

CMA response:

HEALTH CANADA CONSULTATION ON REDUCING YOUTH ACCESS AND APPEAL OF VAPING PRODUCTS

May 24, 2019

The Canadian Medical Association (CMA) is the national voice of Canadian physicians. Founded in 1867, the CMA's mission is to empower and care for patients and its vision is to support a vibrant profession and a healthy population.

On behalf of its more than 85,000 members and the Canadian public, the CMA performs a wide variety of functions. Key functions include advocating for health promotion and disease/injury prevention policies and strategies, advocating for access to quality health care, facilitating change within the medical profession, and providing leadership and guidance to physicians to help them influence, manage and adapt to changes in health care delivery.

The CMA is a voluntary professional organization representing the majority of Canada's physicians and comprising 12 provincial and territorial divisions and over 60 national medical organizations.

The Canadian Medical Association (CMA) appreciates this opportunity to respond to Health Canada's consultation on *Reducing Youth Access and Appeal of Vaping Products - Consultation on Potential Regulatory Measures*.¹

Canada's physicians, who see the devastating effects of tobacco use every day in their practices, have been working for decades toward the goal of a smoke-free Canada. The CMA issued its first public warning concerning the hazards of tobacco in 1954 and has continued to advocate for the strongest possible measures to control its use.

The CMA has always supported strong, comprehensive tobacco control legislation, enacted and enforced by all levels of government, and we continue to do so. This includes electronic cigarettes (e-cigarettes). Our approach to tobacco and vaping products is grounded in public health policy. We believe it is incumbent on all levels of government in Canada to continue working on comprehensive, coordinated and effective tobacco control strategies, including vaping products, to achieve the goal of reducing smoking prevalence.

The CMA has stated its position to the federal government on electronic cigarettes and vaping clearly in recent years.^{2,3} In our April 2017 submission on Bill S-5 to the Senate Standing Committee on Social Affairs, Science and Technology we recommended that the restrictions on promotion of vaping products and devices should be the same as those for tobacco products.² We also argued that the government should take the same approach to plain and standardized packaging regulations for e-cigarettes as has now been implemented for tobacco products.²

In our most recent brief we addressed the two main issues outlined in the government's Notice of Intent with respect to the advertising of vaping products: the placement of that advertising and the use of health warnings.^{3,4} We expressed concerns that the proposed regulations leave too wide an opening for vaping manufacturers to promote their products, especially to youth. Further, we reiterated our position that health warnings for vaping should be like those being considered for tobacco packages.

This brief will address the issues of greatest concern to the CMA with respect to vaping and youth. This includes marketing, flavours, nicotine levels, and reducing vaping and e-cigarette use among youths.

Introduction

The Council of Chief Medical Officers of Health have expressed alarm at the rising number of Canadian youths who are vaping, finding this trend "very troubling."⁵ The Canadian Medical Association concurs with this assessment and appeals to the federal government to move urgently on this important public health issue.

As our knowledge about the risks of using e-cigarettes increases, there is an even greater imperative to dissuade youth from taking up the habit. This is important because those youth "who believe that e-cigarettes are not harmful or are less harmful than cigarettes are more likely to use e-cigarettes than youth with more negative views of e-cigarettes."⁶

Marketing

The e-cigarette marketplace is evolving quickly as new products emerge. The industry has made clever use of social media channels to promote their wares by taking advantage of the belief that they are a safer alternative to cigarettes.⁷ They have also promoted "innovative flavoring and highlighted the public performance of vaping."⁷ It is no surprise that the United States Food and Drug Administration (FDA) has referred to youth vaping as an "epidemic," calling it "one of the biggest public health challenges currently facing the FDA."⁸ As the US National Academies of Sciences, Engineering, and Medicine has noted "young people who begin with e-cigarettes are more likely to transition to combustible cigarette use and become smokers who are at risk to suffer the known health burdens of combustible tobacco cigarettes."⁹

