

# Tobacco in Canada

Addressing Knowledge Gaps Important to Tobacco Regulation  
Environmental Scan – October to December 2021



Philip Morris International launches a new vaping product in Canada. September 2021

December 31, 2021

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**Physicians *for a* Smoke-Free Canada**

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## I. FEDERAL GOVERNMENT ACTIVITIES

### A) POLICY AND REGULATION

#### Regulatory and Policy developments:

- New Cabinet Ministers were provided with Mandate letters by the Prime Minister. The Finance Minister was mandated to “move forward with a national tax on vaping products.”. The Minister of Mental Health and Addictions was mandated to “Require tobacco manufacturers to pay for the cost of federal public health investments in tobacco control.”<sup>1 2</sup>
- There were no changes to Health Canada’s Forward Regulatory Plan made public in this period.<sup>3</sup>
- The Department of Justice introduced legislation to repeal mandatory minimum sentences for involvement in contraband tobacco.<sup>4</sup>

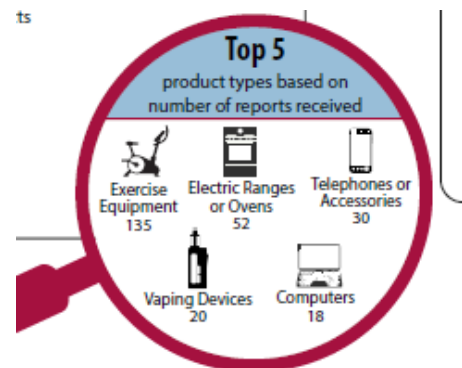
#### Enforcement and compliance actions

- In response to an enquiry, Health Canada confirmed that non charges had been laid under the TVPA with respect to vaping.<sup>5</sup>

*In addition to inspecting over 3000 retailers and 300 social media accounts since 2018, the Department’s enforcement actions have resulted in over 80,000 seized vaping products, the removal of lifestyle advertising or ads featuring endorsements from television and in store displays, as well as the removal of social media content that encourages vaping. Health Canada followed up with non-compliant SVEs and convenience stores to conduct compliance promotion on the new regulations that came into force in 2020. In addition, the results of the 3,300 inspections have informed our inspection priorities on vaping products over the past year.*

*Concerning your question pertaining to the number of charges laid, the Department has not pursued any prosecutions against regulated parties manufacturing or selling vaping products under the TVPA. In most cases, compliance with federal requirements can be achieved during the inspection through negotiated compliance in addition to any enforcement actions (e.g. seizure of products). If compliance cannot be achieved, subsequent enforcement actions are pursued depending on a range of factors, including but not limited to:*

- *severity/impact of the alleged non-compliance;*
  - *continuation or the probability of reoccurrence of the non-compliance;*
  - *compliance history of the establishment;*
  - *program priorities and available resources.*
- Health Canada released information on incidence reports under the Consumer Product Safety Act which it had received in the spring of 2021. Twenty incidence reports on vaping devices had been filed.<sup>6</sup>



1 Prime Ministers Office. Deputy Prime Minister and Minister of Finance Mandate Letter <https://pm.gc.ca/en/mandate-letters/2021/12/16/deputy-prime-minister-and-minister-finance-mandate-letter>

2 Prime Ministers Office. Minister of Mental Health and Addictions and Associate Minister of Health Mandate Letter <https://pm.gc.ca/en/mandate-letters/2021/12/16/minister-mental-health-and-addictions-and-associate-minister-health>

3 Health Canada. Forward Regulatory Plan: 2020-2023

4 Justice Canada. Backgrounder Bill C-5: Mandatory Minimum Penalties to be repealed. December 7, 2021 <https://www.canada.ca/en/department-justice/news/2021/12/mandatory-minimum-penalties-to-be-repealed.html>

5 Personal correspondence. E-mail from Krista Locke to Cynthia Callard, dated December 8, 2022.

## **RESEARCH, MONITORING AND SURVEILLANCE**

- Health Canada issued a tender for research to describe and provide data on the Canadian vaping market.<sup>7</sup>

## **III. PROVINCIAL, MUNICIPAL AND OTHER ACTIVITIES**

### **ALBERTA**

- The cities of Airdree agreed to review its tobacco and vaping laws.<sup>8</sup>

### **BRITISH COLUMBIA**

- Burnaby City Council has approved a new smoking regulation bylaw, effective January 1, 2022, that will restrict smoking cigarettes, tobacco, cannabis, e-cigarettes and vape products in public parks, city-owned or controlled outdoor public spaces, and certain business premises.<sup>9</sup>

### **MANITOBA**

### **NEW BRUNSWICK**

### **NORTHWEST TERRITORIES**

- NWT proposed draft regulations on the sale of vaping products, including restrictions on flavours.<sup>10</sup>

### **NOVA SCOTIA**

- Nova Scotia lays charges against VaporHub for sale of illegal flavours and concentrations.<sup>11</sup>

### **NUNAVUT**

- A date for Nunavut's revised tobacco act (Bill 57) to come into force was not set in this period.

