

CMA response:

HEALTH CANADA CONSULTATION ON  
THE IMPACT OF VAPING PRODUCTS  
ADVERTISING ON YOUTH AND NON-  
USERS OF TOBACCO PRODUCTS

March 22, 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 *Potential Measures to Reduce the Impact of Vaping Products Advertising on Youth and Non-users of Tobacco Products* under the authority of the *Tobacco and Vaping Products Act (TVPA)*.<sup>1</sup>

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.

This brief will address the two main issues outlined in the Notice of Intent: the placement of advertising and health warnings.

## Placement of Advertising

The CMA's 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.

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.<sup>2</sup> This would include the same approach to plain and standardized packaging regulations under consideration for tobacco products.<sup>2,3</sup>

The CMA is concerned that the proposed regulations leave too wide an opening for vaping manufacturers to promote their products, especially to youth. It is from a public health perspective that the CMA is calling for all vaping advertising to be strictly limited. The CMA supports the provisions proposed for point-of-sale information. The material offered will need to have the health warnings included in this Notice of Intent.

However, the sections of the proposed regulations most problematic to the CMA are those encompassing public places, broadcast media, and the publications areas. Vaping advertisements should not be permitted at all in any of these spaces, with no exceptions.<sup>2</sup> The advertisements permitted currently seem to have managed to find their way to youth, even if they are not directed at them, as claimed.<sup>4</sup> A report published by the World Health Organization and the US National Cancer Institute indicated that websites dedicated to retailing e-cigarettes "contain themes that may appeal to young people, including images or claims of modernity, enhanced social status or social activity, romance, and the use of e-cigarettes by celebrities."<sup>5</sup> Social media provides an easy means of promoting vaping products and techniques, especially to youth.<sup>21</sup> A US study found that the landscape is "being dominated by pro-vaping messages disseminated by the vaping industry and vaping proponents, whereas the uncertainty surrounding e-cigarette regulation expressed within the public health field appears not to be reflected in ongoing social media dialogues."<sup>6</sup> The authors recommended that "real-time monitoring and surveillance of how these devices are discussed, promoted, and used on social media is necessary in conjunction with evidence published in academic journals."<sup>6</sup>

The need to address the issue of advertising around vaping is growing more urgent. Vaping is becoming more popular and more attractive to Canadian youth, especially with the arrival of more high-tech versions of electronic cigarettes such as the pod-based JUUL™.<sup>7,8</sup> A similar trend has been observed in the United States where a recent study indicated that "use by adolescents and young adults of newer types of e-cigarettes such as pod-based systems is increasing rapidly."<sup>9</sup>

JUUL™ entered the US market in 2015 "with a novel chemistry (nicotine salts) enabling higher concentrations in a limited aerosol plume."<sup>10</sup> JUUL's™ nicotine levels contained 5% nicotine salt solution consisting of 59 mg/mL in 0.7 mL pods. Some of JUUL's™ competition have pods containing even higher levels (6% and 7%).<sup>10</sup> The nicotine salts are "less harsh and less bitter, making e-liquids more palatable despite higher nicotine levels."<sup>10</sup> It has been noted by researchers that "among adolescents and young adults who use them, pod-based e-cigarettes are synonymous with the brand-name JUUL™ and use is termed "juuling," whereas "vaping" has typically been

used by youths to refer to using all other types of e-cigarettes.”<sup>9</sup>

The addition of a wide variety of flavours available in the pods makes them taste more palatable and less like smoking tobacco.<sup>10,11</sup> The purpose in doing so is because “smoking is not a natural behavior, like eating or drinking, the manufacturers of these devices commonly add flavoring to the liquid from which the nicotine aerosol is generated, to make the initial exposures more pleasurable. The flavoring enhances the appeal to first-time users — especially teenagers.”<sup>12</sup> The CMA and other expert groups would prefer to see flavours banned to reduce the attractiveness of vaping as much as possible.<sup>2,13</sup> It is very important that the pod-based systems are cited specifically to ensure they are included under the new advertising regulations for all vaping products.

Youth vaping has reached the point where the US Food and Drug Administration referred to it as an “epidemic,” calling it “one of the biggest public health challenges currently facing the FDA.”<sup>14</sup> Durham Region Health Department, using data from the Ontario Student Drug Use and Health Survey conducted by CAMH and administered by the Institute for Social Research, York University, noted that 17% of high school students in that region had used an electronic cigarette in the past year (2016-17), numbers that are similar for the rest of Ontario.<sup>15</sup> In the United States, a survey indicated that, among high school students, “current e-cigarette use increased from 1.5% (220,000 students) in 2011 to 20.8% (3.05 million students) in 2018;” between 2017 and 2018 alone it rose 78% (from 11.7% to 20.8%).<sup>16</sup>

Concern is growing across Canada among educators seeing a rise in the number of youths turning to vaping.<sup>17,18,19</sup> The problem has reached the point where a school official resorted to removing the doors from the washrooms to “crack down” on vaping in the school.<sup>20</sup> Youth themselves are aware of the increasing problem; many are turning to YouTube to learn “vape tricks” such as making smoke rings.<sup>21</sup> Some refer to the practice of vaping as “the nic;” as a University of Ottawa student noted “They call it getting light-headed. Sometimes it’s cool.”<sup>22</sup>

As the Canadian Paediatric Society noted in 2015, efforts to “denormalize tobacco smoking in society and historic reductions in tobacco consumption may be undermined by this new ‘gateway’ product to nicotine dependency.”<sup>23,24</sup> Decades of effort to reduce the incidence of smoking are in danger of being reversed. A growing body of evidence indicates that vaping can be considered the prime suspect. A Canadian study provides “strong evidence” that use of electronic cigarettes among youth is leading them to the consumption of combustible tobacco products.<sup>25</sup> In a similar vein, a “large nationally representative study of US youths supports the view that e-cigarettes represent a catalyst for cigarette initiation among youths.”<sup>26</sup> Granting vaping manufacturers scope to advertise will likely exacerbate this problem.

