



March 22, 2019

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 Southwest Tobacco Control Area Network (SW TCAN) 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. We are pleased to be able to have the opportunity to provide what we believe are enhancements to the proposals in the NOI.

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.<sup>i</sup> 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, which increased concerns about youth vaping. Vaping products recently introduced into the market place are reported to deliver higher concentrations of nicotine per puff than older types of e-cigarettes and tobacco cigarettes.<sup>ii</sup> Nicotine is a highly addictive substance that can have adverse effects on the developing brain.<sup>iii</sup> 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.<sup>iv</sup> Not only do vaping products put youth and non-tobacco users at risk of nicotine dependence and using combustible cigarettes, their usage threatens to undermine previous successes tobacco control measures have had at reducing tobacco use in Canada.<sup>vi</sup>

It is commendable that the *Tobacco and Vaping Products Act* prohibits lifestyle and other advertising that could be appealing to youth as well as promotions such as sponsorship, testimonials, or endorsements. However, further regulatory measures are needed to protect youth and non-users from initiating use of vaping products.

#### **A. Placement of Advertisements**

We strongly support removing vaping product advertising at premises where vape products are sold and youth are permitted access. Additionally, we strongly support a prohibition on advertising online where products are sold and young people have access. In Ontario the *Smoke-Free Ontario Act*,



2017 (SFOA, 2017) allows advertising of vapour products both in and outside of premises where young people are permitted. Advertising has become rampant across our region, exposing kids to a

constant stream of vapour product ads. In Southwestern Ontario, we have seen many creative advertisements such as, electronic screen ads, lit display cases, counter top displays, 3D models of vapor products, 7-foot-tall stand up displays, posters, and signs in stores that are affixed to windows, on power walls, hung from ceilings, and attached to the pumps and concrete bollards at gas stations.

In regards to broadcast media, we believe a full restriction on vaping product advertising should be in place to effectively protect Canadian children and youth. 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 orientated, since many, if not all, programs watched by adults are also viewed by teens. Similarly, banning vaping product advertising in publications that are for children and youth will be ineffective since it is difficult to differentiate between adult and youth websites, online publications, and social media platforms.

Vapour products can be considered a harm reduction alternative to traditional combustible tobacco products as well as a potential cessation aid for individuals who want to quit using tobacco products. Therefore, vaping products should be available to adult tobacco users. However, the evidence clearly states that non-tobacco users should not start using vapour products, and this is especially true for young people because of the damage nicotine can have on the developing brain.<sup>vii</sup> Strict regulations on advertising are essential to ensure we circumvent a new generation of nicotine addicted young people. Since all forms of advertising can make vaping products socially desirable and acceptable, we urge Health Canada to ban advertising in all public places and in all broadcast media and print and online publications.

## **B. Content of Advertisements**

According to the Ontario Scientific Advisory Committee Report, health warnings have proven to be effective in Canada.<sup>viii</sup> Studies on electronic cigarette health warnings have found that the exposure to the warning increases negative feelings regarding the use of an electronic cigarette.<sup>ix</sup> 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.

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, we would like to see these statements strengthened with additional information that may be more of a deterrent to young people. The Ontario Tobacco Research Unit conducted focus groups in our TCAN region and 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."<sup>x</sup> 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 realistic paper models of vaping products that were on display in stores across our region, as a way to circumvent the *SFOA, 2017*. The TCAN 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.<sup>xi</sup> 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 swiftly adopted 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

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

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

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

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

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

<sup>vi</sup> Public Health Consequences of E-cigarettes, U.S. National Academies of Sciences, Engineering and Medicine (2018)

<sup>vii</sup> 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.

<sup>viii</sup> 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.

<sup>ix</sup> 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/>

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

<sup>xi</sup> 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