### **ONTARIO**

### **PRINCE EDWARD ISLAND**

- PEI government pressed charges against vape stores found to be selling flavoured vaping products.<sup>12</sup>

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6 Health Canada. Consumer Product and Cosmetic Reports Received by the Consumer and Hazardous Products Safety Directorate Quarterly Data April 1 to June 30, 2021

<https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/industry-professionals/consumer-product-cosmetics-reports-received/quarterly-data-april-1-june-30-2021.html>

7 Buy and Sell 1000233173. Task Based Professional Services.

8 High River Times. City to take look at smoking, cannabis bylaws. November 24, 2021.

<https://www.highrivertimes.com/news/local-news/city-to-take-look-at-smoking-cannabis-bylaws>

9 Burnaby. City's new smoking bylaw will expand restrictions to protect public health

<https://www.burnaby.ca/our-city/news/2021-10-25/citys-new-smoking-bylaw-will-expand-restrictions-protect-public-health>

10 Northwest Territories Government. Proposed Tobacco and Vapour Products Control Regulations.

[https://www.hss.gov.nt.ca/sites/hss/files/resources/proposed-tobacco-\\_vapour-products-control-regulations.pdf](https://www.hss.gov.nt.ca/sites/hss/files/resources/proposed-tobacco-_vapour-products-control-regulations.pdf)

11 N.S. police seize illegal vape juice from several vape shops across the province

<https://atlantic.ctvnews.ca/n-s-police-seize-illegal-vape-juice-from-several-vape-shops-across-the-province-1.5714359>

12 Saltwire news. P.E.I. retailer Vapour Trail charged with selling flavoured tobacco products. December 3, 2021

<https://www.saltwire.com/atlantic-canada/news/pei-retailer-vapour-trail-charged-with-selling-flavoured-tobacco-products-100666191/>

## QUEBEC

- A Quebec Court rejects a plea that a ban on smoking in a theatre was an infringement of freedom of expression.<sup>13</sup>
- The Quebec Court of Appeal upholds the province’s restrictions on vaping promotions, rejecting a constitutional challenge.<sup>14</sup>
- A coalition of six Quebec NGOs express frustration at the Quebec government delays in strengthening controls on the vaping market.<sup>15</sup>

## SASKATCHEWAN

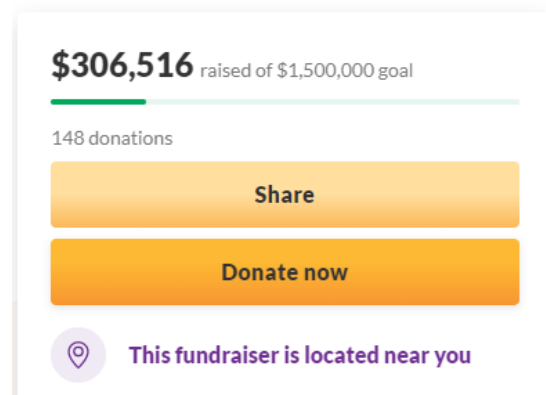
- Saskatchewan’s Auditor General called for better enforcement of laws protecting people under the age of 18 from buying tobacco or vaping products.<sup>16</sup>

## PUBLIC HEALTH ORGANIZATIONS

- British Columbia’s voluntary community organization, Airspace, dissolved in December.
- Canadian Cancer Society released its bi-annual report on cigarette package warnings.<sup>17</sup>
- The World Heart Federation issued a new policy statement on e-cigarettes<sup>18</sup>

## IV. LITIGATION

- There were no public announcements with respect to the ongoing litigation between Canadian provinces and tobacco companies. This litigation is currently stayed until March 31, 2022.<sup>19</sup>
- Arizona and JUUL reached an out of court settlement, the terms of which include a payment to the state of \$14.5<sup>20</sup>
- The Canadian Vaping Association ran “gofundme” campaigns to fight regulations, with a goal of \$1.5 million.<sup>21</sup> Elsewhere it reports that it has raised \$1.3



13 Directeur des poursuites criminelles et pénales c. Théâtre du Trident inc. 2021 QCCQ 11956  
<https://www.canlii.org/fr/qc/qccq/doc/2021/2021qccq11956/2021qccq11956.html>

