

Tobacco in Canada

Addressing Knowledge Gaps Important to Tobacco Regulation
Environmental Scan – Summer 2021



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Contents

I. Federal Government Activities	1
a) Policy and Regulation.....	1
Research, Monitoring and Surveillance	5
III. Provincial, Municipal and Other Activities.....	6
Alberta	6
British Columbia.....	6
Manitoba.....	6
New Brunswick	6
Northwest Territories	6
Nova Scotia	6
Nunavut	6
Ontario.....	6
Quebec.....	6
Saskatchewan	6
Research organizations.....	7
Public Health Organizations.....	7
IV. Litigation.....	7
V. Polling and public opinion	8
VI. Selected International Activities.....	8
World Health Organization	8
United States	8
EUROPE	9
Other regions	10
VII. Corporate and Market Developments.....	11
Public relations / Interference	12
Corporate plans	12
Market developments	13

I. FEDERAL GOVERNMENT ACTIVITIES

A) POLICY AND REGULATION

Regulations being advanced

- On July 11, federal regulations to cap nicotine at 20 mg/ml (Nicotine Concentration in Vaping Products Regulations) came into force.¹
- On September 2, the consultation period on the federal government's proposed regulations restricting vaping flavours ended.²
 - Trade organizations which made public their response to the consultation included the Vaping Industry Trade Association,³ Rights4Vapers,⁴ Thomas Kirsop (Alternatives & Options)⁵
 - Health organizations which made public their response to the consultation included the Canadian Paediatric Society,⁶ Physicians for a Smoke-Free Canada.⁷

Policy

- Health Canada's Expert Task Force on Substance Abuse recommended that the government establish "a single public health framework with specific regulations for all psychoactive substances, including currently illegal drugs as well as alcohol, tobacco, and cannabis." The report was made public in August.⁸

Tax rates

- No federal tax increases were announced or implemented in this period.

Federal regulations in development

- There were no changes to Health Canada's Forward Regulatory Plan in this period. The regulatory schedule is shown below.⁹

1 Canada Gazette. Part II. Nicotine Concentration in Vaping Products Regulations: SOR/2021-123
<https://gazette.gc.ca/rp-pr/p2/2021/2021-06-23/html/sor-dors123-eng.html>

2 Canada Gazette, Part I: Volume 155
<https://gazette.gc.ca/rp-pr/p1/2021/2021-06-19/html/reg2-eng.html>

3 VITA of Canada. Consultation Response to proposed Order Amending Schedules 2 and 3 to the Tobacco and Vaping Products Act
https://vitaofcanada.com/wp-content/uploads/2019/11/VITA_Flavour_Submission_Final.pdf?fbclid=IwAR0RaF_INXHJUI8_Ek6uiDddMrFtoUxmlCqOXct5VuYww7V4XTq21X8v5xg

4 Rights4Vapers. Submission to Health Canada <https://www.rights4vapers.com/submission-to-health-canada/>

5 Thomas Kirsop's Review of the Order Amending Schedules 2 and 3 to the Tobacco and Vaping Products Act (Flavours)
<https://oyston.com/blog/wp-content/uploads/2021/07/KirsopFinal.pdf>

6 Canadian Paediatric Society. Written Submission to the Health Canada Consultation: Proposed vaping products' flavour regulations and order https://www.cps.ca/uploads/advocacy/CPS_Submission.Restricting_Flavoured_Vaping_Products_.pdf

7 Comments from Physicians for a Smoke-Free Canada on : Canada Gazette, Part I, Volume 155, Number 25: Order Amending Schedules 2 and 3 to the Tobacco and Vaping Products Act (Flavours)
<http://www.smoke-free.ca/SUAP/2021/PSC%20comments%20on%20draft%20order%20to%20restrict%20vaping%20flavours-2021.pdf>

8 Health Canada Expert Task Force on Substance Use. Report #2 Recommendations on the Federal Government's Drug Policy as Articulated in a Draft Canadian Drugs and Substances Strategy (CDSS)

