



## Physicians *for a* Smoke-Free Canada

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October 19, 2018

Honourable Ginette Petitpas-Taylor  
Minister of Health  
Health Canada  
Ottawa Ontario  
K1A 0K9

Honourable Minister Petitpas Taylor,

Physicians for a Smoke-Free Canada wishes to make a formal complaint about violations of the *Tobacco and Vaping Products Act (TVPA)*. The law clearly states:

30.2 No person shall promote a vaping product, a vaping product-related brand element or a thing that displays a vaping product-related brand element by means of lifestyle advertising.

Lifestyle advertising is defined as follows in the law:

**Lifestyle advertising** means advertising that associates a product with or evokes a positive or negative emotion about or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring. (*publicité de style de vie*)

In direct contravention of this prohibition, Imperial Tobacco of Canada has been airing a 30-second commercial for Vype E-pen on Canadian television. These ads have been reported to us over the past month. The script and illustrations on the following page were taken from the version aired once during the broadcast of "Frankie Drake Mysteries" on Monday, October 15, 2018 on CBC and twice during the broadcast of "The Rookie" on CTV on Tuesday, October 16, 2018. It has been undoubtedly been broadcast many more times and has been seen by millions of Canadians, vapers and prospective vapers alike. The written summary of this advertisement attached to this letter shows it to be replete with lifestyle elements and sexual innuendo, in direct contravention of the TVPA.

As shown in the pictures below, Vype is also being advertised through lifestyle imagery through other channels, including Facebook and Convenience store displays.

In our view, each of the millions of viewings of these ads could and should be considered a contravention of the TVPA. As such, we request that you direct your officials to give priority to enforcing this recent law, and ensuring that compliance actions are taken towards the manufacturer/importer (BAT/Imperial Tobacco Canada Ltd) and also the CBC, CTV and other broadcasters who have accepted this ad. It is deeply concerning that these ads have been broadcast for more than a month without any apparent response from Health Canada.

In addition, we urge you to address other responsibilities of the department for better control of vaping advertising by giving priority to the development of regulations to ban such advertising.

The new TVPA is only a few months old, but the damages being done to public health by inadequately constrained advertising are many. A report commissioned by your own department shows that 17% of vapers never previously smoked and that most vapers are dual users – they also smoke cigarettes.<sup>1</sup> From your department’s research, it seems clear that vaping is a route towards nicotine addiction for a large number of customers. Moreover, although switching to vaping products does help some people to quit smoking, the overall public health effect is to depress quitting.<sup>2</sup> With widespread advertising we can expect exacerbation of all these negative public health consequences of vaping. Already, the negative consequences outweigh the positive and this imbalance will increase.

During Parliamentary review of Bill S-5, Physicians for a Smoke-Free Canada and many other health agencies unsuccessfully urged the government to restrict advertising for vaping products to the same level as advertising for tobacco products. Now, with widespread advertising allowed in retail stores, on billboards, on television and all other media, it is apparent that the situation is getting out of control. Already, BAT is boasting that the “vapour business is additive”.<sup>3</sup> Soon we will have more nicotine addicts, not fewer.

But it is not too late to take corrective action. By adopting advertising restrictions by regulation, as authorized by Section 30.701 of the TVPA, you can protect young people and non-smokers from inducements to vape.

Your immediate attention to these serious and worsening public health problems is requested.

Yours sincerely,



Neil E. Collishaw  
Research Director






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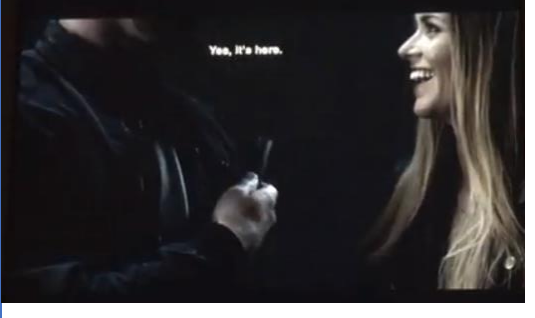
1 Environics Research. Longitudinal Vaper Panel Survey to Measure Attitudes and Behaviours regarding Vaping Products. POR 047-17.

2 Facts and fiction on e-cigs. European Public Health Association. <https://eupha.org/advocacy-by-eupha> . August 30, 2018.

3 British American Tobacco Investor Presentation. October 16, 2018. Slide 53.

**Vype E-Pen advertisement seen on CBC and CTV during the week of October 15, 2018**

Lifestyle elements:	Script	
<p>Modern up-tempo music</p>	<p>It's here.</p>	
	<p>The new Vype ePEN3.</p>	
<p>Man in business suit smiling and vaping on the balcony of a modern apartment block. Signifies a way of life involving sophistication, urbanity, comfort.</p>	<p>The click and vape no mess system that delivers big flavours that hit the spot big time.</p>	
<p>Highly manicured hand, red nail polish and slim figured red jeans associate Vype with glamour, beauty.</p>	<p>We're talking state of the art design in a pocket size fit.</p>	
<p>Association of the Vype device with lifestyle images is reinforced by the use of matching colours.</p>	<p>That's all taste. No tar.</p>	
<p>Text "that fits your on-the-go life" signifies the association of the product with a way of life.</p> <p>Woman dressed in white sitting in an ultra modern, ultra-white shelter beside a large upscale shopping bag associate Vype with wealth, glamour, health.</p>	<p>That fits your on-the-go-life.</p>	
<p>Man sitting and relaxing on a park bench enjoying the sun rise/set associate Vype with recreation, relaxation, urbanity.</p>	<p>Yes. Its here.</p>	

Lifestyle elements:	Script	
<p>Man with casual sports jacket removes Vype device from pocket and offers it to a smiling woman. It is revealed that they are standing at night under a street lamp and beneath a large neon "open" sign, associating the use of the product with nightlife, glamour, recreation.</p>	<p>The new Vype ePen3.</p>	
<p>Repeated use of sexual imagery (the Vype device is extended outward and upward by men and inserted downward and inward by women) emphasizes the association with romance and human sexuality.</p>	<p>Buy on line at goVype.ca or visit a retailer near you.</p>	

**Vype E-Pen advertisements on Facebook.**

**Vype Canada**  
September 22 at 8:11 AM · 🌐

Have you fall-in' for the ePen 3 yet? Get yours now at [www.GoVype.ca](http://www.GoVype.ca), or at Mac's, Circle K, 7-Eleven Canada, Loblaws or Petro-Canada.

May be harmful to health and contains nicotine which is addictive. Nicotine free versions available. Only adults 18/19+ based on province. Read leaflet in pack.



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**Vype Canada**  
September 10 at 8:58 AM · 🌐

We're not being discreet about the quality of the ePen 3, but with a compact design like this one, you can be.

May be harmful to health and contains nicotine which is addictive. Nicotine free versions available. Only adults 18/19+ based on province. Read leaflet in pack.



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