14 Association québécoise des vapoterics c. Association canadienne du vapotage. 2017 QCCA 1780

15 Press release. October 29, 2021. Règlements pour contrer l’attrait des cigarettes électroniques chez les jeunes : Parents, pédiatres, intervenants jeunesse et groupes de santé exaspérés par l’inaction du Québec

16 Provincial Auditor of Saskatchewan. News Release. December 8, 2021. Provincial Auditor’s 2021 Report–Volume 2: Inadequate enforcement of tobacco and vaping legislative requirements will not prevent uptake by youth  
[https://auditor.sk.ca/pub/publications/public\\_reports/2021/Volume\\_2/2021%20Report%20Vol%20\\_Enforcing%20Tobacco%20Vaping%20Legislation\\_NEWS%20RELEASE.pdf](https://auditor.sk.ca/pub/publications/public_reports/2021/Volume_2/2021%20Report%20Vol%20_Enforcing%20Tobacco%20Vaping%20Legislation_NEWS%20RELEASE.pdf)

17 [https://cdn.cancer.ca/-/media/files/about-us/media-releases/2021/cigarette-health-warnings-report/ccs-international-warnings-report-2021.pdf?\\_ga=2.138792755.128492268.1641305265-377966461.1636996311](https://cdn.cancer.ca/-/media/files/about-us/media-releases/2021/cigarette-health-warnings-report/ccs-international-warnings-report-2021.pdf?_ga=2.138792755.128492268.1641305265-377966461.1636996311)

18 World Heart Federation. E-cigarettes a new threat to cardiovascular health. Suggested citation: Bianco E, Skipalskyi A, Goma F, Odeh H, Hasegawa K, Al-Zawawi M, Stoklosa M, Dalmau R, Dorotheo EU, et al. E-Cigarettes: A New Threat to Cardiovascular Health – A World Heart Federation Policy Brief. Global Heart. Oct 2021; 16(1): 72.

19 Ontario Superior Court. Stay Extension Order. March 30, 2021

20 Reuter. Juul to pay \$14.5 mln to settle AZ lawsuit over youth marketing  
<https://www.reuters.com/legal/litigation/juul-pay-145-mln-settle-az-lawsuit-over-youth-marketing-2021-11-23/>

21 GoFundMe. Help us defend Canadian's right to harm reduction  
<https://www.gofundme.com/f/help-us-defend-canadians-right-to-harm-reduction>

million.<sup>22</sup>

## V POLLING AND PUBLIC OPINION

The federal government released the following public opinion research reports:

- POR 103-20 Earnscliffe Strategy Group. Smoking lived experience study : final report<sup>23</sup>
- POR 113-20 Environics. Vapers online survey to measure attitudes and behaviours regarding vaping over time (2019 to 2021) : final report.<sup>24</sup>

## VI. SELECTED INTERNATIONAL ACTIVITIES

### WORLD HEALTH ORGANIZATION

- The ninth Conference of the Parties of the Framework Convention on Tobacco Control is held virtually. <sup>25</sup> The agenda for the meeting is abridged, and no discussion of e-cigarettes is held.
- Who reports released in this period:
  - It's time to invest in cessation: the global investment case for tobacco cessation.<sup>26</sup>
  - 2021 Global Progress Report on Implementation of the WHO Framework Convention on Tobacco Control. <sup>27</sup>
  - WHO Global report on trends in prevalence of tobacco use 2000-2025.<sup>28</sup>
- WHO adds stop-smoking medications bupropion and varenicline to its list of essential medications.<sup>29</sup>

### UNITED STATES

#### **FDA Activities –**

- A Texas court postponed the effective date for new cigarette health warnings. It is now set at January 9, 2023. The warning regulation was established in March 2020.<sup>30</sup>
- FDA authorizes 22<sup>nd</sup> Century Group to market its nicotine-reduced cigarettes as modified risk products.<sup>31</sup>
- FDA authorizes the sale of VERVE modern oral tobacco products,<sup>32</sup> even though they had previously been removed from market.<sup>33</sup>

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22 Canadian Vaping Association. <https://thecva.org/donation-test/>

23 <https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/health/2021/103-20-e/POR103-20-Report.pdf>

24 <https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/health/2021/113-20-e/POR113-20-Report.pdf>

25 WHO. Press Release. The COP9 has closed with an agreement to embark on an innovative multi-million-dollar financial plan to strengthen global tobacco control measures

<https://fctc.who.int/newsroom/news/item/12-11-2021-cop9-closing-agreement>

26 WHO. It's time to invest in cessation: the global investment case for tobacco cessation. <https://www.who.int/publications-detail-redirect/9789240039285> <https://www.who.int/publications-detail-redirect/9789240039285>

27 WHO. Global Progress Report. <https://untobaccocontrol.org/downloads/fctc/who-fctc-gpr/WHO-FCTC-Global-Progress-Report.pdf>

