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Third Session, Thirty-seventh Parliament  
51-52 Elizabeth II, 2002-2003

Première session, trente-septième législature  
51-52 Elizabeth II, 2002-2003

**HOUSE OF COMMONS OF CANADA**

**CHAMBRE DES COMMUNES DU CANADA**

**Bill C-??**

**PROJET DE LOI C-??**

An Act to implement the Framework  
Convention on Tobacco Control

Loi pour mettre en vigueur la Convention-  
cadre sur la lutte antitabac

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First reading,.....

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Première lecture le .....

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**THE MINISTER OF HEALTH?**

**LE MINISTRE DE LA SANTÉ?**

# ***An Act to Implement the Framework Convention on Tobacco Control***

An Act respecting Canada's obligations under the Framework Convention on Tobacco Control

## ***FCTC Obligation***

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

### *Short title*

#### SHORT TITLE

1. This Act may be cited as the Act to Implement the Framework Convention on Tobacco Control.

### *Interpretation*

#### INTERPRETATION

2. The following definitions apply in this Act....

(to be developed)

### *Purpose*

#### PURPOSE OF ACT

3. The purpose of this Act is to fulfill Canada's obligations under the Framework Convention on Tobacco Control and its protocols.

### *Binding on Her Majesty*

#### HER MAJESTY

4. This Act is binding on Her Majesty in right of Canada or a province.

### *Order designating Minister*

#### DESIGNATION OF MINISTER

5. The Governor in Council may, by order, designate one or more members of the Queen's Privy Council for Canada as the Minister or Ministers for the purpose of any provision of this Act.

## **Article 5: General Obligations**

### *Development of a national strategy*

#### COMPREHENSIVE MULTISECTORAL NATIONAL TOBACCO CONTROL STRATEGIES

6. The Minister shall develop and implement a comprehensive multisectoral national tobacco control strategy.

<b>Article 5.2.</b>	<i>Establishment of a National Focal Point</i>	<p><b>NATIONAL FOCAL POINT AND MONITORING ACTIVITIES</b></p> <p>7. (1) The Minister shall establish and appropriately fund a national focal point for tobacco control.</p> <p>(2) The national focal point for tobacco control shall consist of person or persons appointed by the Minister whose interests, concerns and expertise contribute to the purpose of this Act.</p> <p>(3) The national focal point shall monitor the actions taken in Canada to implement the treaty and shall take other actions as appropriate to facilitate effective national and international tobacco control.</p> <p>(4) The national focal point shall periodically review and update reports on the state of comprehensive multisectoral national tobacco control strategies in place in Canada.</p>
	<i>Report to Parliament</i>	<p><b>REPORT TO PARLIAMENT</b></p> <p>8 (1) The Minister and the focal point shall report annually to Parliament, within four months after the end of the fiscal year being reported, on the implementation of the Framework Convention on Tobacco Control and the achievement of its objectives.</p> <p>(2) The Minister and the focal point may, at any time, make a special report to Parliament.</p>
<b>Article 5 (general obligations)</b>	<i>Information to be included (Minister's Report)</i>	<p>(3) The Minister's report shall include information on:</p> <p>(a) the legislative, executive, administrative and/or other measures taken by the federal government to prevent and reduce tobacco consumption, nicotine addiction and exposure to tobacco smoke;</p> <p>(b) cooperative measures undertaken with other governments in furtherance of the objectives of the treaty;</p> <p>(c) resources allocated by the federal government towards the implementation of the treaty in Canada and elsewhere;</p> <p>(d) the level of tobacco consumption and exposure to tobacco smoke among Canadians;</p> <p>(e) the consequences of tobacco use in Canada, including impact on mortality, morbidity, health care costs and the economy; (f) reports filed with the Minister by tobacco companies pursuant to regulations under the Tobacco Act;</p> <p>(g) federal measures taken to increase public awareness of and access to information regarding the adverse health, economic, and environmental consequences of tobacco production and consumption;</p>
<b>Article 9 Regulation of the contents of tobacco products</b>		
<b>Article 10 Regulation of tobacco product disclosures</b>		
<b>Article 12 Education, communication, training and public awareness</b>		
<b>Article 14 Demand reduction measures concerning tobacco dependence and</b>		

cessation

**Article 18  
Protection of the  
environment and  
the health of  
persons**

**Article 20  
Research,  
surveillance and  
exchange of  
information**

(h) federal initiatives to provide training or sensitization and awareness programmes on tobacco control to health workers, community workers, social workers, media professionals, educators, decision-makers, administrators and other concerned persons;

(i) federal measures taken to engage public and private agencies and nongovernmental organizations not affiliated with the tobacco industry in developing and implementing intersectoral programmes and strategies for tobacco control; (j) federal programmes aimed at promoting the cessation of tobacco use, the availability of diagnosis and treatment of tobacco dependence and counselling services and the accessibility and affordability of treatments for tobacco dependence including pharmaceutical products;.