9 Health Canada. Forward Regulatory Plan: 2020-2023

Title of Regulatory Initiative	Consultation	Date first included in Forward Regulatory Plan	Next step
Tobacco Products Labelling Regulations	fall 2018	April 1, 2015	CG1 – “Fall 2021” (75 day)
Proposed amendments to the <i>Tobacco Products Labelling Regulations</i> would update existing health-related labelling requirements and extend requirements to all tobacco products, including those not covered under existing regulations (e.g. tobacco products intended for use with a device, water pipe tobacco and novel tobacco products).			
Amendments to the Tobacco Reporting Regulations	December 2, 2017	April 1, 2017	CG1- “Winter 2022” (75 day)
Amendments to the Tobacco Reporting Regulations (TRR) are being proposed to improve the information collected by Health Canada from manufacturers and importers of tobacco products and to require that the Minister disclose certain information to the public. The proposed amendments would be made under new regulation-making powers set out in the Tobacco and Vaping Products Act.			
Vaping Products Reporting Regulations	August 2017	October 1, 2017	CG1- “Winter 2022” (75 day)
The objective of the proposed Vaping Products Reporting Regulations is to require manufacturers and importers of vaping products to provide timely and relevant information on their vaping products to Health Canada, which would then be used to inform the development of policies and regulations. Mandatory public disclosure of information by the Minister as well as measures to enhance compliance with the reporting requirements would also be included in the regulatory proposal.			
Concentration of Nicotine in Vaping Products Regulations	April, 2019	February, 2021	CG2 – “Summer 2021”
The purpose of the proposed regulations would be to protect young persons from inducements to use vaping products. The proposed regulations would set a limit on the concentration of nicotine in vaping products.			
Restrictions on Flavours in Vaping Products	April, 2019	February, 2021	CG1 – “spring 2021”
February 2021: The purpose of the proposed restrictions on flavours in vaping products is to prevent vaping product use from leading to the use of tobacco products by young persons and non-users of tobacco products. In particular, the proposed restrictions are intended to protect these individuals from inducements to use vaping products and from exposure to and dependence on nicotine that could result from the use of vaping products. The proposed regulations would set restrictions on flavours in vaping products.			
April 2021: The purpose of the proposed regulations would be to protect young persons from inducements to use vaping products. The proposed regulations would set restrictions on flavours in vaping products.			
Amendments to the Tobacco Access Regulations (Age Verification for Online Sales)	April, 2019	February, 2021	CG1 – “Fall 2021” (30 day)
The purpose of the proposed amendments to the Tobacco Access Regulations (Age Verification for Online Sales) would be to protect the health of young persons from exposure to and dependence on nicotine that could result from the use of vaping products by restricting young persons from accessing vaping products and tobacco products through online retailers. The proposed regulations would amend current regulations to include vaping products, as they currently only apply to tobacco. The proposed regulations would also prescribe, in greater detail, the mechanisms that must be undertaken to verify age and identity in the context of online sales.			
Regulations Amending the Vaping Products Promotion Regulations (Package and Design Features)	April, 2019	February, 2021	“Winter 2022” (75 day)
The purpose of the proposed restrictions on vaping products promotion (package and design features) would be to protect young persons and non-users of tobacco products from inducements to use vaping products. The proposed regulations would place certain limits on what promotional elements can appear on vaping product packages. They would also impose restrictions on design features that are appealing to youth to prevent their use in the manufacture of vaping products.			

Parliamentary and federal election developments

- On August 15, 2021 an election was called for September 20, 2021.
 - Among the 5 major parties, references to tobacco control were included in the following platforms:
 - Liberal Party Platform. “Move forward with a national tax on vaping products and require tobacco manufacturers to pay for the cost of federal public health investments in tobacco control” Estimated revenue of \$90 million (vaping) and \$66 million (recovery fee).¹⁰
 - Conservative Party: Their costed platform makes reference to a \$66 million recovery fee from tobacco companies.^{11 12}
 - New Democratic Party: the costed platform makes reference to a \$66 million recovery fee from tobacco companies and \$90 million annual revenue from a vaping tax.¹³
 - Bloc Québécois: no reference¹⁴
 - Green Party: no reference¹⁵

Enforcement and compliance actions

- Health Canada made public the results of inspections of social media sites for vaping retailers.¹⁶ The reported noted that “
*“From July 2020 to March 2021, Health Canada inspectors conducted inspections of Instagram social media accounts to verify Canadian online vaping industry compliance with the Tobacco and Vaping Products Act (TVPA). The inspections focused on publicly accessible online promotions.

