



Rothmans, Benson & Hedges Inc.

a subsidiary of Philip Morris International Inc. / une filiale de Philip Morris International Inc.

1500 Don Mills Rd., Toronto, ON M3B 3L1

Submission in response to the draft Vaping Products Promotion Regulations (Gazette I)

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Summary

Rothmans, Benson & Hedges Inc (RBH) supports the continued harm-reduction approach proposed by Health Canada to differentiate vaping from smoking with regulations on advertising and promotion designed to reduce the appeal and access of vaping products for youth, while maintaining access for adults to enable existing smokers to switch from cigarettes to a less harmful alternative if they do not quit entirely.

We share Health Canada's conclusion that vaping should be further restricted for youth but remain an accessible reduced-risk alternative for existing adult smokers: "Giving people who smoke access to less harmful options than cigarettes could help reduce health risks and possibly save lives."¹

Such a balanced regulatory approach is critical for both immediate and long-term public health objectives, and to achieve the federal government's stated objective to reduce the incidence rate of smoking to five per cent by 2035. In the immediate term, maintaining adult access to vaping products and information about such products will help today's 4.5 million Canadian smokers switch to a less harmful product, if they do not quit. In the longer-term, tough new regulations will help guard against a new generation of young Canadians becoming nicotine users.

¹ Canada Gazette, Part I, Volume 153, Number 51: Vaping Products Promotion Regulations, <http://gazetteducanada.gc.ca/rp-pr/p1/2019/2019-12-21/html/reg1-eng.html>



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This regulatory approach is also consistent with proposals included in RBH's recommendations during the 2019 Canadian Election, [Unsmoke: Ideas for a Smoke-Free Future](#). We believe the right policies and the right technologies can accelerate the drive to make Canada smoke free by 2035, or perhaps even sooner. Therefore, our message to regulators and the public is simple:

If you do not smoke, do not start.

If you do smoke, quit.

If you do not quit, change.

Health Canada's regulation of vaping as a separate category from smoking is a step in the right direction. While vaping products are not safe and contain nicotine, which is addictive, Health Canada correctly concludes "the best available scientific evidence suggests that they are less harmful than cigarettes for smokers who switch completely from tobacco to vaping products."²

Specific Comments

RBH broadly supports the objectives of the proposed regulations, including further limiting the extent to which youth may be exposed to vaping product promotion and requiring health warnings on vaping product advertisements. However, RBH has three specific concerns and requests an opportunity to provide more policy guidance in person to Health Canada officials to consider amending the draft regulations. Our concerns are outlined below.

Expanding the definition of vaping products

The definition of vaping products is unhelpfully restrictive, focusing only on those products which heat nicotine-containing liquid to produce aerosol and discounting those which produce an aerosol vapour by vaporizing tobacco directly.

RBH has, since 2016, made available in Canada a product called IQOS which produces an aerosol vapour similar to that of electronic cigarettes by vaporizing tobacco directly. However, under federal law IQOS is defined as a tobacco product.

The definition of vaping products should be expanded to include tobacco vaporizers, for they too vaporize a nicotine source into an aerosol without combustion. Notably, this would be consistent with provincial law, as every one of the eight provinces which has a definition for vaping products correctly defines tobacco vaporizers as vaping products. Regulating tobacco vaporizers as vaping products would

² Canada Gazette, Part I, Volume 153, Number 51: Vaping Products Promotion Regulations, <http://gazetteducanada.gc.ca/rp-pr/p1/2019/2019-12-21/html/reg1-eng.html>



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harmonize provincial and federal laws and regulations governing tobacco and vaping products to the potential benefit of existing adult smokers from coast to coast to coast.

Recommendation: Through regulation, define heated tobacco products as vaping products.

Health Warnings

The proposed health warnings continue a trend of factual, but incomplete, information regarding the risk of vaping products compared to combustible cigarettes. The only place where it is acknowledged by the Government of Canada that vaping is less harmful than smoking is on the Health Canada website³. This means the warning labels are incomplete by omission of valuable information targeted directly for smokers.

As Health Canada states, “Canadians know very little about the health hazards of using vaping products.”⁴ Vaping products should therefore require a warning label informing consumers that these products are not risk-free and contain nicotine, which is addictive.

At the same time, consumers should know that there are scientifically substantiated vaping products that reduce exposure to the chemicals and chemical compounds linked to smoking-related diseases. As Health Canada has clearly stated, vaping products can be less harmful than cigarettes. Vaping products are intended to replace completely combustible cigarettes for adult smokers who will otherwise continue to smoke. Therefore, such additional information on a vaping warning label could be invaluable in helping an existing adult smoker switch away from more harmful cigarettes.

Recommendation: Add to the existing two warnings by including a statement consistent with those on Health Canada’s website, such as “Vaping is less harmful than smoking.”⁵

Advertising, Promotion and Display

Vaping products should only be designed and marketed for adult smokers who are seeking an alternative to continued smoking, and RBH supports further restrictions to limit the extent to which youth can access vaping products and vaping product promotion. However, it is important to maintain commercial communications with existing adult smokers to increase their awareness of the availability of smoke-free alternatives such as vaping. If general brand advertising is to be restricted, some manner of harm-reduction advertising should be permitted, by producers, industry or in partnership with government, to accelerate the societal transition of existing smokers away from cigarettes.

RBH supports sensible restrictions on the advertising and display of vaping products at point-of-sale in general retail environments. However, sales at general trade provide a critical transaction moment to provide adult smokers with information about better alternatives to cigarettes. Therefore, branded

³ Vaping and Quitting Smoking, Government of Canada, <https://www.canada.ca/en/health-canada/services/smoking-tobacco/vaping/smokers.html> (last updated 21 Dec 2018)

⁴ Ibid

⁵ Ibid



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display restrictions for vaping products sold at general retail are acceptable to prevent promotion or appeal to youth, but general retailers should be authorized to provide branded vaping information directly and discreetly to adult smokers during the sales transaction. Such branded information to adult smokers should not be publicly displayed. Age-restricted speciality retail should continue to be a place where adult smokers can learn the most about vaping products and brands, but there remains a role for restricted consumer education about vaping at general retail.

Furthermore, there is a role for publicly-visible harm-reduction promotion at point of sale in general trade to enable existing adult smokers to make an informed choice to switch to a smoke-free vaping product.

Recommendation: Amend advertising and point-of-sale display restrictions at general retail to include branded harm-reduction messaging as a form of public-service announcement.

Rothmans, Benson & Hedges Inc.

Rothmans, Benson & Hedges Inc. is a wholly-owned subsidiary of Philip Morris International, which has been in continuous operation in Canada for 120 years. RBH does not manufacture the IQOS heated tobacco device or the tobacco heat sticks which it vaporizes, but does import, distribute and directly sell IQOS and heatsticks across Canada. IQOS was first launched in Canada in 2016 and through our 'Good Conversion Practices' is available for sale to existing smokers through our Q-Lab stores, on our website at iqos.com (in those places where online sales are permitted), and through our retail partners.

For more information please contact

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