

January 20, 2020

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Tobacco Control Directorate
Controlled Substances and Cannabis Branch
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To Whom It May Concern,

RE: Canada Gazette, Part 1, Volume 153, Number 51: Vaping Products Promotion Regulations (Date of publication of notice December 13, 2019)

As the Medical Officer of Health for the City of Ottawa Health Unit, I am pleased that the Government of Canada recognizes the importance of strengthening the current advertising and promotion regulations of vapour products under the *Tobacco and Vaping Products Act* (TVPA).

As submitted in response to previous consultations, Ottawa Public Health (OPH) recommends that all vaping products be subject to similar advertising and promotion regulations as combustible cigarettes. Canada can better mitigate upward trends in vaping and smoking with updated regulation to protect and inform youth and adult consumers about vaping products.

OPH supports the proposed regulations for vaping product promotion and offers the following complementary recommendations.

Recommendation #1: Implement enforcement measures on the promotion and advertising of vaping products on any medium accessible to youth, such as videogames and social media.

OPH supports the restrictions on vaping product promotion being proposed by Health Canada. However, vaping promotion directed towards, or determined to be easily accessible to youth on social media (e.g. Twitter, Instagram etc.) and other e-venues (e.g. videogames, 'influencers', blog posts and chats etc.) should be closely monitored to ensure compliance.

Further, strategies should be implemented to hold companies, such as social media companies, accountable for sustained violations on their platforms given that posts

promoting vaping are increasingly attributable to automated rather than individual activity¹. Strategies may be further developed to restrict and control third party advertising, third party promotion or links from youth directed or frequented sites. Youth sites or accounts can be defined by the number of youth visits or subscriptions or, if not available, by youth content.

All online marketing should be required to comply with regulations restricting point of sale promotion and limitations on health claims. There are examples of e-cigarette sales and promotion sites that are violating laws against unproven health or cessation claims².

Recommendation #2: Develop targeted prevention and awareness initiatives to inform adults about the health risks associated with vaping products, including risks associated with ongoing smoking.

OPH fully supports the proposed regulation requiring a health warning be conveyed in the advertising of vaping products geared to adults. The reach of health warnings is a health equity issue and research shows that cigarette warning labels alone do not support the equal dissemination of knowledge; are not a source for prevention prior to use; and may miss vulnerable persons or those accessing products from alternative sources (e.g. from family, friends or outside regulated markets)³. Therefore, e-cigarette warnings should be extended to all e-advertising and e-promotion as social media warnings do increase perception of health risks⁴.

Furthermore, while efforts to prohibit online misinformation campaigns and illegal product promotion are needed, they must be complemented by countermeasures disseminating factual information⁵. For example, dual use (smoking and vaping) does not mitigate smoking harms and that users should consider completely substituting tobacco cigarettes for e-cigarettes to reduce the user's exposure to numerous toxicants and carcinogens⁶. Despite potential for harm reduction, the public should be aware that vaping is correlated with increasing smoking prevalence in Canada⁷. Information about the risks of nicotine addiction and preventable toxic ingestion should be made widely available to the public to promote informed and responsible use.

Recommendation #3: Establish a national centralized point of contact for poison control, such as a toll-free Poison Helpline, that connects callers to their nearest regional poison control centre and require that product warnings provide the national telephone number.

OPH recommends that a national poison control telephone line be established; that the number be required on advertising warnings of vapour products; that the warning relate to the toxic ingestion and poisoning of nicotine products; and include the proposed instructions regarding poisoning.

A national line may be set up as a hub to automatically re-direct callers to appropriate local services. The Canadian Association of Poison Control Centres is well positioned to become the centralized point of contact⁸. However, limited funding and a lack of interprovincial cohesion in poison control are significant barriers to the establishment of a national line. Nicotine vaping products pose a risk for poisoning and it is reasonable that a proportion of revenue from the sale of these products be directed to renew and support a national poison control initiative.