(k) the impact on the Canadian environment associated with the production and use of tobacco products;

(l) scientific research and monitoring and surveillance activities respecting tobacco use and the consequences thereof conducted by or funded by the government of Canada;

(m) reports filed with the Conference of the Parties and subsidiary bodies, established pursuant to the Framework Convention on Tobacco Control.

**Article 5 (general  
obligations)**

*Information to  
be included  
(Focal Point's  
report)*

**Article 12  
Education,  
communication,  
training and public  
awareness**

**Article 14  
Demand reduction  
measures**

**Article 18  
Protection of the  
environment and  
the health of  
persons**

**Article 20  
Research,  
surveillance and  
exchange of  
information**

(4) The report of the Focal Point shall include information on:

(a) Information on the effective legislative, executive, administrative and/or other measures taken by other levels of government to prevent and reduce tobacco consumption, nicotine addiction and exposure to tobacco smoke;

(b) A review of the comprehensive multisectoral national tobacco control strategies, plans and programmes in place in Canada in accordance with the Framework Convention on Tobacco Control and its protocols and the resources allocated to them;

(c) details on educational and public awareness programmes on the health risks associated with tobacco use in place in Canada;

(d) details on initiatives to provide training or sensitization and awareness programmes on tobacco control to health workers, community workers, social workers, media professionals, educators, decision-makers, administrators and other concerned persons programmes in place in Canada;

(e) measures taken in Canada to engage public and private agencies and nongovernmental organizations not affiliated with the tobacco industry in developing and implementing intersectoral programmes and strategies for tobacco control;

(f) measures taken in Canada to increase public awareness of and access to information regarding the adverse health, economic, and environmental consequences of tobacco production and consumption;

(g) details on Canadian programmes aimed at promoting the cessation of tobacco use, the availability of diagnosis and treatment of tobacco dependence and counselling services and the accessibility and affordability of treatments for tobacco dependence including pharmaceutical products.

**Article 8  
Protection from  
exposure to  
tobacco smoke**

*Protection  
from  
exposure to  
tobacco  
smoke*

PROTECTION FROM EXPOSURE TO TOBACCO SMOKE

9. (1) The Non-smokers' Health Act, R.S.C. 1985, c. 15 (4<sup>th</sup> Supp.) is repealed.

(2) The Canada Labour Code, R.S. 1985, c. L-2 is amended in Part II, section 125 by adding the following:

*(z.20) ensure that there is no smoking in the workplace.*

(3) No person may be involuntarily exposed to second hand smoke on any land or in any facility under federal authority.

**Article 11, labelling**

*Misleading  
descriptors*

LABELLING OF TOBACCO PRODUCTS

10. (1) The Tobacco Act 1997 c. 13 is amended in Part IV by deleting section 20 and replacing with:

*20. (1) No person shall promote a tobacco product by any means, including by means of the packaging that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that particular tobacco product is less harmful than other tobacco products.*

*(2) The Minister may, at any time, direct manufacturers to cease using any term specified on the list of banned descriptors in Schedule 1.*

*health  
warnings on  
tobacco  
products*

(2) The Tobacco Act 1997 c. 13 is amended in Part III by deleting section 15(1) and replacing with:

*15(1) No manufacturer or retailer shall sell a tobacco product unless the package it displays, in the prescribed form and manner, the information contained in Schedule 2 or that require by regulations about the product and its emissions, and about the harmful effects of tobacco use.*

<b>Article 16. Sales to and by minors</b>	<i>Protection of minors – sale of candy cigarettes and pipes</i>	<b>BAN ON SALE OF CANDY CIGARETTES</b>
		<p><b>11.</b> The Tobacco Act, 1997, c 13 is amended in Part IV, section 22 by replacing section 22 with:</p>
		<p><i>22. No person shall promote, manufacture or distribute candy that depicts or resembles a tobacco product or its package or brand elements of one.</i></p>
<b>Article 13</b>	<i>Promotion</i>	<b>PROMOTION</b>
<b>Tobacco advertising, promotion and sponsorship</b>		<p><b>12.</b> (1) The Tobacco Act 1997 c. 13 is amended in Part IV by deleting section 18 (1) and replacing with:</p>
		<p><i>18 (1) In this Part, “promotion” means a representation about a product or service by any means, whether directly or indirectly, including any communication of information about a product or service and its price and distribution that is likely to influence and shape attitudes, beliefs and behaviours about the product or service or which encourage the purchase of tobacco products or certain brands of tobacco products.</i></p>
	<i>endorsements and testimonials</i>	<p>(2) The Tobacco Act 1997 c. 13 is amended in Part IV by deleting section 21 (c).</p>
	<i>Facilities</i>	<p>(3) The Tobacco Act 1997 c. 13 is amended in Part IV by deleting section 25.</p>
	<i>Accessories</i>	<p>(4) The Tobacco Act 1997 c. 13 is amended in Part IV by deleting section 26.</p>
	<i>Brand extensions</i>	<p>(5) The Tobacco Act 1997 c. 13 is amended in Part IV by deleting section 27 and replacing with:</p>
		<p><i>25. No person shall furnish or promote a tobacco product if any of its brand elements is displayed on a non-tobacco product or is used with a service.</i></p>
		<p>(6) The Tobacco Act 1997 c. 13 is amended in Part IV by renumbering section 29 as section 26.</p>
	<i>signs at retail</i>	<p>(7) The Tobacco Act 1997 c. 13 is amended in Part IV by deleting section 30 and replacing it with :</p>
		<p><i>27 A retailer of tobacco products may post, in accordance with the regulations and Schedule 3, signs at retail that indicate the availability of tobacco products and their price.</i></p>