28 WHO global report on trends in prevalence of tobacco use 2000–2025. November 2021.

<https://www.who.int/publications/i/item/9789240039322>

29 WHO. News Release. Two new tobacco cessation medicines added to the WHO essential medicines list. Nov 5, 2021

<https://www.who.int/news/item/05-11-2021-two-new-tobacco-cessation-medicines-added-to-the-who-essential-medicines-list>

30 FDA. Cigarette Labeling and Health Warning Requirements

<https://www.fda.gov/tobacco-products/labeling-and-warning-statements-tobacco-products/cigarette-labeling-and-health-warning-requirements>

31 FDA. FDA Authorizes Marketing of Tobacco Products that Help Reduce Exposure to and Consumption of Nicotine for Smokers Who Use Them. December 23, 2021

<https://www.fda.gov/news-events/press-announcements/fda-authorizes-marketing-tobacco-products-help-reduce-exposure-and-consumption-nicotine-smokers-who>

- Mitch Zeller announces his retirement from head of the Centre for Tobacco Control.

### FTC Activities

- The U.S. Federal Trade Commission released its Cigarette Report for 2020, noting that cigarette sales volume increased for the first time in that year.<sup>34</sup>

### Congress

- In December, the U.S. Senate Finance Committee rejected proposals for a tax on vaping products that was contained in the “Build Back Better Bill”.<sup>35</sup>

### Other

- The ban on mailing vapour products through the US Postal Service took effect on October 20, 2021.

## EUROPE

### European Commission

- The EU’s special committee on Beating Cancer finalized its review of proposals for updating EU law, including with respect to tobacco and vaping products.<sup>36</sup>
- The EU released a report on “Smoke-free environments and advertising and tobacco and related products,” reviewing the practices and experiences of EU member states.<sup>37</sup> Conclusions included the need to better address advertisements in social media and in cultural products.
- The EU Permanent Representatives Committee (COREPER) is reported as having raised concerns about the postponement of a discussion on e-cigarettes at FCTC COP9.<sup>38</sup>

### Denmark

- Denmark introduces legislation to tax on nicotine products and a fee on e-cigarette manufacturers.<sup>39</sup>
- Denmark gives notice to the EU of new legislation to adapt fee models for tobacco products and giving the government the authority to ban tobacco substitutes.<sup>40</sup> Other legislative changes are also proposed.<sup>41</sup>

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32 FDA Permits Marketing of New Oral Tobacco Products through Premarket Tobacco Product Application Pathway. October 19, 2021 <https://www.fda.gov/news-events/press-announcements/fda-permits-marketing-new-oral-tobacco-products-through-premarket-tobacco-product-application>

33 Chewonverve.com.

34 U.S. FTC. Cigarette Report 2020. <https://www.ftc.gov/news-events/press-releases/2021/10/ftc-report-finds-annual-cigarette-sales-increased-first-time-20>

35 Bloomberg News. U.S. EV tax credit proposal opposed by Canada may be scrapped as Joe Manchin rejects Build Back Better bill

36 European Parliament. Special Committees. Special Committee on Beating Cancer <https://www.europarl.europa.eu/committees/en/beca/home/highlights#:~:text=Special%20Committee%20on%20Beating%20Cancer&text=The%20last%20BECA%20meeting%20took,the%20outcome%20of%20the%20vote>.

37 Eu. European Commission. (2021) Study on smoke-free environments and advertising of tobacco and related products. Luxembourg: Publications Office of the European Union. [https://www.drugsandalcohol.ie/35321/1/EC\\_2021\\_smoke-free-environments\\_report.pdf](https://www.drugsandalcohol.ie/35321/1/EC_2021_smoke-free-environments_report.pdf)

38 ECigintelligence EU criticizes WHO over ‘unprecedented’ delay in talks on tobacco alternatives

<https://tobaccointelligence.com/eu-criticises-who-over-unprecedented-delay-in-talks-on-tobacco-alternatives/>

39 L89 Proposal for an Act amending the Tobacco Tax Act, the Act on various consumption taxes, the VAT Act and various other acts and repealing the Act amending the Act on various consumption taxes and the Collection Act.