During this period, 304 accounts on the social media platform Instagram were inspected. At the time of inspection, non-compliance was observed on 53% of the accounts. All inspections where non-compliance was observed resulted in the issuance of a warning letter to the regulated party.”*
- Physicians for a Smoke-Free Canada surveyed the on-line marketing practices of the companies which participated as directors of the Canadian Vaping Association and the Vaping Industry Trade Association. Most (75%) of the firms advertised flavourings in contravention of federal law, and many had illegal testimonials (20%), inadequate health warnings (80%) and lifestyle advertising (35%).¹⁷

10 Liberal Party. Forward for everyone. <https://liberal.ca/wp-content/uploads/sites/292/2021/09/Platform-Forward-For-Everyone.pdf>

11 Conservative Party. Canada’s Recovery Plan. <https://cpcassets.conservative.ca/wp-content/uploads/2021/09/07090434/5ea53c19b2e3597.pdf>

12 Conservative Party. Costing Canada’s Recovery Plan
<https://cpcassets.conservative.ca/wp-content/uploads/2021/09/08163147/4a29f9be58288c4-1.pdf>

Financial projection. <https://cpcassets.conservative.ca/wp-content/uploads/2021/09/08163147/4a29f9be58288c4-1.pdf>

13 New Democratic Party. Ready for Better NDP Fiscal Plan
https://www.ndp.ca/sites/default/files/ndp_fiscal_plan_2021-compressed.pdf

14 Bloc Québécois. Plateforme Politique Bloc 2021. <https://www.blocquebecois.org/plateforme/>

15 Green Party. Platform 21. Be daring. https://www.greenparty.ca/sites/default/files/platform_2021_en_web_-_20210907.pdf

16 Health Canada. Vaping Compliance and Enforcement Report: July 2020 to March 2021
<https://www.canada.ca/en/health-canada/services/smoking-tobacco/vaping/compliance-enforcement/online-inspections-july-march-2021.html>

17 Physicians for a Smoke-Free Canada. The compliance of Canada’s vaping industry leaders with selected federal health regulations
<http://www.smoke-free.ca/SUAP/2021/compliance.pdf>

- In its submission in response to proposed restrictions on vaping liquid flavours, the Vaping Industry Trade Association included a report on compliance it had commissioned.¹⁸ In its survey of randomly-selected on-line stores, the researchers found a high percentage (79% of 93%) advertised products as being

Table 1: Summary of findings

	Dash Vapes	East Coast Vapes	Ecig Flavourium	EZ-Vape	Juul	LOGIC	Queen City Vapes	SNOW Plus	The Vape Store	Theravape	VapeMeat	VUSE	Alternatives & Options	DVINE Lab	Flavour Art	Globe 11	La Vape Shop	La Vapote	Pacific Smokes	Valor	Compliance Score
Business type	RO	RO	RO	RO	MWO	MWO	RO	MO	RO	RO	RO	MWO	R	MW	MW	W	R	R	W	W	
ONLINE SALES																					
A. Sells nicotine over 20mg/ml	○	○	○	○	○	○	○	○	○	○	○	○	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%
B. Offers prohibited flavours	X	X	X	X	○	○	X	X	X	X	X	○	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	25%
C. Inadequate health warning	■	■	○	X	○	○	○	○	■	■	X	○	N/A	○	X	N/A	N/A	N/A	X	N/A	80%
D. Testimonials on website	X	X	○	○	○	○	○	○	○	X	X	○	○	○	X	○	○	○	○	○	80%
E. Sells to Quebec	X	X	X	X	○	○	X	X	X	X	X	○	○	N/A	N/A	N/A	○	○	N/A	N/A	40%
F. Sells to Nova Scotia	X	X	X	X	X	○	X	○	X	X	X	○	○	N/A	N/A	N/A	○	○	N/A	N/A	40%
G. Sells to PEI	X	X	X	X	X	○	X	X	X	X	X	○	○	N/A	N/A	N/A	○	○	N/A	N/A	33%
H. Lifestyle advertising	X	X	X	X	○	○	X	X	X	X	X	○	○	○	X	○	○	○	○	○	65%
OTHER BUSINESS PRACTICES																					
I. Sold when illegal to sell	X	X	X	X	○	○	X	○	X	X	X	○	X	X	N/A	X	X	X	X	N/A	22%
J. Found non-compliant in 2019	X	X	X	X	N/A	N/A	○	N/A	X	X	X	N/A	○	N/A	N/A	N/A	X	X	N/A	N/A	18%
Compliant with	1.5	1.5	3	2	7	9	4	5	2.5	1.5	2	9	6	3		2	5	5	2	2	
Out of possible	10	10	10	10	9	9	10	9	10	10	10	9	7	4		3	7	7	4	2	
Compliance Score	15%	15%	30%	20%	78%	100%	40%	56%	25%	15%	20%	100%	85%	75%		66%	71%	71%	50%	100%	

Legend:

X	Seemingly non-compliant	R	Operates brick-and-mortar retail outlet
○	Seemingly compliant	O	Offers online sales
■	Compliance depends on interpretation of website as a telecommunication	M	Manufacturer
N/A	Compliance could not be established or not relevant to business type	W	Wholesaler