<i>import of promotions</i>	(8) The Tobacco Act 1997 c. 13 is amended in Part IV by renumbering section 31(1) as section 28 and deleting section 31(2) and (3).
<i>export of promotions</i>	(9) The Tobacco Act 1997 c. 13 is amended in Part IV by adding the following: 29. <i>No person shall import or export a tobacco promotion.</i>
	(10) The Tobacco Act 1997 c. 13 is amended in Part IV by renumbering section 32 as section 30.
<b>Article 13.4 (b)</b>	<p data-bbox="467 657 586 730"><i>health warnings on promotions</i></p> <p data-bbox="643 657 1049 686">HEALTH WARNINGS ON PROMOTIONS</p> <p data-bbox="643 716 1393 783">13. (3) The Tobacco Act 1997 c. 13 is amended in Part IV by deleting section 24. and replacing it by:</p> <p data-bbox="643 806 1377 909">24. <i>No person shall promote a tobacco product or a tobacco product-related brand element unless the promotion displays, in the prescribed form and manner, the information contained in Schedule 3.</i></p>
<i>regulations</i>	<p data-bbox="643 961 800 991">REGULATIONS</p> <p data-bbox="643 1014 1403 1081">14. The Tobacco Act 1997 c. 13 is amended in Part IV by renumbering section 33 as section 30 and amending it as follows:</p> <p data-bbox="643 1104 1135 1134">30. <i>The Governor in Council may make regulations</i></p> <p data-bbox="643 1157 1393 1260"><i>(a) respecting the promotion of tobacco products and tobacco product-related brand elements and the packaging of tobacco products, including the form, manner and conditions of the promotion and packaging,</i></p> <p data-bbox="643 1283 1344 1350"><i>(b) respecting the use of tobacco product-related brand elements for the purposes of subsection 24</i></p> <p data-bbox="643 1373 1393 1440"><i>(c) respecting signs that a retailer may post under subsection 27(1), including the placement of the signs and their number, size and content;</i></p> <p data-bbox="643 1463 1403 1530"><i>(d) requiring manufacturers to disclose the particulars of their tobacco product-related brand elements and promotional activities;</i></p> <p data-bbox="643 1554 1263 1583"><i>(e) prescribing anything that by this Part is to be prescribed; and</i></p> <p data-bbox="643 1606 1159 1635"><i>(f) generally for carrying out the purposes of this Part.</i></p>

<b>Article 16. Sales to and by minors</b>	<i>Protection of minors – banning vending machines.</i>	<p><b>BANNING VENDING MACHINES</b></p> <p><b>15.</b> The Tobacco Act, 1997, c 13 is amended in Part II, section 12 by deleting clause 12 and substituting with:</p> <p><i>12. No person shall furnish or permit the furnishing of a tobacco product by means of a device that dispenses tobacco products.</i></p>
<b>Article 19: Liability</b>	<i>Liability</i>	<p><b>LIABILITY</b></p> <p><b>16.</b> The Minister shall consider taking legislative or other action to deal with criminal and civil liability of tobacco manufacturers.</p>
<b>Article 5.6. and Article 26 Financial resources</b>	<i>Funding for global tobacco control</i>	<p><b>ESTABLISHMENT OF A FUND FOR GLOBAL TOBACCO CONTROL</b></p> <p><b>17.</b> (1) There is hereby established a program, to be called the Canadian Fund for Global Tobacco Control, the object of which is to provide for the payment of contributions to eligible recipients for the carrying out of projects that contribute to the implementation of the treaty in areas outside of Canada.</p> <p>(2) The following are eligible recipients:</p> <p>(a) a national or municipal or regional government</p> <p>(b) an international organization whose members include national governments</p> <p>(c) a non-governmental organization</p> <p>(3) The Minister may enter into an agreement with an eligible recipient to provide for the payment of a contribution for an eligible project.</p> <p>(4) The funding provided by the Minister in each year shall be drawn from the Consolidated Revenue Fund and shall be an amount that is not less than 1% of federal revenues from excise taxes and duties on tobacco products or 5% of the income of tobacco companies operating in Canada, whichever is greater.</p> <p>(5a) The federal revenues from excise taxes and duties referred to in subsection (4) shall be those as reported by the Canada Customs and Revenue Agency for the most recent fiscal year for which information is available.</p> <p>(5b) The income of tobacco companies operating in Canada referred to in subsection (4) shall be as reported to the Canada Customs and Revenue Agency for the most recent fiscal year for which information is available.</p>
	<i>Available funding</i>	



**preamble – civil  
society  
participation**

*civil society  
participation*

## CIVIL SOCIETY PARTICIPATION

**18.** (1) Any citizen of Canada may apply to the Minister for an investigation of actions or failures to act which the individual alleges breach Canada's obligations under the Framework Convention on Tobacco Control and its protocols.