(Regulation of the number of cigarettes in a package, introduction of a tax on nicotine products, aggregation of tax rates for smokeless tobacco, adjustment of conditions for distance registration of certain excise duties, amendment of the VAT law in response to the covid-19 pandemic, etc.). <https://www.ft.dk/samling/20211/lovforslag/l89/index.htm><https://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2021&num=758>

40 Denmark. Bill amending the Act on tobacco products, etc. and the Act on electronic cigarettes, etc. (adaptation of the fee models for products covered by the Act on electronic cigarettes, etc. and the Act on tobacco products, etc.)”. Notification 2021/590/DK <https://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2021&num=590>

## France

- French courts found BAT guilty of illegal on-line promotions for VUSE.<sup>42</sup>
- The French Haut Conseil de la santé publique revises its advice on e-cigarettes, in response to a request for review by the Health Ministry. It now recommends that health professionals do not encourage smokers to use e-cigarettes when quitting, but to stick with proven stop smoking medications. It maintains the view that in the absence of evidence does not exclude potential benefits to some smokers.<sup>43</sup>

## Germany

- Germany adopts a tax on e-cigarettes, set at €0.02 per mg of nicotine from July 2022 onwards and for the whole of 2023. Starting in 2024, the rate will increase to €0.04 per mg of nicotine.<sup>44</sup>

## Lithuania

- Lithuania updates its tobacco law, imposing licensing at all stages of supply.<sup>45</sup> Measures come into effect on 1 May 2022.

## Norway

- Norway National Institute of Public Health establishes a research protocol for an Project plan for an interactive research map.<sup>46</sup>

## Spain

- Spain proposes a “Comprehensive Plan for the prevention and control of smoking”. Measures include a ban on flavours and monopoly control over sale of e-cigarettes. Proposals are under consultation until December 15th.<sup>47</sup>

## Switzerland

- Switzerland moves forward with plans to legalize nicotine liquids by proposing a tax, for discussion in March 2022.<sup>48</sup> (Switzerland currently permits the sale of nicotine-bearing e-cigarettes as a result of a court order, and no legislation is in place)
- Switzerland adopts changes to its tobacco law, effective January 1, 2022.<sup>49</sup>

*Poster advertising of tobacco products and e-cigarettes that can be seen from public places, as well as advertising in cinemas, on public transport, in buildings and on sports fields, will be banned.*

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41 Notification 2021/581/DK and Notification 2021/582/DK. See also L 89 Proposal for an Act amending the Tobacco Tax Act, the Act on various consumption taxes, the VAT Act and various other acts and repealing the Act amending the Act on various consumption taxes and the Collection Act.  
<https://www.ft.dk/samling/20211/lovforslag/l89/index.htm>

42 CNTC. La justice confirme le caractère illégal des publicités pour le vapotage du fabricant British American Tobacco  
<https://cnct.fr/communiqués/la-justice-confirme-le-caractere-illegal-des-publicites-pour-le-vapotage-du-fabricant-batf/>

43 Haut Conseil de la santé publique Avis. relatif aux bénéfices-risques de la cigarette électronique  
[https://www.hcsp.fr/Explore.cgi/Telecharger?NomFichier=hcspace20160222\\_benefrisquecigelectropoggene.pdf](https://www.hcsp.fr/Explore.cgi/Telecharger?NomFichier=hcspace20160222_benefrisquecigelectropoggene.pdf)

44 Bundestag. <https://www.bundesfinanzministerium.de/Content/EN/Pressemitteilungen/2021/2021-03-24-tobacco-duty-modernisation-act.html>

45 Lithuania. Law of the Republic of Lithuania on the Control of Tobacco, Tobacco Products and Related Products No. I-1143 Law amending Articles 1, 2, 3, 9 to 1, 10, 11, 12, 14, 25, 26 and the title of Chapter II, the title of Section 1 of Chapter II, the title of Chapter IV

46 Health risks associated with the use of electronic cigarettes: an interactive research map  
<https://oda.oslomet.no/oda-xmlui/bitstream/handle/11250/2826496/Becher-2021-Health.pdf?sequence=2>

47 Spanish News Today. [https://spanishnewstoday.com/spain-considers-banning-smoking-in-cars\\_1694787-a.html](https://spanishnewstoday.com/spain-considers-banning-smoking-in-cars_1694787-a.html)

48 Le News. Switzerland set to tax e-cigarettes  
<https://lenews.ch/2021/12/22/switzerland-set-to-tax-e-cigarettes/>

49 BBl 2021 2327. Federal Act on Tobacco Products and Electronic Cigarettes (Tobacco Products Act, TabPG)  
<https://www.fedlex.admin.ch/eli/fga/2021/2327/de>



*Sponsorship of events in Switzerland is to be banned if they have an international character or are aimed at an underage audience, the report said.*

*However, the House of Representatives agreed with the Senate and rejected a ban on menthol cigarettes. The conservative and centrist majority in parliament cited economic arguments, saying a menthol ban would mean that about a quarter of tobacco products manufactured in Switzerland could no longer be manufactured.*

*They also argued against excessive regulation of legal products. As a result, tobacco advertising in the press and on the internet will not be banned in principle. The ban will only apply to print media and websites "intended for minors".*

