



## **Written Submission to the Health Canada Consultation: Proposed Vaping Product Promotion Regulations**

**January 2020**

## Foreword

The Canadian Paediatric Society (CPS) is pleased to submit the following recommendations in response to the proposed vaping product promotion regulations outlined in the Canada Gazette, Part I, Volume 153 (2019). Given the significant health risks associated with vaping and the use of vaping products, it is essential that strict measures be in place to reduce the rising trend of youth vaping across Canada and ensure that these products are not irresponsibly promoted so as to appeal to youth and non-smokers.

## Context

Given the rapid increase in youth vaping in Canada, including data from the 2018-2019 Canadian Student Tobacco, Alcohol and Drugs Survey (CSTADS) that indicates a doubling in the prevalence of vaping among students in comparison to 2016-2017, an urgent and comprehensive regulatory response is needed to reduce the promotion and use of vaping products amongst young people and non-smokers.

## Recommendations

### A. Protecting against narrowing the objective of the TVPA

One of the primary objectives of the Tobacco and Vaping Products Act is to “protect young persons and non-users of tobacco products from inducements to use vaping products”. However, throughout the proposed regulations in the Canada Gazette Part I, measures to restrict the promotion of vaping products are limited only to youth under the age of majority. While children and adolescents are at greatest risk for the long-term health impacts of vaping and are more likely to be impacted by vaping advertisements, it is important not to narrow the objective of the TVPA by overlooking the importance of preventing vaping amongst all youth under the age of 25, whose brains are still in development and who are more vulnerable to the addictive properties of nicotine, as well as amongst adult non-smokers. As such, restrictions on promotions should also be in place to strictly limit the placement and content of vaping product promotions visible to youth up to the age of 25 as well as to adult non-smokers.

### B. Recognizing the health impacts of vaping and nicotine addiction for youth and non-smokers

The CPS strongly supports the acknowledgement within the proposed regulations that: “Children and youth are especially susceptible to the harmful effects of nicotine, including addiction. Youth can become dependent on nicotine at lower levels of exposure than adults do. Exposure to nicotine during adolescence can also negatively alter brain development, including long-term effects on memory and concentration abilities.”

However, these statements should go further to fully capture the impacts of vaping and nicotine addiction for youth under the age of 25. Nicotine has significant detrimental impacts on the developing brain and can lead to long-term cognitive impairments, specifically with memory and attention capacity.<sup>1</sup> Immediate harms of vaping can include e-cigarette, or vaping, product use associated lung injury (EVALI) and seizures.<sup>2</sup> Longer term harms include impacts on the developing brain, increased risk

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<sup>1</sup> Soghoian S. Nicotine. In: Hofman RS, Howland MA, Lewin NA, Nelson LS, Goldfrank LR, eds. Goldfrank’s Toxicologic Emergencies, 10<sup>th</sup> ed. New York, NY: McGraw-Hill Education 2015:1138-1143.

<sup>2</sup> National Academies of Sciences, Engineering, and Medicine 2018. Public Health Consequences of E-Cigarettes. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24952>.

of transition to combustible cigarettes and marijuana, and nicotine addiction. E-cigarette aerosols and second-hand smoke also contain several carcinogens and heavy metals which may pose important long-term health risks.<sup>3</sup>

It does not take many exposures to nicotine to create dependency, and the earlier individuals use products that contain nicotine, the stronger the addiction and the more difficult it is to quit.<sup>4</sup> Recent research has also shown that e-cigarette use is associated with increased risk of depression and suicidality among adolescents.<sup>5</sup>

Health advocates have achieved truly historic success in curbing tobacco use and exposure to the harmful by-products of smoking through a variety of public policy interventions. The rise of vaping has the potential to undermine this framework and the significant progress that has been made in public health over the last few decades.

### **C. Ceasing the promotion of harm reduction statements and elevation of the “comparative health effects” of vaping**

The risks of short- and long-term e-cigarette use remain only partially understood, with the rising rates of EVALI and other vaping-related lung injuries such as those recently described in the Canadian Medical Association Journal particularly concerning.<sup>6</sup> As such, the promotion of harm reduction statements and the elevation of the “comparative health effects” of vaping by Health Canada should be immediately ceased. E-cigarettes should not be recommended for smoking cessation for youth in any circumstances, especially given the lack of evidence for effectiveness and the many potentially harmful physical and mental health effects, including frequent co-use of vaping and other tobacco products.<sup>7</sup> The perceptions of the lower health risks of vaping as compared to smoking traditional combustible cigarettes is one of the driving factors behind the significant rise in vaping use amongst youth and non-smokers.