## Health Warnings

The CMA reiterates its position that health warnings for vaping should be like those being considered for tobacco packages.<sup>2,3</sup> We support the proposed warning labels being placed on all vaping products. The need for such warnings is important as there is still much that is not known about the effects vaping can have on the human body.

Substances that have been identified in e-cigarette liquids and aerosols include “nicotine, solvent carriers (PG and glycerol), tobacco-specific nitrosamines (TSNAs), aldehydes, metals, volatile organic compounds (VOCs), phenolic compounds, polycyclic aromatic hydrocarbons (PAHs), flavorings, tobacco alkaloids, and drugs.”<sup>27</sup> Researchers have noted that there is a “striking diversity of the flavorings in e-cigarette liquids, (and that) the effects on health of the aerosol constituents produced by these flavorings are unknown.”<sup>28</sup>

A US study found “evidence that using combusted tobacco cigarettes alone or in combination with e-cigarettes is associated with higher concentrations of potentially harmful tobacco constituents in comparison with using e-cigarettes alone.”<sup>29</sup> Some researchers have found that there is “significant potential for serious lung toxicity from e-cig(arette) use.”<sup>30, 31</sup>

Another recent US study indicates that “adults who report puffing e-cigarettes, or vaping, are significantly more likely to have a heart attack, coronary artery disease and depression compared with those who don’t use them or any tobacco products.”<sup>32</sup> Further, it was found that “compared with nonusers, e-cigarette users were 56 percent

more likely to have a heart attack and 30 percent more likely to suffer a stroke.”<sup>32</sup>

The need for parents to be educated on the impact of vaping on children is also very important. A study examining how smoke-free and vape-free home and car policies vary for parents who are dual users of cigarettes and e-cigarettes, who only smoke cigarettes, or who only use e-cigarettes demonstrated that these parents may perceive e-cigarette aerosol as safe for children.<sup>33</sup> It noted that “dual users were less likely than cigarette-only smokers to report various child-protective measures inside homes and cars.”<sup>33</sup>

## 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 that vaping advertisements should not be permitted in any public places, broadcast media, and in publications of any type, with no exceptions.
3. The CMA supports the provisions proposed in this Notice of Intent for point-of-sale information. This should include health warnings.
4. The CMA reiterates its position that health warnings for vaping should be like those being considered for tobacco packages. We support the proposed warning labels being placed on all vaping products.
5. The CMA recommends more research into the health effects of vaping as well as on the components of the vaping liquids.

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<sup>1</sup> 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-youth-non-users-tobacco-products.html> (accessed 2019 Feb 27)

<sup>2</sup> Canadian Medical Association (CMA) *CMA’s Recommendations for Bill S-5: An Act to amend the Tobacco Act and the Non-smokers’ Health Act and to make consequential amendments to other Acts* Ottawa: CMA; 2017 Apr 7. Available: <http://policybase.cma.ca/dbtw-wpd/Briefpdf/BR2017-06.pdf> (accessed 2019 Mar 1).

<sup>3</sup> Canadian Medical Association. *Health Canada consultation on tobacco products regulations (plain and standardized appearance)* Ottawa: CMA; 2018 Sep 6 Available: <http://www.cma.ca/dbtw-wpd/Briefpdf/BR2019-01.pdf> (accessed 2019 Mar 5)

<sup>4</sup> Gagnon E. IMPERIAL TOBACCO: Kids shouldn’t be vaping; our marketing is aimed at adults. *Halifax Chronicle Herald* March 5, 2019 Available: <https://www.thechronicleherald.ca/opinion/imperial-tobacco-kids-shouldnt-be-vaping-our-marketing-is-aimed-at-adults-289673/> (accessed 2019 Mar 8)

<sup>5</sup> U.S. National Cancer Institute and World Health Organization. *The Economics of Tobacco and Tobacco Control*. National Cancer Institute Tobacco Control Monograph 21. NIH Publication No. 16-CA-8029A. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute; and Geneva, CH: World Health Organization; 2016. Available: [https://cancercontrol.cancer.gov/brp/tcrb/monographs/21/docs/m21\\_complete.pdf](https://cancercontrol.cancer.gov/brp/tcrb/monographs/21/docs/m21_complete.pdf) (accessed 2019 Mar 8)

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<sup>9</sup> McKelvey K et al. Adolescents’ and Young Adults’ Use and Perceptions of Pod-Based Electronic Cigarettes. *JAMA Network Open*. 2018;1(6):e183535. doi:10.1001/jamanetworkopen.2018.3535 Available: <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2707425> (accessed 2019 Mar 1)

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