*Swiss voters will have the last word on the issue. A public vote on a total advertising ban of tobacco products is expected to take place next year.<sup>50</sup>*

## **Taiwan**

- Taiwan's capital city, Taipei, is reported to have banned the sale and import of e-cigarettes and heated tobacco.<sup>51</sup>

## **Thailand**

- Thailand updates its packaging requirements, including new warning messages. WTO is notified.<sup>52</sup>

## **Ukraine**

- Ukraine adopts legislation that restricts use of e-cigarettes in public places, bans advertising and bans the sale of flavored e-liquids other than tobacco flavour, limits nicotine to 20mg.<sup>53</sup>

## **United Kingdom**

- The UK Defence department announced the Defence Smoke-Free Working Environment directive, and that all sites would smoke-free by the end of December 2022.<sup>54</sup>
- UK Department of Health and Social Care announced that e-cigarettes could be prescribed on NHS, following guidance issued by the Medicines and Healthcare products regulatory agency.<sup>55</sup>
- A private member's bill was introduced in the House of Lords to require warnings on individual cigarettes.<sup>56</sup>
- United Kingdom initiated a consultation on commonly littered and problematic plastic items.<sup>57</sup>

## **OTHER REGIONS**

### **Australia**

- Australia prohibits purchase of e-cigarettes from overseas websites without a prescription (Oct 1).<sup>58</sup>

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50 Tobacco Journal International. Parliament rejects blanket ban on tobacco ads  
[http://www.tobaccojournal.com/Parliament\\_rejects\\_blanket\\_ban\\_on\\_tobacco\\_ads.56640.0.html](http://www.tobaccojournal.com/Parliament_rejects_blanket_ban_on_tobacco_ads.56640.0.html)

51 Taipei Times. Taipei is first to use ordinance to ban e-cigarettes  
<https://www.taipaitimes.com/News/taiwan/archives/2021/11/05/2003767348>

52 Thailand.  
<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/TBTN21/THA631.pdf&Open=True>  
[https://members.wto.org/crnattachments/2021/TBT/THA/21\\_6314\\_00\\_x.pdf](https://members.wto.org/crnattachments/2021/TBT/THA/21_6314_00_x.pdf)

53 Draft Law on Amendments to Some Laws of Ukraine on Public Health Protection from Harmful Tobacco Exposure  
[http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_2?pf3516=4358&skl=10](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?pf3516=4358&skl=10)  
text at: <http://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=70397&pf35401=557839>

54 U.K. Army. British Army to extinguish smoking in 2022  
<https://www.army.mod.uk/news-and-events/news/2021/10/british-army-to-extinguish-smoking-in-2022/>

55 MHRA. Guidance for licensing electronic cigarettes and other inhaled nicotine-containing products as medicines  
<https://www.gov.uk/guidance/licensing-procedure-for-electronic-cigarettes-as-medicines>

56 Cigarette Stick Health Warnings Bill [HL]  
<https://bills.parliament.uk/bills/2889>

57 United Kingdom Department for Environment, Food & Rural Affairs. Call for evidence on commonly littered and problematic plastic items  
<https://consult.defra.gov.uk/environmental-quality/call-for-evidence-on-commonly-littered-and-problem/>

- Australia announced a new National Preventive Health Strategy for 2021-2030. Among the focus areas was “reducing tobacco use and nicotine addiction.”<sup>59</sup> The target is to “Achieve a national daily smoking prevalence of less than 10% by 2025 and 5% or less for adults (≥18 years) by 2030.”
- The Responsible Investment Association of Australasia adds nicotine alternatives to its list of products that must be excluded to meet its responsible investment standard.<sup>60</sup>

### Costa Rica

- Costa Rica legislators adopts legislation to ban vaping in public and to allow for a tax on e-cigarettes, the proceeds of which would fund the provision of cancer treatment drugs through the Costa Rican Social Security Fund.<sup>61</sup>

### China

- China amended tobacco monopoly law to include e-cigarettes.<sup>62</sup> This will require companies and retailers to be licensed before supplying them. Maximum nicotine is 20 mg/ml. WTO is notified.<sup>63</sup>
- China drafted legislation which would, among other things, set national standards for the manufacture of e-cigarettes and require manufacturers to meet them.<sup>64</sup>
- Hong Kong legislature is reported as having passed legislation to ban the sale of e-cigarette and heat-not-burn products, with a coming into force date in mid 2022.<sup>65</sup>

### Israel

- **Israel** imposes tax on e-cigarettes with a minimum tax of NIS 21.81/ml (\$8.89) or \$32.72/cartridge (13.34).<sup>66</sup> The tax must be approved within 2 months by legislative committee.<sup>67</sup>