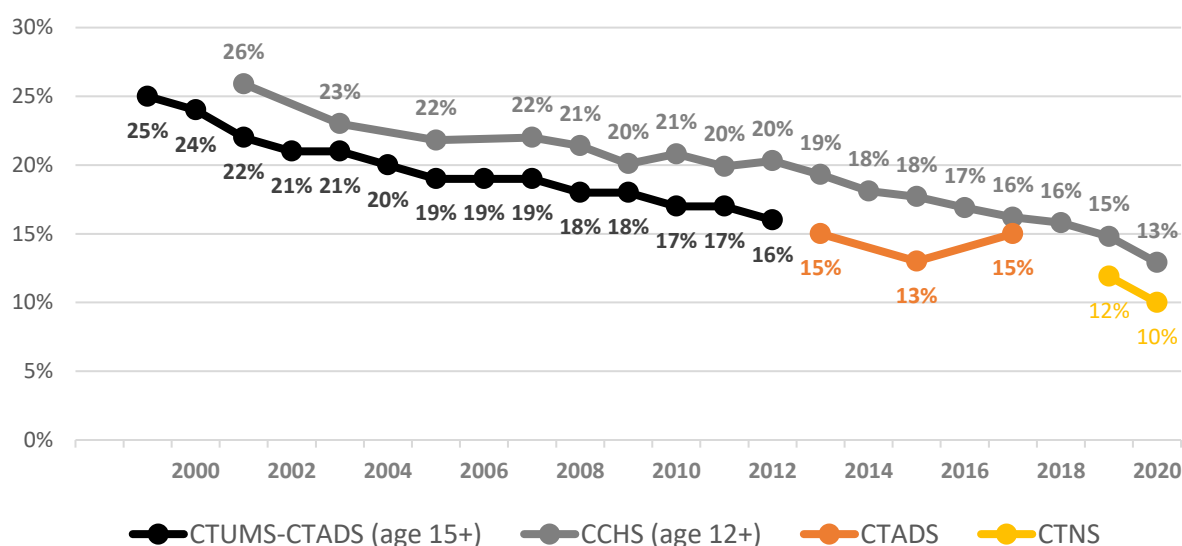
dessert-flavoured, in contravention of federal law. Only 53% had a Health Canada warning visible on the site.

18 Vaping Industry Trade Association. Consultation Response to proposed Order Amending Schedules 2 and 3 to the Tobacco and Vaping Products Act. Submitted on Thursday September 2nd 2021
https://vitaofcanada.com/wp-content/uploads/2019/11/VITA_Flavour_Submission_Final.pdf

RESEARCH, MONITORING AND SURVEILLANCE

- Results from Canadian Community Health Survey for 2020 were released with respect to daily and occasional smoking.¹⁹ Due to COVID, the survey had not been conducted during the summer months, and in-person interviews had been terminated. This prompted Statistics Canada to advise that the data should be used “with caution” Overall prevalence fell to 13% in 2020.
- The Institut national de santé publique du Québec reported that in June 2021 smoking rates in Quebec averaged 16% and that one-third of Quebec smokers said they were smoking more than before the pandemic.²⁰

Current Smoking (daily & occasional), men and women



The following public opinion research reports were released:

- POR 061-20. Earncliffe Strategy Group. Qualitative Research on Adult Smoking Cessation²¹
- POR 024-20. Strategic Council. Understanding Youth and Young Adults’ Interest in, and Usage of, Flavoured Cannabis Vaping Products²²

Top-line results from the Canadian Community Health Survey for 2020 were released in September. The survey had been interrupted by the COVID epidemic, and data was not collected between March and September. Statistics Canada cautioned that for this reason, the results should be interpreted with caution

19 Health Canada. Canadian Postsecondary Education Alcohol and Drug Use Survey, 2019/2020. <https://health-infobase.canada.ca/alcohol/cpads/>

20 INSPQ. Pandémie et consommation de cannabis, de tabac et d'alcool - 5 juillet 2021 <https://www.inspq.qc.ca/covid-19/sondages-attitudes-comportements-quebecois/consommation-juillet-2021>

21 <https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/health/2021/061-20-e/report.pdf>

22 https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/health/2021/024-20-e/Flavoured_Cannabis_Vaping-Final_Report-EN.pdf

III. PROVINCIAL, MUNICIPAL AND OTHER ACTIVITIES

ALBERTA

- Alberta passes an order in council to proclaim the Tobacco and Smoking Reduction Amendment Act in force on July 31, 2021.²³ The regulations under the act are finalized, allowing cigar and vaping lounges.²⁴
- Alberta says it will discontinue requirements for an identity card for tax-free purchases by Indigenous people.²⁵

BRITISH COLUMBIA

-

MANITOBA

- Manitoba government is sued Swan Lake First Nation for implementing a gaming agreement which requires smoke-free spaces.²⁶

NEW BRUNSWICK

- New Brunswick's ban on flavoured vaping products came into effect on September 1, 2021.²⁷

NORTHWEST TERRITORIES

NOVA SCOTIA

NUNAVUT

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

ONTARIO

QUEBEC

- The Quebec government did not introduce vaping regulations, despite expectations to do so.

