



28 September 2018

(18-6003)

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Committee on Technical Barriers to Trade

Original: English/French

NOTIFICATION

Addendum

The following communication, dated 28 September 2018, is being circulated at the request of the delegation of Canada.

Bill S-5, An Act to amend the *Tobacco Act* and the *Non-Smokers' Health Act* and to make consequential amendments to other Acts

Bill S-5 received Royal Assent on 23 May 2018 which amended the Tobacco Act including its title to the *Tobacco and Vaping Products Act* (TVPA) (<http://www.parl.ca/DocumentViewer/en/42-1/bill/S-5/royal-assent#enH2316>). The TVPA includes subsection 30.43(2) that prohibits, subject to regulations, the promotion of vaping products, including by means of the packaging, by comparing the health effects arising from the use of the product or from its emissions with those arising from the use of a tobacco product or from its emissions (subsection 30.43(2)). This subsection comes into force on 19 November 2018. Health Canada is developing regulations to further implement this subsection in the TVPA, to allow for certain statements to be used in the promotion of vaping products that compare the health effects of vaping to smoking. The proposed regulations would (1) refer to a list of comparative health effect statements that are incorporated by reference in the regulations and (2) prescribe conditions for their use in commercial promotions, including on packaging. The list of permitted statements would be published on Health Canada's website. The use of these statements is not mandated; manufacturers, retailers and others can voluntarily choose to use them in the vaping product promotions as long as they meet the prescribed conditions set out in the regulations for their display.

Please find below a draft list of statements that Health Canada is considering that will be prescribed by regulation:

Draft List of Statements for Use in the Promotion of Vaping Products

1. If you are a smoker, switching completely to vaping is a much less harmful option.
2. While vaping products emit toxic substances, the amount is significantly lower than in tobacco smoke.
3. By switching completely to vaping products, smokers are exposed to a small fraction of the 7,000 chemicals found in tobacco smoke.
4. Switching completely from combustible tobacco cigarettes to e-cigarettes significantly reduces users' exposure to numerous toxic and cancer-causing substances.
5. Completely replacing your cigarette with a vaping product will significantly reduce your exposure to numerous toxic and cancer causing substances.
6. Switching completely from smoking to e-cigarettes will reduce harms to your health.
7. Completely replacing your cigarette with an e-cigarette will reduce harms to your health.

The full text of the TVPA can be downloaded from the Internet address below:

<http://laws-lois.justice.gc.ca/eng/acts/T-11.5/> (English)

<http://laws-lois.justice.gc.ca/fra/lois/T-11.5/> (French)

or requested from:

Canada's SPS & TBT Notification Authority and Enquiry Point
Global Affairs Canada
Technical Barriers and Regulations Division
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