However, some of the efforts employed to convince youth to take up vaping are especially troublesome. As the

US Centers for Disease Control and Prevention (CDC) reported, “one in 5 (US) high school students and 1 in 20 middle school students reported using e-cigarettes in the past 30 days in 2018,” a significant rise in the number of high school students between 2011 and 2018.¹⁰ The use of social media campaigns employing “influencers” to capture more of the youth and young adult market or influence their choices shows the need to be especially vigilant.¹¹ In an attempt to counter this influence, a group of over 100 public health and anti-tobacco organizations from 48 countries “are calling on Facebook, Instagram, Twitter and Snap to take “swift action” to curb advertising of tobacco products on their platforms.”¹²

As much as the industry is making major efforts to attract or sway customers through advertising, youth themselves may hold the key to countering that pressure. A recent US study found that “adolescents generally had somewhat negative opinions of other adolescents who use e-cigarettes. Building on adolescents’ negativity toward adolescent e-cigarette users may be a productive direction for prevention efforts, and clinicians can play an important role by keeping apprised of the products their adolescent patients are using and providing information on health effects to support negative opinions or dissuade formation of more positive ones.”¹³ Health Canada can play a major role in encouraging and facilitating peer-to-peer discussions on the risks associated with vaping and help to offset the social media influencers.¹⁴

We reiterate the concerns we expressed in our recent brief on the potential measures to reduce advertising of vaping products and to help diminish their appeal to youth. The CMA noted that the sections most problematic to the Association were those encompassing public places, broadcast media, and the publications areas.³ Vaping advertisements should not be permitted at all in any of these spaces, with no exceptions.³ These areas need to be addressed on an urgent basis.

Flavours

As of 2013, over 7,000 flavours had been marketed in the US.¹⁵ The data indicated that “about 85% of youth who used e-cigarettes in the past 30 days adopted non-tobacco flavors such as fruit, candy, and dessert.”¹⁵ Flavours are helpful in attracting youth, especially when coupled with assertions of lower harm.¹³ And they have been successful in doing so, as evidenced by the rise in the rates of vaping among youth.^{8, 16}

The addition of a wide variety of flavours available in the pods makes them taste more palatable and less like smoking tobacco.^{16,17,18} The concern is that e-cigarettes “may further entice youth to experiment with e-cigarettes and boost e-cigarettes’ influence on increased cigarette smoking susceptibility among youth.”¹⁵ More worrisome, flavoured e-cigarettes “are recruiting females and those with low smoking-risk profile to experiment with conventional cigarettes.”¹⁹

Limiting the availability of “child-friendly flavors” should be considered to reduce the attraction of vaping to youth.¹⁹ In a recent announcement, the US FDA has proposed to tighten e-cigarette sales and “remove from the market many of the fruity flavors ...blamed on fueling “epidemic” levels of teen use.”²⁰ As we have noted in previous submissions, the CMA would prefer to see flavours banned to reduce the attractiveness of vaping to youth as much as possible, a sentiment shared by other expert groups.^{2,3,21}

Nicotine Levels

One of the most popular devices to vape with is JUUL™, entering the US market in 2015.²² JUUL’s™ nicotine pods contain 5% nicotine salt solution consisting of 59 mg/mL in 0.7 mL pods.¹⁷ Some of JUUL’s™ competition have pods containing even higher levels (6% and 7%).¹⁷

The CMA is very concerned about the rising levels of nicotine available through the vaping process, especially by the newer delivery systems. They supply “high levels of nicotine with few of the deterrents that are inherent in other tobacco products. Traditional e-cigarette products use solutions with free-base nicotine formulations in which stronger nicotine concentrations can cause aversive user experiences.”²³