SASKATCHEWAN

- Saskatchewan's 20% Vapour Products tax on the retail price of all vapour liquids, products and devices came into force on September 1, 2021. The tax had been introduced in April.²⁸
 - Saskatchewan's requirement for retailers of vapour products to have a Vapour Product Tax License also came into effect.

23 Alberta. Order in Council 202/2021. https://www.qp.alberta.ca/documents/Orders/Orders_in_Council/2021/2021_202.pdf

24 Alberta. Order in Council 212/2021 https://www.qp.alberta.ca/documents/Orders/Orders_in_Council/2021/2021_212.pdf

25 Lethbridge News Now. Province discontinuing Alberta Indian Tax Exemption card, will keep tax exemptions. August 26, 2021 <https://everythinggp.com/2021/08/26/province-discontinuing-alberta-indian-tax-exemption-card-will-keep-tax-exemptions/>

26 CBC News. Manitoba government, MLLC sued over on-reserve smoking ban directive <https://www.cbc.ca/news/canada/manitoba/manitoba-government-mlc-sued-over-on-reserve-smoking-ban-directive-1.6082535>

27 New Brunswick Ban on flavoured vaping products. https://www2.gnb.ca/content/gnb/en/news/news_release.2021.08.0613.html

28 Saskatchewan. Vapour Product Tax Act. <http://docs.legassembly.sk.ca/legdocs/Bills/29L15/Bill29-32.pdf>

RESEARCH ORGANIZATIONS

- Windsor University and Algoma University go smoke-free.²⁹ announced that it would be a smoke-free campus beginning in the fall of 2021.^{30 31}

PUBLIC HEALTH ORGANIZATIONS

Ontario's Association of Public Health Agencies (alPHA) adopted a resolution in June 21, m calling on federal and provincial health ministers to take the following actions:

- A ban on all vapour product and e-substance flavours except tobacco;
- A cap on the nicotine concentration levels in any vapour product to 20 mg/mL, in alignment with the European Union Tobacco Products Directive;
- The application of the same plain and standardized packaging regime that is applied to commercial tobacco products and accessories to vapour products;
- The enforcement of strict age-verification measures for online sales, including age-verification at time of purchase and proof of legal age at delivery;
- Limit tobacco and vapour product and accessory sales to licensed, age-restricted tobacconists, specialty vape shops and cannabis retail shops respectively;
- The enactment of a tax regime on vapour products and the establishment of product set price minimums to discourage use of all tobacco and vaping products; and,
- An increase to the legal age for the sale and supply of tobacco and vaping products and accessories to 21 years of age.

The Canadian Public Health Association updated its position on tobacco and vaping, issuing a policy statement "Tobacco and Vaping Use in Canada. Moving Forward."³²

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, 2022.³³
- North Carolina and JUUL reached an out of court settlement, the terms of which include a payment to the state of \$40 million (to be used in ENDS cessation programs) and JUUL will restrict certain marketing activities.³⁴

29 CBC News. Algoma University in Sault Ste. Marie goes smoke-free — that means no vaping either. <https://www.cbc.ca/news/canada/sudbury/algoma-university-smoke-free-1.6160925>

30 Windsor University. Campus to go smoke-free this fall. April 22, 2021. <https://www.uwindsor.ca/dailynews/2021-04-21/campus-go-smoke-free-fall>

31 Windsor University. University of Windsor is a Smoke-Free Campus. <https://www.uwindsor.ca/smokefreecampus/>

32 Canadian Public Health Association. Tobacco and Vaping Use in Canada. Moving Forward. <https://www.cpha.ca/sites/default/files/uploads/policy/positionstatements/2021-05-31-tobacco-vaping-e.pdf>

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

34 North Carolina Attorney General Final Consent Judgment. <https://ncdoj.gov/wp-content/uploads/2021/06/Juul-consent-order.pdf>

V POLLING AND PUBLIC OPINION

Federal public opinion research

A number of federal government consumer research reports were made public during this period included a report on vaping:

- POR 020-20. Youth and young adult vaping cessation research: final report.³⁵
- POR 026-20. Qualitative Research Exploring Options for Warnings on Cigarettes – 2020³⁶
- POR 095-15. Youth Vaping Prevention Campaign – Testing New Messages³⁷

VI. SELECTED INTERNATIONAL ACTIVITIES

WORLD HEALTH ORGANIZATION

- The World Health Organization released in 2019 report on the global tobacco epidemic.³⁸
- WHO hosts a meeting on a proposed Protocol Investment Fund (to assist in implementation of the Illicit Trade Protocol).³⁹
- The agenda for FCTC COP9 is released.⁴⁰ Discussion of e-cigarettes will be postponed to 2023.

UNITED STATES

FDA Activities –

- US FDA postpones decisions on approving or denying market entry for major e-cigarette brands (JUUL, VUSE), while requiring 960,000 others to be removed from the market “because their applications lacked sufficient evidence that they have a benefit to adult smokers sufficient to overcome the public health threat posed by the well-documented, alarming levels of youth use of such products.”⁴¹
- The US FDA announced that it will be delaying requirements for graphic health warnings until October 2022.⁴²

35 Earncliffe Strategy Group. Youth and Young Adult Vaping Cessation Research. Final Report https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/health/2021/020-20-e/Youth_Young_Adult_Vaping_Cessation_FINAL_EN.pdf

36 Quorus Consulting Group. Qualitative Research Exploring Options for Warnings on Cigarettes – 2020 <https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/health/2021/026-20-e/026-20%20Report%20EN.pdf>

37 Environics. Youth Vaping Prevention Campaign – testing new messages : final report

38 World Health Organization. WHO report on the global tobacco epidemic 2019: offer help to quit tobacco use <https://www.who.int/publications/i/item/9789241516204>

39 Information session for Parties on Protocol Investment Fund. <https://fctc.who.int/newsroom/events/item/2021/07/29/default-calendar/briefing-for-mop-parties-on-the-investment-fund>

40 WHO FCTC secretariat. FCTC/COP/9/1(annotated) https://untobaccocontrol.org/downloads/cop9/main-documents/FCTC_COP_9_1_annotated_EN.pdf

41 US FDA. Statement. FDA Makes Significant Progress in Science-Based Public Health Application Review, Taking Action on Over 90% of More Than 6.5 Million ‘Deemed’ New Tobacco Products Submitted https://www.fda.gov/news-events/press-announcements/fda-makes-significant-progress-science-based-public-health-application-review-taking-action-over-90?utm_medium=email&utm_source=govdelivery

42 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>

U.S. state and municipal actions

- Attorneys General from 31 states wrote the head of the Food and Drug Administration (Janet Woodcock) to request that the FDA deny marketing approval to flavoured and high nicotine electronic nicotine products.⁴³
- Washington DC passes law to ban the sale of flavoured tobacco and e-cigarettes.

Congress

- Congressional Ways and Means Committee proposes legislation (the Build Back Better Act) that would include increases tobacco and vaping product taxes.⁴⁴

EUROPE

Bulgaria

- Bulgaria notifies the EU of draft legislation to modify its tobacco laws, in order to ban flavour capsules.⁴⁵

Denmark

- Denmark's requirements for plain packaging came into effect. (E-cigarette requirements will begin to come into effect on October 1, 2021 at the manufacturing level)⁴⁶
- 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.⁴⁷ Other legislative changes are also proposed.⁴⁸

Finland

- Finland introduced legislation to require plain packaging for e-cigarettes, a ban on flavouring ingredients sold to add to vaping liquids, a ban on smoking on playgrounds and beaches, a regulatory fee for tobacco and vaping product manufacturers and stronger enforcement provisions.⁴⁹

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.⁵⁰

43 Letter to Janet Woodcock. August 18, 2021. <https://oag.ca.gov/system/files/attachments/press-docs/2021-08-18%20Letter%20to%20FDA%20Regarding%20E-cigs%20and%20Oral%20Products%20%28signed%29.pdf>

44 U.S. Congress Ways and Means Committee. MARKUP OF THE BUILD BACK BETTER ACT <https://waysandmeans.house.gov/legislation/markups/markup-build-back-better-act>

45 Bulgaria. Draft act amending and supplementing the Tobacco, Tobacco and Related Products Act. Notification 2021/650/BG <https://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2021&num=650>

46 World Health Organization. Denmark: plain packaging legislation adopted <https://untobaccocontrol.org/impliedb/denmark-plain-packaging-legislation-adopted/>

47 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>

48 Notification 2021/581/DK and Notification 2021/582/DK.

49 Finland. Government proposal HE 141 of / 2021 vp
The Government's proposal to Parliament to amend the Tobacco Act https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Sivut/HE_141+2021.aspx

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

Ireland

- Ireland releases its Tobacco Free Ireland 2020 Annual report,⁵¹ providing an update on each element of its 2013 plan to reduce smoking to under 5% by 2025.

