

Tobacco Control Directorate
Health Canada
150 Tunney's Pasture Driveway
Ottawa, Ontario
K1A 0K9

RE: RESPONSE TO NOTICE OF INTENT (NOI) - POTENTIAL MEASURES TO REDUCE THE IMPACT OF VAPING PRODUCTS ADVERTISING ON YOUTH AND NON-USERS OF TOBACCO PRODUCTS

The Middlesex-London Health Unit (MLHU) strongly supports Health Canada's plan to introduce regulatory measures that are intended to reduce the impact of vaping product advertising on youth and non-users of tobacco products in Canada. These regulatory measures are an important step forward, and we are pleased to be able to provide what we believe are enhancements, to the proposed measures outlined in the NOI, for consideration.

Research suggests that adolescents are using vaping products at an alarming rate. According to the 2017 Canadian Student Tobacco, Alcohol and Drugs Survey, student usage of vaping products in Canada increased by 30% per year between 2015 and 2017.ⁱ When the *Tobacco and Vaping Products Act* was passed in 2018, innovative products that are appealing to youth began to show up in the Canadian market place. These vaping products deliver higher concentrations of nicotine per puff than older models of e-cigarettes and traditional tobacco cigarettes.ⁱⁱ Nicotine is a highly addictive substance that can have adverse effects on the developing brain.ⁱⁱⁱ The US Food and Drug Administration has declared e-cigarette use an epidemic among young people after research showed a 78% increase in vaping among high school students between 2017 and 2018 in the United States.^{iv} Not only do vaping products put youth and non-tobacco users at risk of nicotine dependence, there is substantial evidence that e-cigarette use increases the risk of ever using combustible tobacco cigarettes among youth and young adults. Increased usage of vaping products by youth, young adults, and non-tobacco users threatens to undermine the success of previous tobacco control measures in reducing tobacco use in Canada.^{vi}

Under the *Smoke-Free Ontario Act, 2017 (SFOA, 2017)*, smoking and the use of vaping products is prohibited on school grounds and within 20 metres of school property. The use of vaping products inside and outdoors on school property has become a substantial problem for elementary and secondary school staff. Between October 2018 and January 2019, the Health Unit's Tobacco Control Team received 37 complaints from school staff in the Middlesex-London region about young people vaping on school property. Vapour products are not just being used outside on school property, they are being used inside school washrooms, classrooms and on school buses.

It is commendable that the *Tobacco and Vaping Products Act* has restrictions on flavourings and prohibits lifestyle advertising, sponsorships, testimonials or endorsements, and other advertising that could be appealing to youth. However, further regulatory measures are needed to protect youth and non-tobacco users from initiating use of vaping products.

A. Placement of Advertisements

We recommend that vaping product advertising should be prohibited at premises where vape products are sold and youth are permitted access. In Ontario, the *SFOA, 2017* permits the promotion of vapour products both inside and outside retailers of vaping products that are accessible to young people, including gas stations, convenience stores and grocery stores. Advertising has become rampant in Middlesex County and the City of London, exposing kids to a constant stream of vapour product ads. The Health Unit's Tobacco Enforcement Officers have seen electronic screen ads, lit display cases, countertop displays, 3D models of vapour products, 7-foot tall stand up displays, posters, and signs affixed to gas pumps,

windows, and concrete bollards at gas stations, convenience stores and grocery stores across Middlesex-London. The promotional materials use slogans such as “Bold and Stylish”, “Genius”, “Experience the Breakthrough”, “You’ve Got to Try it”, and “Hits the Spot” which are attractive and enticing to young people, perpetuating industry messaging that these products are safe to use. Many of the 304 tobacco and vapour product retailers in Middlesex-London are within walking distance of secondary schools, and are visited by students during school lunch breaks and after school. In Ontario, young people are being exposed to highly creative and enticing vapour product advertising at places where they routinely frequent, promoting the purchase of these vapour products while normalizing vaping culture among youth.

We recommend a full restriction on vaping product advertising on broadcast media to effectively protect Canadian children and youth. Additionally, we support a prohibition on advertising online where vaping products are sold and young people have access. It is our opinion that the current suggestion of a partial ban, which only targets children and youth-oriented programming, will be highly ineffective. Children and youth have access to programming that would be considered adult-oriented in many Canadian homes, thus rendering a partial restriction ineffective. Additionally, it is very subjective to classify certain programming as adult or youth-oriented, since many, if not all, programs watched by adults are also viewed by high-school aged youth. Similarly, banning vaping product advertising in publications that are intended for a child and youth audience will be ineffective since it is difficult to differentiate between adult, young adult and youth websites, online publications, and social media platforms.