(3) The Minister shall acknowledge receipt of the application within 20 days of the receipt and shall investigate all matters that the Minister considers necessary to determine the facts relating to the alleged offence.

(4) The Minister shall include in each report to Parliament details on each allegation received under this section, on the progress of the subsequent investigation and the subsequent actions, if any, that the Minister has taken or proposes to take.

*Schedules*

## SCHEDULES

**19.** (1) The Tobacco Act, 1997, c 13 is amended by adding Schedule 1 to this act as Schedule 1 to the Tobacco Act.

(2) The Tobacco Act, 1997, c. 13 is amended by adding Schedule 2 to this act as Schedule 2 to the Tobacco Act.

(3) The Tobacco Act, 1997, c. 13 is amended by adding Schedule 3 to this act as Schedule 3 to the Tobacco Act.

(4) The Tobacco Act, 1997, c. 13 is amended by adding the following Section 31:

*31. The Governor in Council may, by order, amend any of Schedules 1 to 3 by adding to them or deleting from them any item or portion of an item, where the Governor in Council deems the amendment to be necessary in the public interest.*

*Regulations*

## REGULATIONS

**20.** (1) The Governor in Council may make regulations generally for the carrying out of the purposes and provisions of this Act.

**Article 11: Labelling**

*Schedule 1 –  
banned descriptors*

SCHEDULE 1

LIST OF BANNED TERMS

*low tar*

*light*

*extra light*

*ultra-light*

*smooth*

*mild*

*extra mild*

*ultra-mild*

**Article 11: Labelling**

*Schedule 2 – Health  
warning labels on  
tobacco products*

SCHEDULE 2

HEALTH WARNINGS AND HEALTH INFORMATION FOR TOBACCO  
PRODUCTS

**Health Warnings**

1. (1) Every manufacturer of a tobacco product shall display health information in the manner set forth in this schedule or in regulations under the Tobacco Act.:
2. Every manufacturer of a tobacco product shall display the health warnings on every package of the tobacco product that they manufacture, in accordance with this Schedule.

**Manner of display**

- (2) The health warnings must
  - a. be displayed in English on one principal display surface and in French on the other principal display surface;
  - b. occupy at least 50% of the principal display surfaces and be positioned parallel to the top edge of the package, towards the top part of the package as much as possible while satisfying the requirements of paragraph (c), and in the same direction as the other information that is on the package;
  - c. be displayed on a principal display surface in a manner that ensures that none of the words of the warning will be severed when the package is opened; and
  - d. be selected from the formats provided by the Minister for each health warning and based on the shape of the space as determined in accordance with paragraph (b).

**Equal display**

- (3) Every manufacturer shall, in respect of each brand of a tobacco product

that the manufacturer packages in a year and each type of package of the brand, display each health warning on between 3.25% and 9.25% of those tobacco products; and

#### **Health Information**

4 Every manufacturer of a tobacco product shall display health information in the following manner:

- a. in the case of any package other than a slide and shell package or a tub
  - i. anywhere on the package, other than the principal display surface or the bottom, in a manner that the English and French texts are side by side, centred, and together occupy between 60% and 70% of the side on which it is displayed; or
  - ii. on a leaflet inserted in every package, in English on one side of the leaflet and in French on the other side, with the information centred and occupying between 60% to 70% of each side;
- b. in the case of a slide and shell package
  - i. in the manner described in subparagraph (a)(ii), or
  - ii. on the surface of the slide that is opposite to the side of the slide that is next to the tobacco product, in such a manner that the English and French texts are side-by-side and centered, and together occupy 60% to 70% of that surface; and
- c. in the case of a tub
  1. in the manner described in subparagraph (a)(ii),
  2. on any exterior surface of the tub except the bottom,
  3. on the interior surface of the lid, or
  4. on the freshness seal.

#### **Leaflet**

5The leaflet shall be approximately 50 mm by 88 mm and readily visible to a person who opens a package in which it has been inserted.

#### **Equal display**

6 Every manufacturer shall, in respect of each brand of a tobacco product specified in subsection (1) that the manufacturer packages during a year and each type of package of the brand, display each message on between 3.25% and 9.25% of those tobacco products.