Nicotine, among other issues, “affects the developing brain by increasing the risk of addiction, mood disorders, lowered impulse control, and cognitive impairment.^{15,24} In addition to flavours, and to ease delivery and to make the taste more pleasant, nicotine salts are added to make the e-liquid “less harsh and less bitter” and “more

palatable despite higher nicotine levels.”¹⁷

Addressing the Rise in Youth Vaping

There are many factors that lead youth to experiment with vaping and e-cigarettes. For some it is simple curiosity, for others it is the availability of different flavours while still others perceive vaping as “cool,” especially when they can use the vapour to perform “smoke tricks.”²⁵ The pod devices themselves (e.g., JUUL™) help enhance the allure because of the “unique aesthetic appeal of pod devices, ability to deliver nicotine at high concentrations and the convenience of using them quickly and discreetly.”²⁶

As vaping continues to grow in popularity, it will not be easy to curb youths’ enthusiasm for it. However, it is too important of a public health issue to not intervene. More research is needed into how youth perceive vaping and e-cigarettes as they do not hold a universally positive view of the habit.^{7,13} As well, there is evidence to suggest that many are coming to see vaping as being “uncool” and that there are potential health consequences to continued use.²⁵

In view of the still-evolving evidence of the safety of vaping and e-cigarettes, “strategic and effective health communication campaigns that demystify the product and counteract misconceptions regarding e-cigarette use are needed.”²⁵ Further, “to reduce youth appeal, regulation efforts can include restricting the availability of e-cigarette flavors as well as visible vapors.”²⁵ Another approach to consider is the state of Colorado’s recent creation of “a health advisory recommending that health care providers screen all youth specifically for vaping, in addition to tobacco use, because young people may not necessarily associate tobacco with vaping.”²⁷

Recommendations

1. The CMA calls for all vaping advertising to be strictly limited. The restrictions on the marketing and promotion of vaping products and devices should be the same as those for tobacco products.
2. The CMA recommends the limitation of number of flavours available to reduce the attractiveness of vaping to youth.
3. Health Canada should work to restrict the level of nicotine available for vaping products to avoid youth becoming addicted.
4. Health Canada must play a major role in encouraging and facilitating peer-to-peer discussions on the risks associated with vaping and help to offset the social media influencers.
5. Health Canada must develop communication campaigns directed at youth, parents and health care providers to demystify vaping and e-cigarettes and that create a link between tobacco and vaping.

¹ Government of Canada. *Reducing Youth Access and Appeal of Vaping Products - Consultation on Potential Regulatory Measures*. Ottawa: Health Canada; 2019. Available: <https://www.canada.ca/en/health-canada/programs/consultation-reducing-youth-access-appeal-vaping-products-potential-regulatory-measures.html> (accessed 2019 Apr 11).

² Canadian Medical Association (CMA). *CMA’s Recommendations for Bill S-5: An Act to amend the Tobacco Act and the Nonsmokers’ Health Act and to make consequential amendments to other Acts*. Ottawa: CMA; 2017 Apr 7. Available: <https://policybase.cma.ca/en/permalink/policy13641> (accessed 2019 May 13).

³ Canadian Medical Association (CMA). *Health Canada consultation on the impact of vaping products advertising on youth and non-users of tobacco products*. Ottawa: CMA; 2019 Mar 22. Available: <https://policybase.cma.ca/en/permalink/policy14022> (accessed 2019 May 13).

⁴ Government of Canada. *Notice to Interested Parties – Potential Measures to Reduce the Impact of Vaping Products Advertising on Youth and Non-users of Tobacco Products*. Ottawa: Health Canada; 2019. Available: <https://www.canada.ca/en/health-canada/programs/consultation-measures-reduce-impact-vaping-products-advertising-youthnon-users-tobacco-products.html> (accessed 2019 Feb 27).

⁵ Public Health Agency of Canada. *Statement from the Council of Chief Medical Officers of Health on the increasing rates of youth vaping in Canada*. Health Canada; 2019. Available: <https://www.newswire.ca/news-releases/statement-from-the-council-of-chief-medical-officers-of-health-on-the-increasing-rates-of-youth-vaping-in-canada-812817220.html> (accessed 2019 May 14).

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