Vapour products are safer than combustible tobacco products; however, this does not mean that they are harmless. More research and greater vapour product regulatory controls are required in Canada before claims can be made about their role as an effective cessation aid for individuals who want to quit using tobacco products; therefore, a precautionary approach is required. There is conclusive evidence that non-tobacco users should not start using vapour products due to the increase in exposure to nicotine, particulate matter, heavy metals and other toxic chemicals; this is especially true for young people because of the damage nicotine can have on the developing brain.^{vi vii} Strict regulations on advertising are essential to ensure we circumvent the creation of a new generation of young people addicted to nicotine. Since all forms of advertising can make vaping products socially desirable and acceptable, we urge Health Canada to employ strict measures to limit vapour product promotion and advertising.

B. Content of Advertisements

According to the Ontario Scientific Advisory Committee, health warnings have proven to be effective in Canada.^{viii} Studies on electronic cigarette health warnings have found that the exposure to the warning increases negative feelings regarding the use of an electronic cigarette. Moreover, these studies have found that exposure to the health warning also reduces positive attitudes about vapour products and intentions to purchase an electronic cigarette.^{ix}

We support Health Canada’s proposal that all advertisements should include a warning about the health hazards of vaping products. Regarding the proposed health warnings provided in the NOI, the Health Unit recommends that these statements should be strengthened by providing additional information that may be more of a deterrent to young people. In 2019, the Ontario Tobacco Research Unit conducted focus groups in Ontario, a couple of which were held in London, ON. Multiple young people stated that they felt that if vaping was unsafe, the government would have stricter regulations. For example, one participant expressed the following opinion, "... I think that’s why the government is a bit more lax with [vaping] - because there's no demonstrable proof that it actually does have health implications. If there was, they would do something".^x Therefore, it is our recommendation that warnings should include clear scientific findings about the effects of nicotine on brain development. This is an indisputable health implication that we feel will add more weight to the proposed warnings.

C. Other Forms of Retail Promotion

In Ontario, the display of vaping products at point of sale is currently prohibited under the *SFOA, 2017*, with the exception of specialty vape stores where entry is restricted to individuals over 19 years of age. However, this legislation

does not prohibit the display of photos of the products and/or its packaging, nor does it prohibit models that look like vaping products. The manufacturers of Vype constructed extremely authentic paper models of vaping products that were on display in stores across the Middlesex-London region. The Middlesex-London Health Unit strongly supports the measures outlined in the NOI as a way to terminate the exposure of children and teens to highly creative vaping advertisements at point of sale. Recent studies have shown that young people who vape are 2 to 4 times more likely to go on to using combustible tobacco, compared with those who do not vape.^{xi} We strongly encourage Health Canada to completely restrict the display of vaping products, as well as all images and models of these products.

The proposed regulatory measures outlined in the NOI could be an important first step to control youth vaping. We hope the suggestions outlined in this letter will be given consideration, so that children and youth in Canada will be better protected against the negative effects of vaping product advertising.

Sincerely,

Trish Fulton, Chair
Middlesex-London Board of Health

ⁱ Canadian Student Tobacco, Alcohol and Drugs Survey (2017). Retrieved from <https://uwaterloo.ca/canadian-student-tobacco-alcohol-drugs-survey/>

ⁱⁱ American Cancer Society: <https://www.cancer.org/cancer/cancer-causes/tobacco-and-cancer/e-cigarettes.html>

ⁱⁱⁱ Government of Canada. Retrieved from: <https://www.canada.ca/en/health-canada/services/smoking-tobacco/vaping/risks.html>

^{iv} U.S. Department of Health and Human Services. Retrieved from: <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm620185.htm>

^v Youth Tobacco Use: Results from the National Youth Tobacco Survey Retrieved from: <https://www.fda.gov/TobaccoProducts/PublicHealthEducation/ProtectingKidsfromTobacco/ucm405173.htm>

^{vi} National Academies of Sciences, Engineering and Medicine. (2018). Public health consequences of e-cigarettes. Washinton, DC: The National Academies Press. doi: <https://doi.org/10.17226/24952>.

^{vii} England, L.J., Bunnell, R.E., Pechacek, T.F., Tong, V.T. and McAfee, T.A., 2015. Nicotine and the developing human: a neglected element in the electronic cigarette debate. *American journal of preventive medicine*, 49(2), pp.286-293.

^{viii} Smoke-Free Ontario Scientific Advisory Committee. Ontario Agency for Health Protection and Promotion (Public Health Ontario). (2016). Evidence to guide action: comprehensive tobacco control in Ontario. Toronto, ON: Queen's Printer for Ontario.

^{ix} Baig, S. B., Brewer, N. T., Hall, M. G., Jeong, M., Mendel, J. R. (2018). Placing health warnings on e-cigarettes: A standardized protocol. *International Journal of Environmental Research in Public Health*, 15(8). Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6122039/>

^x Ontario Tobacco Research Unit (2019). Research on E-cigarettes and Waterpipe (RECIG-WP): Focus Group Findings. Unpublished data.

^{xi} Berry K, et al. Association of Electronic Cigarette Use with Subsequent Initiation of Tobacco Cigarettes in US Youths. *JAMA Network Open*. 2019; 2(2):e187794