Article 13 (4) b:  
promotion

*Schedule 2 – Health  
warning labels on  
tobacco promotions*

SCHEDULE 3

HEALTH WARNINGS AND HEALTH INFORMATION FOR TOBACCO  
PRODUCTS

1. Subject to the Tobacco Act, no person shall undertake any activities which are intended to promote or increase the sale of tobacco products or brands of tobacco products or which can reasonably be considered to promote or increase the sale of tobacco products or brands of tobacco products unless the promotion includes a display of health information set forth in this schedule or in regulations under the Tobacco Act.

The health warnings must

- e. be displayed in English and in French
- f. occupy at least 50% of the promotional display or time.
- g. be displayed in a manner that ensures that they are fully legible or audible.
- h. be selected from the formats provided by the Minister for each health warning as appropriate for the format of the promotion.

## Appendix: Selected provisions of the Tobacco Act as Amended.

<i>Information required on leaflet</i>	15. (1) No manufacturer or retailer shall sell a tobacco product unless the package containing it displays, in the prescribed form and manner, the information required by the regulations about the product and its emissions, and about the health hazards and health effects arising from the use of the product or from its emissions.	15(1) No manufacturer or retailer shall sell a tobacco product unless the package it displays, in the prescribed form and manner, <b><u>the information contained in Schedule 2 or that required by regulations about the product and its emissions, and about the harmful effects of tobacco use.</u></b>
<i>Attribution</i>	(2) If required by the regulations, every manufacturer or retailer shall provide, in the prescribed form and manner, a leaflet that displays the information required by the regulations about a tobacco product and its emissions and about the health hazards and health effects arising from the use of the product and from its emissions.  (3) The information referred to in subsections (1) and (2) may be attributed to a prescribed person or body if the attribution is made in the prescribed manner.	(2) If required by the regulations, every manufacturer or retailer shall provide, in the prescribed form and manner, a leaflet that displays the information required by the regulations about a tobacco product and its emissions and about the health hazards and health effects arising from the use of the product and from its emissions.  (3) The information referred to in subsections (1) and (2) may be attributed to a prescribed person or body if the attribution is made in the prescribed manner.
<i>Definition of "promotion"</i>	18. (1) In this Part, "promotion" means a representation about a product or service by any means, whether directly or indirectly, including any communication of information about a product or service and its price and distribution, that is likely to influence and shape attitudes, beliefs and behaviours about the product or service.	18 (1) In this Part, "promotion" means a representation about a product or service by any means, whether directly or indirectly, including any communication of information about a product or service and its price and distribution that is likely to influence and shape attitudes, beliefs and behaviours about the product or service <b><u>or which encourage the purchase of cigarette products.</u></b>
<i>Application</i>	(2) This Part does not apply to  (a) a literary, dramatic, musical, cinematographic, scientific, educational or artistic work, production or performance that uses or depicts a tobacco product or tobacco product-related brand element, whatever the mode or form of its expression, if no consideration is given directly or indirectly for that use or depiction in the work, production or performance;  (b) a report, commentary or opinion in respect of a tobacco product or a brand of tobacco product if no consideration is given by a manufacturer or retailer, directly or indirectly, for the reference to the tobacco product or brand in that report, commentary or opinion; or  (c) a promotion by a tobacco grower or a	(2) This Part does not apply to  (a) a literary, dramatic, musical, cinematographic, scientific, educational or artistic work, production or performance that uses or depicts a tobacco product or tobacco product-related brand element, whatever the mode or form of its expression, if no consideration is given directly or indirectly for that use or depiction in the work, production or performance;  (b) a report, commentary or opinion in respect of a tobacco product or a brand of tobacco product if no consideration is given by a manufacturer or retailer, directly or indirectly, for the reference to the tobacco product or brand in that report, commentary or opinion; or  (c) a promotion by a tobacco grower or a