Lithuania

- **Lithuania** notifies WTO about proposed ban on flavours in e-cigarettes.⁵²

Netherlands

- The **Netherlands** gives notice to the EU of its draft legislation to regulate e-cigarette flavours⁵³ and to provide legislative authority for packaging requirements.⁵⁴

Norway

- **Norway** hosts a consultation on amendments to its tobacco laws.⁵⁵

United Kingdom

- The United Kingdom did not issue a report on its post implementation review of tobacco regulations (the consultation ran from January to March 2021).⁵⁶ (Background on the UK situation was provided by the Commons Library)

OTHER REGIONS

Australia

- Australia finalizes plans to permit e-cigarette imports and sales only to those holding a prescription. Because e-cigarettes are not approved medicines, prescribers need special authorization.⁵⁷
- Australia releases guidelines for how e-cigarettes can be advertised to the public.⁵⁸

51 Tobacco Free Ireland 2020 Annual Report

<https://www.gov.ie/en/publication/8aaf0-tobacco-free-ireland-2020-annual-report/>

52 Lithuania. G/TBT/N/LTU/42 <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/TBTN21/LTU42.pdf&Open=True>

53 Netherlands. Amendment to the Tobacco and Smoking Products Decree to regulate e-cigarette flavours <https://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2021&num=627>

54 Netherlands. Amendment of the Tobacco and smoking products regulation to regulate electronic heating appliances and a standard appearance for cigarettes

<https://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2021&num=515>

55 Norway. Consultation of amendments to the Tobacco Damage Act. Høring av endringer i tobakksskadeloven

<https://www.regjeringen.no/no/dokumenter/horing-av-endringer-i-tobakksskadeloven/id2862884/?expand=horingsnotater>

56 UK Government. Closed consultation. Tobacco and related products legislation introduced between 2015 to 2016: reviewing effectiveness <https://www.gov.uk/government/consultations/tobacco-and-related-products-legislation-introduced-between-2015-to-2016-reviewing-effectiveness#histor>

57 Government of Australia. Department of Health. Therapeutic Goods Administration.

<https://www.tga.gov.au/nicotine-vaping-products-information-consumers>

58 Australia. Therapeutic Goods Administration. Advertising nicotine e-cigarettes and liquid nicotine to the Australian public

<https://www.tga.gov.au/advertising-nicotine-e-cigarettes-and-liquid-nicotine-australian-public>

Brazil

- Brazil informs WTO of new regulations on tobacco derived smoking products, setting warning and packaging requirements.⁵⁹

Egypt

- **Egypt** informs the World Trade Organization that it has adopted a standard for nicotine in e-cigarettes that is equivalent to the EU Directive.⁶⁰

Mexico:

- Mexico updates its tobacco health warnings and includes a warning related to the increased risk to smokers of serious COVID-19 infections.⁶¹

New Zealand

- New Zealand regulations on vaping product marketing come into effect in August.⁶²

Turkey

- Turkey increased the size of picture warnings, making them at least 85% of the widest front surface and 100% of the widest back surface (for cigarettes) and 85% of front and back surfaces for other tobacco products.⁶³

59 World Trade Organization. G/TBT/N/BRA/1240 and G/TBT/N/BRA/1243

60 Egypt notification to the World Trade Organization. G/TBT/N/EGY/207/Add.2
<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/G/TBTN19/EGY207A2.pdf&Open=True>

61 FCTC Secretariat. Mexico: New pictures approved for the next round of warnings. <https://untobaccocontrol.org/impldb/mexico-new-pictures-approved-for-the-next-round-of-warnings-including-with-reference-to-covid-19/>

62 New Zealand. Smokefree Environments and Regulated Products Regulations 2021.
<https://www.legislation.govt.nz/regulation/public/2021/0204/latest/LMS524981.html>

63 Amendments to Turkey's Regulation on the procedures and principles related to the production methods, labelling and surveillance of tobacco products (in Turkish) - Official Gazette, 30 June 2021.
<https://www.resmigazete.gov.tr/eskiler/2021/06/20210630-10.htm>

VII. CORPORATE AND MARKET DEVELOPMENTS

PUBLIC RELATIONS / INTERFERENCE

International

- Philip Morris International newly-appointed CEO, Jacek Olczak, called on the United Kingdom government to end cigarette sales within a decade and announced that it would cease selling Marlboro by 2030.⁶⁴
- The Global Tobacco and Nicotine Forum held its 2021 meeting in London, UK in September.

