking rates to decrease and we need to ensure that no new users start using tobacco industry products.

Smoke-Free Ontario Act and Prohibitions on Tobacco Product Promotion

The [Smoke-Free Ontario Act \(SFOA\)](#) came into effect May 31, 2006, prohibiting smoking in enclosed public places and workplaces, on elementary and secondary school property, within common areas of multi-unit dwellings and within nine meters of entrances and exits to health and long-term care facilities. The SFOA restricts the sale and supply of tobacco to persons under the age of 19 and requires retailers to request identification from any person who appears to be less than 25 years of age. In addition to the sales restrictions, the Act restricts how tobacco products are packaged, handled, displayed and promoted.

The retail point-of-sale environment is an important opportunity for the tobacco industry to communicate with current, former and potential tobacco users. Research shows that displaying and promoting the sale of tobacco at point-of-sale can boost the sale of cigarettes through impulse buying and can influence young people to start smoking. It also makes it more difficult for smokers to quit, and for those who have quit smoking to stay smoke-free.

It is for these reasons that the SFOA provides clear restrictions on the promotion of tobacco products. Effective May 31, 2008, the retail display of tobacco products became illegal. Further, section 3.1 (3) of the SFOA prohibits the promotion of the sale of tobacco products at point-of-sale through product association, product enhancement or any type of promotional material. Section 7 of the Regulations limits signage in or at a tobacco retailer that refers to tobacco products, tobacco product accessories or both. Lastly, section 5 of the SFOA restricts the sale of cigarettes in packages that contain less than 20 cigarettes to limit access to single or 'discount packs' of cigarettes, which would be more affordable than standard packages or cartons; Section 5 also requires tobacco to be packaged in accordance with the federal Tobacco Act including appropriate health warnings to limit tobacco brand promotion on the individual packages or cartons. Point-of-sale marketing is one of the few remaining communication vehicles available to the tobacco industry in Ontario and it is for this reason that ongoing promotion and enforcement of the SFOA and surveillance of tobacco industry activities in Middlesex-London by the Tobacco Enforcement Officers (TEOs) are so important.

Recent Tobacco Product Promotion in the Retail Environment

Over the last few weeks, the TEOs received reports that tobacco industry sales representatives were encouraging tobacco retailers to give away single cigarettes with the purchase of tobacco products, as a means to promote one brand of tobacco over an alternative. This practice is in clear violation of Section 3.1(3) and Section 5 of the SFOA. The TEOs have employed a progressive enforcement approach, providing education to the retailers that the practice is in violation of the law and, if found to be engaging in the promotion, retailers will be issued a written warning along with corrective actions to be taken. The TEOs will return for re-inspection and if at the time of re-inspection there is evidence that the promotion is continuing, charges will be laid.

Ongoing Monitoring and Education of Tobacco Retailers

The tobacco industry has conducted a 40 year public relations campaign to deceive the public about the known health effects of tobacco use, providing misinformation about health risks and the addictiveness of nicotine. The industry continues to engage in predatory and aggressive marketing tactics to recruit new tobacco users and to maintain brand loyalty with those already addicted. To achieve the lowest smoking rate in Canada, tobacco control efforts must be innovative and our presence within the community must be sustained.

This report was prepared by Ms. Linda Stobo, Manager, Chronic Disease Prevention and Tobacco Control Team.



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| <p>This report addresses the following requirement(s) of the Ontario Public Health Standards: Foundations: Principles 1, 2; Comprehensive Tobacco Control: 1, 5, 7, 11, and 13.</p> |
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