	manufacturer that is directed at tobacco growers, manufacturers, persons who distribute tobacco products or retailers but not, either directly or indirectly, at consumers.	manufacturer that is directed at tobacco growers, manufacturers, persons who distribute tobacco products or retailers but not, either directly or indirectly, at consumers.
<i>Prohibition</i>	19. No person shall promote a tobacco product or a tobacco product-related brand element except as authorized by this Act or the regulations.	19. No person shall promote a tobacco product or a tobacco product-related brand element except as authorized by this Act or the regulations.
<i>False promotion</i>	20. No person shall promote a tobacco product by any means, including by means of the packaging, that are false, misleading or deceptive or that are likely to create an erroneous impression about the characteristics, health effects or health hazards of the tobacco product or its emissions.	20. (1) No person shall promote a tobacco product by any means, including by means of the packaging that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, <b><u>hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that particular tobacco product is less harmful than other tobacco products.</u></b>  <b><u>(2) The Minister may, at any time, direct manufacturers to cease using any term specified on the list of banned descriptors in Schedule 1.</u></b>
<i>Testimonials or endorsements</i>	21. (1) No person shall promote a tobacco product by means of a testimonial or an endorsement, however displayed or communicated.	21. (1) No person shall promote a tobacco product by means of a testimonial or an endorsement, however displayed or communicated
<i>Depiction of person</i>	(2) For the purposes of subsection (1), the depiction of a person, character or animal, whether real or fictional, is considered to be a testimonial for, or an endorsement of, the product.	(2) For the purposes of subsection (1), the depiction of a person, character or animal, whether real or fictional, is considered to be a testimonial for, or an endorsement of, the product.
<i>Exception</i>	(3) This section does not apply to a trade-mark that appeared on a tobacco product for sale in Canada on December 2, 1996.	<del>(3) This section does not apply to a trade-mark that appeared on a tobacco product for sale in Canada on December 2, 1996.</del>
<i>Advertising</i>	22. (1) Subject to this section, no person shall promote a tobacco product by means of an advertisement that depicts, in whole or in part, a tobacco product, its package or a brand element of one or that evokes a tobacco product or a brand element.	<del>22. (1) Subject to this section, no person shall promote a tobacco product by means of an advertisement that depicts, in whole or in part, a tobacco product, its package or a brand element of one or that evokes a tobacco product or a brand element.</del>
<i>Exception</i>	(2) Subject to the regulations, a person may advertise a tobacco product by means of information advertising or brand-preference advertising that is in  (a) a publication that is provided by mail and addressed to an adult who is identified by name;  (b) a publication that has an adult readership of	<del>(2) Subject to the regulations, a person may advertise a tobacco product by means of information advertising or brand-preference advertising that is in  (a) a publication that is provided by mail and addressed to an adult who is identified by name;  (b) a publication that has an adult readership of</del>

	not less than eighty-five per cent; or	<del>not less than eighty-five per cent; or</del>
	(c) signs in a place where young persons are not permitted by law.	<del>(c) signs in a place where young persons are not permitted by law.</del>
<i>Lifestyle advertising</i>	(3) Subsection (2) does not apply to lifestyle advertising or advertising that could be construed on reasonable grounds to be appealing to young persons.	<del>(3) Subsection (2) does not apply to lifestyle advertising or advertising that could be construed on reasonable grounds to be appealing to young persons.</del>
<i>Definitions</i>	(4) The definitions in this subsection apply in this section.	<del>(4) The definitions in this subsection apply in this section.</del>
<i>"brand-preference advertising" « publicité préférentielle »</i>	"brand-preference advertising" means advertising that promotes a tobacco product by means of its brand characteristics.	<del>"brand-preference advertising" means advertising that promotes a tobacco product by means of its brand characteristics.</del>
<i>"information advertising" « publicité informative »</i>	"information advertising" means advertising that provides factual information to the consumer about	<del>"information advertising" means advertising that provides factual information to the consumer about</del>
	(a) a product and its characteristics; or	<del>(a) a product and its characteristics; or</del>
	(b) the availability or price of a product or brand of product.	<del>(b) the availability or price of a product or brand of product.</del>
<i>"lifestyle advertising" « publicité de style de vie »</i>	"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.	<del>"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.</del>
		22. No person shall promote, manufacture or distribute candy that depicts or resembles a tobacco product or its package or brand elements of one.
<i>Packaging</i>	23. No person shall package a tobacco product in a manner that is contrary to this Act or the regulations.	23. No person shall package a tobacco product in a manner that is contrary to this Act or the regulations.
<i>Sponsorship promotion</i>	24. (1) Subject to the regulations and subsections (2) and (3), a person may display a tobacco product-related brand element in a promotion that is used in the sponsorship of a person, entity, event, activity or permanent facility if the person, entity, event, activity or facility	<del>24. (1) Subject to the regulations and subsections (2) and (3), a person may display a tobacco product-related brand element in a promotion that is used in the sponsorship of a person, entity, event, activity or permanent facility if the person, entity, event, activity or facility</del>
	(a) is associated with young persons or could be construed on reasonable grounds to be appealing to young persons or if young persons are its primary beneficiaries; or	<del>(a) is associated with young persons or could be construed on reasonable grounds to be appealing to young persons or if young persons are its primary beneficiaries; or</del>
	(b) is associated with a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring.	<del>(b) is associated with a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring.</del>
<i>Display of brand element</i>	(2) A person may display a tobacco product-related brand element only within the bottom	<del>(2) A person may display a tobacco product-related brand element only within the bottom</del>