### Malaysia

- **Malaysia** is reported to have indicated that it will soon regulate e-cigarettes and included a tax on nicotine liquids in its 2022 budget.<sup>68</sup>

### Myanmar

- Myanmar becomes the first LMIC country to adopt plain packaging.<sup>69</sup>

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58 Australian Therapeutic Goods Administration. Nicotine e-cigarettes laws are changing <https://www.tga.gov.au/blogs/tga-topics/nicotine-e-cigarettes-laws-are-changing>

59 Australia Government Department of Health. National Preventive Health Strategy 2021-2030 <https://www.health.gov.au/resources/publications/national-preventive-health-strategy-2021-2030>

60 Responsible Investment Association Australasia. Media Release. Friday 19 November 2021. Nuclear weapons and nicotine alternatives a no-go zone for responsible investors <https://responsibleinvestment.org/wp-content/uploads/2021/11/Media-Release-Nuclear-weapons-and-nicotine-alternatives-a-no-go-for-responsible-investors.pdf>

61 Costa Rica. Expediente 21658. LEY DE REGULACIÓN DE LOS VAPEADORES Y CIGARRILLOS ELECTRÓNICOS (SEAN/SSSN)

62 Order of the State Council of the People's Republic of China No. 750. [http://www.gov.cn/zhengce/content/2021-11/26/content\\_5653631.htm/](http://www.gov.cn/zhengce/content/2021-11/26/content_5653631.htm/)

63 WTO. G/TBT/N/CHN/1637. [https://members.wto.org/crnattachments/2021/TBT/CHN/21\\_7473\\_00\\_x.pdf](https://members.wto.org/crnattachments/2021/TBT/CHN/21_7473_00_x.pdf)

64 China. Publicly soliciting opinions on the "Administrative Measures for Electronic Cigarettes (Draft for Comment)" <http://www.tobacco.gov.cn/gjyc/tzgg/202112/f9723dbb09d34950a81a53c01a105ac4.shtml>

65 The Standard. Hong Kong bans electronic cigarettes and heat-not-burn tobacco products <https://www.thestandard.com.hk/breaking-news/section/4/181808/Hong-Kong-bans-electronic-cigarettes-and-heat-not-burn-tobacco-products>  
Bill available at: <https://www.legco.gov.hk/yr20-21/english/bc/bc51/general/bc51.htm>; <https://www.legco.gov.hk/yr20-21/english/hc/papers/hc20210924cb2-1534-e.pdf>

66 Israel Ministry of Justice. Consultation Draft Customs Tariff and Exemption Tariff order on Goods. [https://www.gov.il/BlobFolder/legalinfo/customs-mekach-1974/he/customs\\_mekach\\_hesber1974.docx](https://www.gov.il/BlobFolder/legalinfo/customs-mekach-1974/he/customs_mekach_hesber1974.docx)

67 Calcalist. Tomorrow: Purchase tax of hundreds of percent on e-cigarettes and refills. Nov 21, 2021. [https://www.calcalist.co.il/local\\_news/article/sjilzxd00f](https://www.calcalist.co.il/local_news/article/sjilzxd00f)

68 Code Blue. Government To Tax Vape Liquids Containing Nicotine. October 29, 2021. <https://codeblue.galencentre.org/2021/10/29/government-to-tax-vape-liquids-containing-nicotine/>

## Mexico:

- Mexico Senate adopts legislation to strengthen its tobacco control law, becoming 100% smoke-and emissions-free and banning all advertisements. <sup>70</sup>

## New Zealand

- New Zealand makes public its Smokefree Aotearoa 2025 Action plan. Measures include reducing the addictiveness of tobacco products, a smoke-free generation and pre-market application for the sale of tobacco products. <sup>71</sup>

## Philippines

- Philippines' Senate adopts legislation to legalize and regulate vaping and heated tobacco products, reducing minimum age to 18 from 21. <sup>72</sup> Agreement with House of Representatives and Presidential signature is required before this becomes law.

## VII. CORPORATE AND MARKET DEVELOPMENTS

### PUBLIC RELATIONS / INTERFERENCE/OTHER

#### International

- The Institute for Economic Affairs released an updated Nanny State Index for 2021, ranking EU countries on the extent to which their markets for alcohol, tobacco and e-cigarettes were liberalized. <sup>73</sup> Norway was ranked most severe (“least free”) and the UK, Germany and Ireland least severe (“freest”). For tobacco, the UK was ranked “least free” for e-cigarettes, and Portugal and Denmark “most free”.
- STOP issued its 2021 Global Industry Interference Index.<sup>74</sup> Canada ranked 53 of 96 countries.
- Le Monde reports on relationship between tobacco companies and vaper organizations.<sup>75</sup>

