

CMA response:

HEALTH CANADA CONSULTATION ON TOBACCO PRODUCTS REGULATIONS (PLAIN AND STANDARDIZED APPEARANCE)

September 06, 2018

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) is pleased to provide this submission in response to Health Canada's proposed regulations entitled Tobacco Products Regulations (Plain and Standardized Appearance) and an Order to amend Schedule 1 to the Tobacco and Vaping Products Act with respect to colouring agents, in Canada Gazette, Part 1.¹

Canada's physicians 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 and for the past 30 years we have reiterated our long-standing support for the concept of tobacco products being sold in standardized packages in several briefs and policy statements.

The CMA has been a leader in advocating for plain and standardized packaging for tobacco products for many years. We established our position in 1986 in a resolution recommending to the federal government "that all tobacco products be sold in plain packages of standard size with the words "this product is injurious to your health" printed in the same size lettering as the brand name, and that no extraneous information be printed on the package."

We are pleased to support the proposed regulations and that they will apply to the packaging of all tobacco products and that brand colours, graphics and logos will be prohibited on packages. No exceptions, including for cigars and pipe tobacco, should be considered. These measures will assist in promoting harm reduction efforts and further the goal of reducing and eliminating smoking.

In 2017, 16.2% of Canadians aged 12 and older smoked either daily or occasionally; this is down from 17.7% in 2015.² These proposed regulations will be a significant step in the goal of further reducing the smoking rate. However, there are three areas that the CMA would like to see strengthened and are described below.

Slide and Shell Packaging – Minimum package dimensions and warning surface area

The CMA supports strongly the concept of tobacco products being sold in standardized packages. We recommended that only the "slide-and-shell" style of package be authorized and that the "flip-top" package be removed.³ This would reduce the permitted style to one type and allow for the largest possible surface area to be used to convey health warnings and other health-related information.

With respect to the draft regulation (s.39) concerning the dimensions of the new packages when closed, the CMA recommends that the measurements for the regular and king size cigarette packages be amended to allow for more surface area for warnings and to standardize packaging regulations across all Canadian jurisdictions.¹ The Quebec requirement for a warning surface area of 46.5 sq. cm should be the minimum across Canada.

To achieve that, we suggest that the new slide and shell package for regular size cigarettes have the following dimensions when it is closed:

- (a) its height must be no less than 74 mm and no more than 77 mm;
- (b) its width must be no less than 84 mm and no more than 87 mm for a package of 20 cigarettes, and no less 103mm and no more than 106 mm for a package of 25 cigarettes.

A similar adjustment is recommended for the width of packages of king size cigarettes when closed:

- (a) its width must be no less than 83 mm and no more than 87 mm for a package of 20 cigarettes, and no less 103mm and no more than 106 mm for a package of 25 cigarettes.

In both cases, this is over and above the dimensions in s.39 (1)(a) and (b) for regular size cigarettes and s.39(2)(b) for king size cigarettes. We also recommend that the number of cigarettes permitted in both package sizes be limited to 20 and 25 respectively, reflecting the quantities sold in the current market.

This would also prohibit manufacturers from adding one or two additional cigarettes as a “bonus” or “premium.”

Brand names

The appearance of brand names on the packages should be in a manner that is standard for all brands. Tobacco manufacturers should not be able to include terms such as “organic” or “natural” as part of a brand name. These descriptions would convey the perception that these products are somehow better or are healthier for the consumer. As well, they may be used to evoke a lifestyle or are fashionable. Such terms and phrases should be banned in the regulations; the European Union’s *Directive 2014/40/EU of the European Parliament and of the Council* could serve as the guide in this instance.⁴

Leaflets

Tobacco manufacturers make frequent use of subtle marketing messages to render smoking attractive and glamorous to their customers. The CMA has always supported educational and public health initiatives aimed at countering these messages. Permitting a leaflet inside packages “that warns consumers of the health hazards arising from the use of the tobacco product or that provides instructions for its use” (draft regulation s. 36.3) is a positive step but should not provide manufacturers with a potential loophole to exploit. The draft regulation should be amended to indicate that the only instance where any instructions are permitted on the leaflet are when the product has an electronic component. This would prevent manufacturers from using the leaflet as any sort of a promotional platform to minimize, for example, the impact of health warnings on the package exterior.

Summary

Canada’s physicians have been working for decades toward the goal of a smoke-free Canada and we are pleased to support the proposed regulations. We recommend that the draft regulations be strengthened in the following manner:

- 1) The measurements for the regular and king size cigarette packages be amended to allow for more surface area for warnings and to standardize packaging regulations across all Canadian jurisdictions.
- 2) The number of cigarettes permitted in both package sizes be limited to 20 and 25 respectively, reflecting the quantities sold in the current market.
- 3) Use of terms and phrases such as “organic” and “natural” in brand names should be banned in the regulations.
- 4) The only instance where any instructions are permitted on the proposed leaflets are when the product has an electronic component.

¹ Tobacco and Vaping Products Act: Tobacco Products Regulations (Plain and Standardized Appearance) *Canada Gazette, Part I, 2018 Jun 23 152(25)*. Available: <http://gazette.gc.ca/rp-pr/p1/2018/2018-06-23/html/reg9-eng.html> (accessed 2018 Aug 7).

² Statistics Canada. Smoking, 2017 *Health Fact Sheets* Cat. No. 82-625-X June 26, Ottawa, Ont.: Statistics Canada, 2018. Available: <https://www150.statcan.gc.ca/n1/en/pub/82-625-x/2018001/article/54974-eng.pdf?st=7HkjdkUB> (accessed 2018 Sep 5).

³ Canadian Medical Association (CMA). *Letter in response to Health Canada’s Consultation on “Plain and Standardized Packaging” for Tobacco Products. Potential Measures for Regulating the Appearance, Shape and Size of Tobacco Packages and of Tobacco Products. Document for Consultation*. Ottawa: CMA; 2016. Available: <http://policybase.cma.ca/dbtw-wpd/Briefpdf/BR2016-09.pdf> (accessed 2018 Aug 29).

⁴ The European Parliament and The Council of the European Union. Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive. 2001/37/EC. Brussels: Official Journal of the European Union, 2014. Available: https://ec.europa.eu/health/sites/health/files/tobacco/docs/dir_201440_en.pdf (accessed 2018 Sep 4).