	ten per cent of the display surface of any promotional material.	<del>ten per cent of the display surface of any promotional material.</del>
Promotional materials	(3) A person may use promotional material that conforms with subsection (2) and that displays tobacco product-related brand elements	<del>(3) A person may use promotional material that conforms with subsection (2) and that displays tobacco product-related brand elements</del>
	(a) in a publication that is provided by mail and addressed to an adult who is identified by name;	<del>(a) in a publication that is provided by mail and addressed to an adult who is identified by name;</del>
	(b) in a publication that has an adult readership of not less than eighty-five per cent;	<del>(b) in a publication that has an adult readership of not less than eighty-five per cent;</del>
	(c) in signs or programs available on the site of the event, activity or permanent facility; or	<del>(c) in signs or programs available on the site of the event, activity or permanent facility; or</del>
	(d) in signs in a place where young persons are not permitted by law.	<del>(d) in signs in a place where young persons are not permitted by law.</del>
Other sponsorship	(4) Where the criteria described in paragraphs (1)(a) and (b) do not apply to a sponsorship, a person may, subject to the regulations, use a tobacco product-related brand element in the promotion of the sponsorship.	<del>(4) Where the criteria described in paragraphs (1)(a) and (b) do not apply to a sponsorship, a person may, subject to the regulations, use a tobacco product-related brand element in the promotion of the sponsorship.</del>
		24. No person shall promote a tobacco product or a tobacco product-related brand element unless the promotion displays, in the prescribed form and manner, only the information contained in Schedule 3.
Prohibition -- name of facility	25. No person may display a tobacco product-related brand element or the name of a tobacco manufacturer on a permanent facility, as part of the name of the facility or otherwise, if the tobacco product-related brand element or name is thereby associated with a sports or cultural event or activity.	<del>25. No person may display a tobacco product-related brand element or the name of a tobacco manufacturer on a permanent facility, as part of the name of the facility or otherwise, if the tobacco product-related brand element or name is thereby associated with a sports or cultural event or activity.</del>
	1997, c. 13, s. 25; 1998, c. 38, s. 2.	<b>no longer in force</b>
Accessories	26. (1) Subject to the regulations, a manufacturer or retailer may sell an accessory that displays a tobacco product-related brand element.	<del>26. (1) Subject to the regulations, a manufacturer or retailer may sell an accessory that displays a tobacco product-related brand element.</del>
Promotion	(2) No person shall promote an accessory that displays a tobacco product-related brand element except in the prescribed manner and form and in a publication or place described in paragraphs 22(2)(a) to (c).	<del>(2) No person shall promote an accessory that displays a tobacco product-related brand element except in the prescribed manner and form and in a publication or place described in paragraphs 22(2)(a) to (c).</del>
Non-tobacco product displaying tobacco brand element	27. No person shall furnish or promote a tobacco product if any of its brand elements is displayed on a non-tobacco product, other than an accessory, or is used with a service,	25. No person shall furnish or promote a tobacco product if any of its brand elements is displayed on a non-tobacco product, <del>other than an accessory, or is used with a service,</del>



	if the non-tobacco product or service	<del>if the non-tobacco product or service</del>
	(a) is associated with young persons or could be construed on reasonable grounds to be appealing to young persons; or	<del>(a) is associated with young persons or could be construed on reasonable grounds to be appealing to young persons; or</del>
	(b) is associated with a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring.	<del>(b) is associated with a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring.</del>
<i>Exception -- tobacco product</i>	<b>28.</b> (1) Subject to the regulations, a person may sell a tobacco product, or advertise a tobacco product in accordance with section 22, if any of its brand elements is displayed on a non-tobacco product, other than an accessory, or used with a service, if the non-tobacco product or service does not fall within the criteria described in paragraphs 27(a) and (b).	<del><b>28.</b> (1) Subject to the regulations, a person may sell a tobacco product, or advertise a tobacco product in accordance with section 22, if any of its brand elements is displayed on a non-tobacco product, other than an accessory, or used with a service, if the non-tobacco product or service does not fall within the criteria described in paragraphs 27(a) and (b).</del>
<i>Exception -- non-tobacco product</i>	(2) Subject to the regulations, a person may promote a non-tobacco product, other than an accessory, that displays a tobacco product-related brand element, or a service that uses a tobacco product-related brand element, to which section 27 does not apply.	<del>(2) Subject to the regulations, a person may promote a non-tobacco product, other than an accessory, that displays a tobacco product-related brand element, or a service that uses a tobacco product-related brand element, to which section 27 does not apply.</del>
<i>Sales promotions</i>	<b>29.</b> No manufacturer or retailer shall	<b>29.</b> No manufacturer or retailer shall
	(a) offer or provide any consideration, direct or indirect, for the purchase of a tobacco product, including a gift to a purchaser or a third party, bonus, premium, cash rebate or right to participate in a game, lottery or contest;	(a) offer or provide any consideration, direct or indirect, for the purchase of a tobacco product, including a gift to a purchaser or a third party, bonus, premium, cash rebate or right to participate in a game, lottery or contest;
	(b) furnish a tobacco product without monetary consideration or in consideration of the purchase of a product or service or the performance of a service; or	(b) furnish a tobacco product without monetary consideration or in consideration of the purchase of a product or service or the performance of a service; or
	(c) furnish an accessory that bears a tobacco product-related brand element without monetary consideration or in consideration of the purchase of a product or service or the performance of a service.	<del>(c) furnish an accessory that bears a tobacco product-related brand element without monetary consideration or in consideration of the purchase of a product or service or the performance of a service.</del>
<i>Retail display of tobacco products</i>	<b>30.</b> (1) Subject to the regulations, any person may display, at retail, a tobacco product or an accessory that displays a tobacco product-related brand element.	<del><b>30.</b> (1) Subject to the regulations, any person may display, at retail, a tobacco product or an accessory that displays a tobacco product-related brand element.</del>
<i>Signs</i>	(2) A retailer of tobacco products may post, in accordance with the regulations, signs at retail that indicate the availability of tobacco products and their price.	<b>27</b> A retailer of tobacco products may post, in accordance with the regulations and Schedule 3, signs at retail that indicate the availability of tobacco products and their price.
<i>Communication media</i>	<b>31.</b> (1) No person shall, on behalf of another person, with or without consideration, publish, broadcast or otherwise disseminate	<b>28.</b> No person shall, on behalf of another person, with or without consideration, publish, broadcast or otherwise disseminate

