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The Middlesex-London Health Unit (MLHU) and Southwest Tobacco Control Area Network (SWTCAN) Submission on the Proposed Amendments to the *Tobacco Product Packaging and Labelling Regulations*

The Middlesex-London Health Unit (MLHU) and the Southwest Tobacco Control Area Network (SWTCAN), comprised of the seven public health units operating within southwestern Ontario, welcome the invitation to provide feedback regarding the Proposed Tobacco Product Packaging and Labelling Regulations. These regulations are a critically important next step in tobacco control and should be adopted without delay.

The MLHU and SWTCAN applaud Health Canada's proposal of forward-thinking regulations that aim to support the objectives of the *Tobacco and Vaping Products Act (TVPA)*. Collectively, we are in support of Health Canada's recommended amendments listed in **“Option 3: (Recommended) Update and standardize labelling requirements for all tobacco products and introduce new measures to enhance and maximize impact.”** Introducing these measures will ensure Canada continues to be a leader in reducing the burden of disease and death caused by commercial tobacco use by keeping Canadians informed about the health harms associated with commercial tobacco use. Canada was the first country to require pictorial warnings on tobacco packaging in 2001 which created a positive ripple effect globally, resulting in more than 130 countries and territories requiring pictorial warnings on tobacco product packages. By enacting the proposed changes to the regulations, Canada will be the first country to require warnings directly on individual tobacco products, which would be precedent setting, and could act as a global impetus for other countries to follow Canada's lead. Updated health warnings that communicate the latest health harms research on both tobacco product packages and on individual cigarettes has the potential to reach vulnerable groups, such as youth and youth adults, who may only access single cigarettes, while further reducing the consumer appeal of tobacco products.

Proposed regulations include ([Health Canada, 2022](#)):

1. The introduction of written health warnings printed on individual cigarettes, cigars that have a filter, and cigarette tubes, to inform users, particularly young persons, who may not be exposed to the packaging, of the health hazards of tobacco use.
2. Renewed health-related messages to address the latest evidence (health warnings, health information messages and toxicity information statements).

3. Health warning and toxicity information requirements extended to all tobacco product packaging.
4. A minimum size of 75% of the main panels of the packaging for health warnings for all tobacco products.
5. A new location for the health information messages on cigarette packages to make these messages more noticeable.
6. A rotation scheme that aims to enhance the novelty and relevance of the messages on tobacco products and packages by rotating sets of messages on a pre-determined schedule.
7. The ability to update the content of health-related messages (such as images or text) to reflect the most up to date science and research available without updating the regulations.

The MLHU and the SWTCAN fully support the proposed tobacco health warning regulations, which should be adopted as soon as possible for the benefit of Canadians. This submission offers additional comments and recommendations to provide further support for the efficacy and success of the proposed regulatory amendments.

Health Warnings Printed on Individual Cigarettes, Cigars that Have a Filter, Little Cigars that have a Filter and Cigarette/Little Cigar Tubes

Health warnings on the packaging of commercial tobacco products have proven to be an effective way to reach those who smoke (Hammond, 2011). Expanding the use of health warnings from external product packaging to singular tobacco products (e.g., the tip of individual cigarettes or on blunt wraps) is yet another innovative way to provide messaging about the harms of smoking, particularly to young people. Youth and young adults typically obtain commercial tobacco products from a social supply and therefore may not be exposed to the health risks appearing on its outside packaging. Additionally, warnings on cigarettes can complement the warnings on the external tobacco product packages, and the reach will be extensive given that there are approximately 20 billion cigarettes sold annually in Canada.

