TobReg

Best Practices in Tobacco Control

Regulation of Tobacco Products
Canada Report

WHO Study Group on
Tobacco Product Regulation
(TobReg)

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Tobacco Free Initiative

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Table of Contents

Preface v
Acknowledgements vii
1. Introduction 1
2. Protection from exposure to tobacco smoke 2
3. Regulation of the contents of tobacco products 3
4. Regulation of tobacco products disclosures 3
   4.1 Description 3
   4.2 Steps of implementation 5
   4.3 Success of the intervention 6
   4.4 Other impacts of the intervention 6
5. Packaging and Labelling of tobacco products 6
   5.1 Description 6
   5.2 Steps of implementation 8
   5.3 Success of the intervention 9
6. Tobacco advertising, promotion and sponsorship 10
   6.1 Description 10
   6.2 Steps of implementation 11
   6.3 Success of the intervention 11
   6.4 Other impacts of the intervention 11
7. Fees for tobacco brand registration 11
8. Conclusion 12

Preface

Fundamental to disease control is the accurate communication of the nature of agents that cause disease, since such knowledge better empowers people to reduce their risk of exposure to those agents. Examples include information about the role of mosquitoes in malaria, the nature and transmission of HIV in AIDS, and the importance of the caloric content of food in avoiding obesity. Since the mid-twentieth century, diseases caused by tobacco have been understood to be related to the nature of the tobacco product and the risk of disease has been known to be directly related to the amount of tobacco product toxicants consumed. Yet, at the dawn of the twenty-first century, conclusive evidence has emerged that the two most widely promulgated systems for communicating the nature and amount of toxicants in tobacco products are misleading and do not provide useful guidance to minimize toxicant exposure for those who are unable to cease their tobacco use. These two systems are the nearly identical cigarette-testing protocols of the International Organization for Standardization (ISO) and the United States Federal Trade Commission (FTC).[1]

The World Health Organization (WHO) has begun the process of addressing this critical communications gap through the identification of best practices in tobacco product regulation that have been initiated in various countries. Canada, one of the first 40 Contracting Parties to the WHO Framework Convention on Tobacco Control, has been identified by the WHO Tobacco Free Initiative and the WHO Study Group on Tobacco Product Regulation as having one of the best regimes for tobacco product regulation.

The regulation of tobacco products is encompassed within a set of provisions contained in Articles 9, 10, and 11 of the Framework Convention that are targeted at the regulation of the manufacture and distribution of tobacco products. The scientific basis for the principles guiding the implementation of Articles 9 and 10 establishes the rationale for the principles guiding the implementation of Article 11. For this reason, and in order to achieve the synergistic effect of these provisions, all three articles should be treated as a single set of interrelated and mutually reinforcing regulations. As in the case of Canada, and as discussed in this report, the regulatory authority for tobacco products should be delegated to a specialized agency within a ministry or department of government to

[1] There are no widely used protocols for testing and communicating the toxicants of tobacco products other than cigarettes.

address such matters as issuing and enforcing the regulations that require manufacturers and distributors: (i) to test the contents and emissions of tobacco products on a periodic basis (Article 9); (ii) to disclose, on a periodic basis and according to a specified format, not only the results of the tests based on a per mg of tar or nicotine, but also all the other characteristics of the tobacco product, such as paper porosity and moisture content[2] (Article 10); and (iii) to label and package tobacco products with large, clear health warnings and informational messages, using rotating messages developed by national authorities, and without the use of misleading health claims (Article 11).

The Tobacco Free Initiative hopes that those Contracting Parties to the Framework Convention and other WHO Member States that are looking for lessons learnt and best practices in the area of tobacco product regulation will glean some invaluable insights from Canada's experience that could inspire them to formulate policies and then subsequently issue and stringently enforce meaningful and effective regulations on the manufacture and distribution of tobacco products. It should also be noted that, as countries craft the language of their tobacco product regulations, it is critical to bear in mind not only that the drafting has to be such that potential loopholes are pre-empted, but also that allowance has to be made for the regular revision of the regulations to take into account new knowledge about any tobacco product or its modified or re-engineered version.

[2] For a complete list of tobacco-product characteristics that should be disclosed, see WHO Study Group on Tobacco Product Regulation (TobReg) Recommendation 1: Guiding principles for the development of tobacco- product research and testing capacity and proposed protocols for the initiation of tobacco- product testing. Geneva, World Health Organization, 2004.

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