The omission of the toll-free Poison Helpline could result in delayed and inequitable access to poison control when needed. Individual variation in access to services may correspond to relative socioeconomic advantage, such as: access to a mobile phone or other device used to search for a poison control number; access to mobile data or the internet⁹; health and technology literacy¹⁰; or access to family health services¹¹. Community level access may differ because of: regional variation in poison control management⁸; accuracy of available information (e.g. ease of online search, visibility of telephone number); and phone or internet services (e.g. rural and remote connectivity problems)¹².

To facilitate equitable access and minimize risk related to delayed access to poison control, it is recommended that a national poison control line be established to complete the proposed regulation.

Recommendation #4: Address treatment gap for those addicted to vaping nicotine.

OPH recognizes there is a treatment gap in providing cessation support to people who may be addicted to liquid nicotine in vapour products. To address this gap, OPH recommends that Health Canada evaluate the vaping cessation needs among the youth and adult populations; encourage the development of guidelines for treating nicotine addiction with nicotine replacement therapy; and work with provincial partners (such as the Centre of Addiction and Mental Health) to expand their current smoking cessation programs to include vaping cessation for young people and adults.

Additionally, further research is needed to support and inform the use of e-cigarettes in the treatment of nicotine addiction. Use of e-cigarettes may support cessation¹³ but overall evidence is not conclusive. Currently, proven nicotine replacement therapies (those exempted under the Prescription Drug List¹⁴) are regulated as follows: long acting nicotine replacement therapies are set at an upper limit of 21 mg; short acting nicotine replacement therapies, such as gum, are proven effective at levels of 4mg/ml dose¹⁵.

To support tapering towards complete cessation, research is needed to define product doses and limits. Capacity building training and resources should be developed for cessation service providers. Lastly, health warnings on advertisements and packaging should include information about the addictive nature of nicotine and provide cessation information (i.e. for a “quit line”). In Canada, the labelling of tobacco packaging with a quitline number resulted in more equitable access to cessation services¹⁶ and greater overall call volume¹⁷.

Additional Regulatory Considerations

Although the proposed Vaping Products Promotion Regulations would prohibit advertising everywhere it can be seen or heard by young persons (unless it is addressed and sent to an adult identified by name or only accessible to adults), OPH also emphasizes the importance of additional regulations on vaping products to decrease youth vaping and youth appeal of vaping products including:

- **Requiring plain and standardized packaging on all vaping products;**
- **Prohibiting the manufacture and sale of all flavoured vaping products appealing to children and youth; and**
- **Restricting the allowable amount of nicotine in e-liquids and salts.**

Thank you for this opportunity to provide comments and recommendations regarding the potential regulatory measures for vaping product promotion. Should you have any questions or wish to discuss the recommendations, please contact me at Vera.Etches@ottawa.ca or by telephone at 613-580-6744 ext. 23675.

Sincerely,



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- ⁶ National Academies of Sciences, Engineering, and Medicine. *Public Health Consequences of E-cigarettes*. 2018; Washington, D.C.: The National Academies Press.
- ⁷ Hammond, D. et al. Prevalence of vaping and smoking among adolescents in Canada, England, and the United States: repeat national cross-sectional surveys. *BMJ*. 2019; 365:l2219 | doi: 10.1136/bmj.l221.
- ⁸ Parachute Canada. *White Paper on the Prevention of Poisoning of Children in Canada*. 2011. Retrieved on July 10, 2019 from http://www.parachutecanada.org/downloads/resources/WhitePaper_Poisoning.pdf
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- ¹³ Tseng, T. O. (2016). A Randomized Trial Comparing the Effect of Nicotine Versus Placebo Electronic Cigarettes on Smoking Reduction Among Young Adult Smokers. *Nicotine & Tobacco Research*, 1937-1943.
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- ¹⁶ Baskerville, N.B. et al. Impact of Canadian tobacco packaging policy on quitline reach and reach equity. *Preventive Medicine*. 2015; 81, 243-250.
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