	any promotion that is prohibited by this Part.	any promotion that is prohibited by this Part.
<i>Exception</i>	(2) Subsection (1) does not apply to the distribution for sale of an imported publication or the retransmission of radio or television broadcasts that originate outside Canada.	<del>(2) Subsection (1) does not apply to the distribution for sale of an imported publication or the retransmission of radio or television broadcasts that originate outside Canada.</del>
<i>Cross border advertising</i>		29. No person shall import or export a tobacco promotion.
<i>Foreign media</i>	(3) No person in Canada shall, by means of a publication that is published outside Canada, a broadcast that originates outside Canada or any communication other than a publication or broadcast that originates outside Canada, promote any product the promotion of which is regulated under this Part, or disseminate promotional material that contains a tobacco product-related brand element in a way that is contrary to this Part.	<del>(3) No person in Canada shall, by means of a publication that is published outside Canada, a broadcast that originates outside Canada or any communication other than a publication or broadcast that originates outside Canada, promote any product the promotion of which is regulated under this Part, or disseminate promotional material that contains a tobacco product-related brand element in a way that is contrary to this Part.</del>
<i>Report to Minister</i>	32. Every manufacturer shall provide the Minister, in the prescribed manner and within the prescribed time, with the prescribed information about any promotion under this Part.	30. Every manufacturer shall provide the Minister, in the prescribed manner and within the prescribed time, with the prescribed information about any promotion under this Part.  31. The Governor in Council may, by order, amend any of Schedules 1 to 3 by adding to them or deleting from them any item or portion of an item, where the Governor in Council deems the amendment to be necessary in the public interest.
<i>Regulations</i>	33. The Governor in Council may make regulations  (a) respecting the promotion of tobacco products and tobacco product-related brand elements and the packaging of tobacco products, including the form, manner and conditions of the promotion and packaging, and the promotion of services and non-tobacco products for the purposes of section 28;  (b) respecting the advertisement of tobacco products for the purposes of subsection 22(2);  (c) respecting the use of tobacco product-related brand elements for the purposes of subsection 24(4);  (d) prescribing the manner in which a tobacco product-related brand element may appear on a permanent facility;  (e) respecting, for the purposes of subsection 26(1), the manner in which a tobacco	32. The Governor in Council may make regulations  (a) respecting the promotion of tobacco products and tobacco product-related brand elements and the packaging of tobacco products, including the form, manner and conditions of the promotion and packaging, <del>and the promotion of services and non-tobacco products for the purposes of section 28;</del>  <del>(b) respecting the advertisement of tobacco products for the purposes of subsection 22(2);</del>  (b) respecting the use of tobacco product-related brand elements for the purposes of subsection 24(4);  <del>(d) prescribing the manner in which a tobacco product-related brand element may appear on a permanent facility;</del>  (e) respecting, for the purposes of subsection 26(1), the manner in which a tobacco

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| product-related brand element may appear on an accessory;  | <del>product-related brand element may appear on an accessory;</del>   |
| (f) respecting the display of tobacco products and accessories at retail;  | <del>(f) respecting the display of tobacco products and accessories at retail;</del>   |
| (g) respecting signs that a retailer may post under subsection 30(2), including the placement of the signs and their number, size and content; | (c) respecting signs that a retailer may post under subsection 27(1), including the placement of the signs and their number, size and content; |
| (h) requiring manufacturers to disclose the particulars of their tobacco product-related brand elements and promotional activities;            | (d) requiring manufacturers to disclose the particulars of their tobacco product-related brand elements and promotional activities;            |
| (i) prescribing anything that by this Part is to be prescribed; and  | (e) prescribing anything that by this Part is to be prescribed; and  |
| (j) generally for carrying out the purposes of this Part.  | (f) generally for carrying out the purposes of this Part.  |