The use of a white background with black text on singular products would provide the most visually accessible text with high colour contrast. Printed material in black and white is most readable, with a minimum point size of twelve (12 pt font size). **It is recommended by the MLHU and the SWTCAN that Health Canada consider the additional recommendations from the CNIB Clear Print Accessibility Guidelines (CNIB, 2022) when standardizing the print requirements for manufacturers. Limiting colours to black and white where possible also reduces the likelihood for manufacturers to employ the use of visually attractive colours associated with tobacco product brands.**

Health warnings are an effective means to increase awareness of the health effects of tobacco use and to reduce tobacco use, and the current tobacco labelling regulations have led to declining smoking rates in the country (Hammond et al., 2003). To aid in the continued downward trend of commercial tobacco use, we support a comprehensive approach that ensures that all Canadians are aware of the dangerous health hazards associated with the use of these products. For health warnings to have the intended effect, messages must be refreshed frequently to ensure that the effect of the messaging does not wane over time (Hitchman, et al., 2014). Historically, some countries, like Canada and Australia

have updated health warning requirements every ten years; whereas, some countries have had nine or more rounds of picture warnings, including Ecuador, Columbia, Mexico, Panama and Uruguay (Canadian Cancer Society, 2021; Cunningham, 2022). **It is recommended by the MLHU and the SWTCAN that Health Canada use a large number of warning messages appearing concurrently, while frequently changing the required set of messages (at least annually) to most effectively inform consumers of the myriad of potential health harms from tobacco product use while reducing the likelihood of message wear out with repeated exposures.**

Expansion of Health Warnings to all Tobacco Products and Increase in Visibility

In Canada, health warnings containing text messages and illustrations about health hazards and negative health effects are currently mandated to be prominently placed on the front and back of tobacco product packages including cigarettes, little cigars, cigarette tobacco, cigars, pipe tobacco, leaf tobacco, tobacco sticks, chewing tobacco and snuff. Health warnings placed on tobacco products and tobacco product packaging is an evidence-based approach that has proven to be effective to inform tobacco users of the health hazards associated with tobacco use, (Health Canada and the Public Health Agency of Canada, 2017), and they have the potential to be seen by millions of Canadians every day. A study by Decima Research in 2009 indicates that youth and adults believe health warnings on tobacco products to be reliable sources of information and they strongly support the placement of health warnings on tobacco packaging. Under the proposed Regulations, health warnings will be renewed, including new themes and other health conditions not currently included in the current regulations, and will require pictorial health warnings on chewing tobacco and snuff. Additionally, health warnings on tobacco products would be legislated to have a glossy finish (Canada Gazette Part 1).

Health warnings will continue to cover at a minimum, 75% of the front and back of cigarette and little cigar packages; however, under the proposed regulatory amendments, this requirement would be extended to all tobacco product packages, including those for water pipe tobacco, blunt wraps, tobacco products intended for use with a device, the devices themselves and their parts, and any new tobacco products that are introduced to the Canadian market.

The current wording of the draft regulations allows for the tobacco industry to position health warnings on the bottom 75% of the package front and back surfaces; however, a warning at the top of the surface would increase visibility, compared to the bottom of the package (Cunningham, 2022). When given the choice, tobacco companies will place health warning labels at the bottom of the package instead of the top. In Canada, warnings have appeared at the top of the front and back surfaces since 1994, and this practice should formally continue through regulations. **In order to ensure that the updated health warnings on exterior packaging have the best visibility for tobacco users yielding the greatest positive health impact, the MLHU and SWTCAN recommend that Health Canada require manufacturers to position health warnings at the top 75% of the package front and back surfaces, instead of the bottom 75%, by way of regulation.**

We commend Health Canada's precedent setting mandate to include health information messaging that combine text with illustrations, placed inside cigarette, little cigar and cigarette tobacco packages. Health information messages deliver positive cessation messages and help motivate smokers to quit through testimonials from former smokers and offer smokers tips about quitting. Research from opinion surveys conducted by Health Canada suggest that the more smokers read health information messages, the more likely they feel empowered to quit smoking, to make quit attempts and to successfully quit smoking (Thrasher, et al. 2016).