#### Canada

- Rights 4 Vapers runs campaign events in Ottawa, including rally on the hill (during Throne Speech, November 23) and subsequent advertisements in Hill Times and other locations <sup>76</sup>



69 Tobacco Journal International. 21 October 2021. <http://www.tobaccojournal.com/index.php>

70 Mexico. Senado de la Republica. Senate Gazette. [https://www.senado.gob.mx/64/gaceta\\_d](https://www.senado.gob.mx/64/gaceta_d)

71 Smokefree Aotearoa 2025 Action Plan - Auahi Kore Aotearoa Mahere Rautaki 2025  
Smokefree Aotearoa 2025 Action Plan approval  
<https://www.health.govt.nz/publication/smokefree-aotearoa-2025-action-plan-auahi-kore-aotearoa-mahere-rautaki-2025>  
[https://www.health.govt.nz/system/files/documents/information-release/cabinet\\_paper\\_smokefree\\_action\\_plan\\_2025.pdf](https://www.health.govt.nz/system/files/documents/information-release/cabinet_paper_smokefree_action_plan_2025.pdf)

72 Philippines Senate. Vaporized Nicotine Products Regulation Act.  
[http://legacy.senate.gov.ph/lis/bill\\_res.aspx?congress=18&q=SBN-2239](http://legacy.senate.gov.ph/lis/bill_res.aspx?congress=18&q=SBN-2239)

73 The Nanny State Index 2021. <http://nannystateindex.org/>

74 Stop. 2021 Global Industry Interference Index <https://exposetobacco.org/wp-content/uploads/GlobalTIIndex2021.pdf>

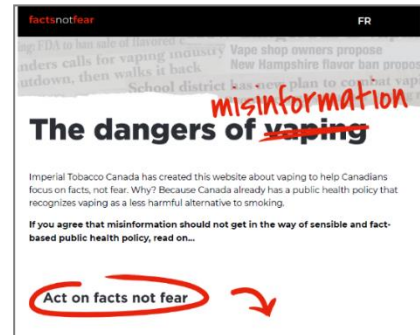
75 Le Monde. The Vapor Trail. November 3, 2021.

76 [https://www.lemonde.fr/societe/article/2021/11/03/vaping-the-real-dollars-behind-fake-consumer-organisations\\_6100848\\_3224.html](https://www.lemonde.fr/societe/article/2021/11/03/vaping-the-real-dollars-behind-fake-consumer-organisations_6100848_3224.html)  
Hill Times, December 1, 2021.

- Young Voices, a group linked to tobacco companies, attacked the FCTC in Canadian mainstream media.<sup>77</sup>
- Companies maintain anti-regulatory campaigns, including #UNSMOKE, and FactsnotFear.<sup>78</sup>

## MARKETING S

- Juul sets a minimum age of 21 for on-line sale of its products in Canada.
- RBH markets VEEV e-cigarettes in Ontario.<sup>79</sup>



## INTELLECTUAL PROPERTY

During this period BAT (Nicoventures) registered the following trademarks:

VUSE EPEN (#2138004), Vuse Balanced (2158094), VUSE Mellow (2149128), Sensations+ (2149127), Vuse Impact (2149124), Vuse Flavour Plus (2149120), Vuse Balance (2149119), Vuse Bold+ (21490118), Vuse Flavour Selector (2148378), VuseQI (2148369), Whats your flavour and design (2143754), V-Ultra (214290), Myvuse (2140962)



Embassy Device (2150010), ExtraOrdinary (2114087)

Philip Morris registered the following trademarks

Shiro in tune (2154900) (nicotine pouches); Black Purple (vaping), Terea Blue (2151039), Terea Black Green (2151034), Terea Green (2151033), Terea for Iqos Illuma

JUUL registered the following trademarks:

Rise above the pack (2154978)



## OTHER

<sup>77</sup> Jason Reed. <https://financialpost.com/opinion/the-whos-tobacco-policy-echo-chamber>  
<https://financialpost.com/opinion/the-whos-tobacco-policy-echo-chamber>

<sup>78</sup> [www.factsnotfear.ca](http://www.factsnotfear.ca); <https://www.unsmoke.ca/>

<sup>79</sup> RBH Press Release. Rothmans, Benson & Hedges Launches New Smoke-Free Product in Push to Lead a New Era of Responsible Vaping <https://www.newswire.ca/news-releases/rothmans-benson-amp-hedges-launches-new-smoke-free-product-in-push-to-lead-a-new-era-of-responsible-vaping-809425816.html>. [www.veev-vape.com](http://www.veev-vape.com)

In early December, Medicago said its vaccine candidate, enhanced by GlaxoSmithKline's booster, was 75.3 percent effective against the Delta variant of the virus in a late-stage study