Canada

- Rothmans, Benson and Hedges opens a new round of its CSR “Giving Back” grant funding. Eligible applicants are from the education, environmental and community development charities.⁶⁵



CORPORATE PLANS

- JTI ended its sales of Logic vapes in Canada in early August.
- Rothmans, Benson & Hedges informs Canadian courts that it intends to launch VEEV vaping products in Canada in the fall of 2020.
- Philip Morris acquired Vectura (manufacturer of inhaled medicines based in U.K.)⁶⁶
- The Canadian firm, PODA restructured to create 5 divisions related to drug delivery: PODA(Tobacco), PODA (Alternatives), PDOA (Therapeutics), PODA (THC), and PODA (CBD).⁶⁷ The Company’s principal business activity is the design, development and production of a new and improved heat-not-burn technology for the consumption of tobacco and other materials.
- Canadian firm Ditch Labs is profiled as being in the development of an approved e-cigarette cessation device,⁶⁸ having raised seed capital from a number of sources.⁶⁹

64 Reuters. Philip Morris to end Marlboro cigarette sales in UK within a decade

<https://www.reuters.com/world/uk/philip-morris-end-marlboro-cigarette-sales-uk-within-decade-2021-07-26/>

65 Rothmans, Benson & Hedges. Press Release. Rothmans, Benson and Hedges Invites Canadian Charities to Apply for \$25,000 Grant Funding

<https://www.newswire.ca/news-releases/rothmans-benson-amp-hedges-invites-canadian-charities-to-apply-for-25-000-grant-funding-861839456.html>. Sept 1, 2021

66 Philip Morris International. Press Release. Philip Morris International Enters Tender Period with Vectura Shareholders Following Unanimous Recommendation by Vectura Board. August 16, 2021.

67 PODA press release Poda Announces Proposed Name Change and Proposed New Corporate Structure. September 15, 2021

<https://www.newswire.ca/news-releases/poda-announces-proposed-name-change-and-proposed-new-corporate-structure-819882133.html>

68 La Presse. Ditch Labs: quitting smoking thanks to artificial intelligence. Uly

<https://www.lapresse.ca/affaires/pme/2021-07-12/pme-innovation/ditch-labs-arreter-de-fumer-grace-a-l-intelligence-artificielle.php>

69 Smoking Cessation Startup Ditch Labs Completes \$1.3 Million Seed Round to Solve Nicotine Addiction and Tobacco Use <https://www.amplifycapital.ca/news/ditchlabs>

- BAT’s venture capital arm Btomorrow Ventures, opened its own web-site. (<https://www.btomorrowv.com/>), on which it identified 12 companies in which it has invested. Of note, these include:
 - \$31 million investment in Trait Biosciences Inc in July 2013.⁷⁰ Of the 13 companies in which it has invested, one firm with Canadian links is identified. Trait focuses on cannabinoid production technologies.
 - Investment in Awake Chocolate, a functional chocolate (providing high levels of caffeine) based in Canada.
 - Investment in Purissima, a resident company of Johnson & Johnson

MARKET DEVELOPMENTS

- Rothmans, Benson and Hedges amends its contracts with retailers, putting in place three levels of rebates for retailers.⁷¹

	\$4.50	\$5.50	\$6.50
Participate in training programs run by RBH	X	X	X
Use POS system data devices (% of work)	25%	50%	75%
Acceptance of reduced risk inventory	X	X	X
IQOS service station		X	X
Training on IQOS 3 times per year			X

Manufacturing

Retailing

- Philip Morris International piloted a locking system for its IQOS vaping device (VEEV) in New Zealand. The system requires those who purchase the device to log in with PMI and produce age verification before the device will be activated. Users have the option of allowing PMI to gather data on the product usage.⁷²

70 Bloomberg. Big Tobacco Flirts With Non-Smokeable Marijuana. July 12, 2021
<https://www.bloomberg.com/news/articles/2021-07-12/big-tobacco-flirts-with-non-smokeable-marijuana-cannabis-weekly>

71 Private correspondence with retailers

72 Unlocking your IQOS VEEV.
https://d391ru5v7ez4mb.cloudfront.net/design/themes/royal/media/images/nz/VEEV/Discover/Yap/0134_Veev_unlocking_Manual_AN DROID_Mobile_720_x_1280_all_v2.pdf