

March 25, 2019

To: Mayor Bondy and Members of Council

RE: Administration Report – CL-10-19: Vaping Products - Advertising

Restrictions on the promotion and display of smoking products have been a key feature of provincial and federal tobacco legislation for many years. These types of regulatory controls have been impactful in reducing smoking rates and youth uptake of smoking across Canada and within Windsor-Essex County over the past two decades. With the emergence of new smoking devices, such as electronic cigarettes (e-cigarettes) in recent years, the potential for the recruitment of a new generation of smokers developing a dependence upon these devices is a significant public health concern. Electronic cigarettes are battery-powered devices that replicate the traditional smoking experience using an inhalation and heating process which vapourizes a fluid within the device. Generally, this fluid or “e-liquid/juice” contains different proportions of propylene or vegetable glycol, as well as flavouring, and in many cases, nicotine. Given its highly addictive nature, nicotine delivered by way of e-cigarettes presents the risk for dependence for non-tobacco users as well as young people who experiment with the product.

International and national research suggests that adolescents are using vaping products at an increasingly alarming rate. According to the 2017 Canadian Student Tobacco, Alcohol and Drugs Survey, student use of vaping products in Canada increased by 30% per year between 2015 and 2017. Contributing to these increasing rates are new technologies that contain increasing concentrations of nicotine with enhanced efficiency of its delivery. Given the risks associated with nicotine dependence, health-protecting measures such as increasing restrictions on the manner in which these products are promoted, are needed in order to reduce the impact that they can have on young people and non-tobacco users.

Federally, the *Tobacco and Vaping Products Act* prohibits any advertising that portrays electronic cigarette use as part of a “lifestyle” as well as any other advertising that could be appealing to youth. This same Act also prohibits promotions such as sponsorship, testimonials, or endorsements. Recently a public consultation led by Health Canada has concluded with a focus on enhancing these regulations and further restricting promotion of these products. In Ontario, the recently amended *Smoke-free Ontario Act 2017* prohibits the display of the actual devices and associated products in places where they are offered for sale but refers to the federal Act with regard to restrictions on promotion of e-cigarette brands or specific products. As a result, convenience stores in Windsor-Essex County and across the province face no restrictions related to the promotion of vapour products outdoors or within the store itself provided they are compliant with the federal regulations. To date, Tobacco Enforcement Officers from the *Windsor-Essex County Health Unit* have noted three-dimensional displays, posters, and road signs in addition to promotional items affixed to fuel pump lines and other outdoor forms of promotion.

In spite of a lack of long-term studies indicating their safety, or efficacy in helping people abstain from tobacco use, it is widely accepted that these products are almost certainly a safer alternative to tobacco cigarettes. The implications, however, of widespread advertising of these products include the renormalization of smoking in public spaces in which tobacco use has been prohibited, the targeting of young people with attractive flavours and devices, and the potential for promoting nicotine dependence for youth and those who do not currently use tobacco products. For these reasons, action taken at any level of government, which restricts the location and type of e-cigarette advertising that is observable by youth, would be a step forward in protecting the health of our most vulnerable populations.

Regards,



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