However, further research in 2019 indicates that the placement of health information on the back of cigarette slide and shell packs reduces its visibility and effectiveness in conveying health information to smokers (Quorus Consulting Group Inc. 2019). To enhance the effectiveness of health information messaging, the proposed Regulations would require such improvements as placing health information messages on an extended upper flap of slide and shell cigarette packs, adding an information leaflet to package of little cigars, and requiring health information messages to be shown on cigarette tobacco packages or inside the package (Canada Gazette Part 1). The inclusion of health information messages with cessation program contact information directly on tobacco product packaging will encourage and support cessation attempts for smokers who are thinking about quitting or want to quit. **In order to make it even quicker and easier for individuals to access the web portal for cessation support, the MLHU and the SWTCAN recommend that Health Canada include a QR code on the package, which can be scanned by a mobile device, to take consumers directly to the website. Additionally, if the contact phone number can also be reached by a text message to a shorter number (e.g., "Call or Text iQuit to 12345"), this may provide a more convenient, comfortable means of communication for individuals who are reluctant to speak to a person on the telephone.**

Health Warning and Toxicity Information Requirements Extended to all Tobacco Products

Toxicity information (TI) about the toxic constituents in tobacco and the harmful emissions produced by tobacco smoke is required to be displayed on many tobacco product packages. However, information pertaining to emissions of certain tobacco products such as pipe tobacco and cigars, is not presently required to be included on the product's package. The absence of information on the package may leave users uninformed about the health hazards of using tobacco and therefore mislead people about the harms these products may have on their health (Canada Gazette, Part 1).

Under the proposed Regulations, TI statements will be required on all tobacco product packages, including those not subject to labelling requirements under present legislation (e.g. those for water pipe tobacco, blunt wraps, tobacco products intended for use with a device, the devices themselves and their parts, and any new tobacco products to enter the Canadian market in the future). Moreover, the Regulations will stipulate that TI statements must be written clearly, concisely and using plain language that would be accessible to more people (Canada Gazette, Part 1). **The MLHU and the SWTCAN recommend that Health Canada implement these proposed regulatory amendments without delay as part of their comprehensive approach to inform Canadians on the health harms associated with the use of pipe tobacco, waterpipe tobacco, blunt wraps, tobacco**

products intended for use with a device and the devices and component parts, and any products that are introduced into the Canadian market place in the future.

Rotational Messaging and the Opportunity to Refresh Based on Emerging Evidence

The proposed rotation scheme for health warnings with multiple sets of labels, a pre-determined schedule for rotating those labels every 24 to 36 months, and incorporation of a Source Document by Health Canada to allow for more timely updates would help to achieve the desired goal of enhancing the novelty, relevance and impact of the health-related information. **In order to ensure that health warnings are continually renewed, the MLHU and SWTCAN recommend that Health Canada consider staggering the release of different health warning sets within a 24 to 36 month period. Additionally, the MLHU and the SWTCAN recommend that Health Canada provide guidance to manufacturers to ensure equal use of sets to ensure that all health warnings are used equitably, without overuse of those found to be less obtrusive or those found to best blend into the tobacco product package.**

The MLHU and the SWTCAN supports the proposed, flexible approach to allow Health Canada to make future changes to health warnings on external packaging administratively, without the need for the more cumbersome approach of amending regulations. In addition, the MLHU and the SWTCAN recommend that the same approach be applied to health warnings printed directly on individual cigarettes. The permitting of changes administratively will provide Health Canada with the ability to quickly and easily update messaging and graphic elements (e.g. changes to the text colour from black to red, font size, or adding pictograms) to ensure universal communication and compliance with any accessibility requirements which may change to reflect emerging evidence and best practice.

Thank you for the opportunity to provide feedback on the proposed regulatory amendments to the *Tobacco Product Packaging and Labelling Regulations*. We remain committed to work collaboratively with other public health units, non-governmental organizations, health care agencies and our municipal, provincial and federal governments to prevent smoking-related disease and death. Despite the significant policy and program advancements that have been made over the last twenty years, approximately 48,000 Canadians die from a tobacco-related disease every year. Being a global leader in comprehensive tobacco through the enactment of strict, precedent-setting health warning legislation will help us to achieve Canada's Tobacco Strategy target of less than 5% tobacco use by 2035. We remain committed to work with our partners at Health Canada to achieve this goal.

Sincerely,



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Medical Officer of Health

Citations

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