### **D. Banning youth-friendly flavoured vaping products**

Missing from the proposed regulations is the impact of the availability of flavoured vaping products in the sale and promotion of vaping products to youth and non-smokers. The CPS supports banning the sale and marketing of youth-friendly flavoured vaping products as these have been shown to be highly appealing to youth and non-smokers.<sup>8</sup> A wide availability of youth-friendly flavours has contributed to

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<sup>3</sup> Rubinstein ML, Delucchi K, Benowitz NL, Ramo DE. Adolescent Exposure to Toxic Volatile Organic Chemicals from E-Cigarettes. *Pediatrics* 2018;141(4):e20173557.

<sup>4</sup> Siqueira LM. Committee on Substance Use and Prevention. Nicotine and tobacco as substances of abuse in children and adolescents. *Pediatrics* 2017;139(1):e20163436; Campos MW, Serebrisky D, Castaldelli-Maia JM. Smoking and Cognition. *Curr Drug Abuse Rev.* 2017;9(2):76-79.

<sup>5</sup> Chadi N, Li G, Cerda N, Weitzman ER. Depressive Symptoms and Suicidality in Adolescents Using e-Cigarettes and Marijuana: A Secondary Data Analysis from the Youth Risk Behavior Survey. *J Addict Med* 2019;13(5):362-365.

<sup>6</sup> Landman ST, Dhaliwal I, Mackenzie CA, Martinu T, Steele A, Bosma KJ. Life-threatening bronchiolitis related to electronic cigarette use in a Canadian youth. *CMAJ* 2019;191(48):E1321-E1331.

<sup>7</sup> The Society for Adolescent Health and Medicine. Protecting Youth from the Risks of Electronic Cigarettes. *Journal of Adolescent Health* 2019;66(1):127-131.

<sup>8</sup> Pepper JK, Ribisl KM, Brewer NT. Adolescents' interest in trying flavoured e-cigarettes. *Tobacco Control* 2016;25(2):ii62-ii66.

the popularity of vaping in Canada and has placed millions of youth and non-smokers at risk of the many physical and mental health effects of e-cigarette use.<sup>9</sup>

Fruit, mint and candy/dessert flavoured e-liquids are particularly preferred by youth. While the CPS recognizes the regulatory steps that have been taken to try to prevent the promotion of youth-friendly flavours such as candy, dessert or soft drinks, these remain widely available with many companies making only slight modifications to packaging or product name to comply with regulations.

In correlation with the need to cease the promotion of harm reduction statements and the elevation of the “comparative health effects of vaping”, Health Canada should follow the lead of many other provincial and international jurisdictions in banning youth-friendly vaping products. From Nova Scotia becoming the first province to adopt a flavour ban, to the United States banning mint and fruit flavoured cartridges, to even Juul Labs announcing that they will stop selling mango, vanilla, fruit and cucumber flavour pods in Canada, the momentum across jurisdictions and even within industry is quickly moving towards banning or at least meaningfully restricting flavoured vaping products. Canadian public health would be improved and the appeal of vaping to youth and non-smokers greatly reduced through a national ban on youth-friendly flavoured vaping products.

## **Conclusion**

Vaping represents a significant and growing public health burden, particularly for those under the age of 25. The proposed regulatory measures to mitigate the impact of vaping product promotion on youth and non-users of tobacco products represent a significant and much needed step forward to stem the rapid uptake of vaping amongst adolescents. To ensure that the progress we have seen in reducing tobacco use is not undone by the rise in vaping, the full implementation of these regulations and timely efforts to strengthen them to meet the above recommendations and ensure a comprehensive approach to this fluid public health concern is essential.

## **About the CPS**

The Canadian Paediatric Society is the national association of paediatricians, committed to working together to advance the health of children and youth by nurturing excellence in health care, advocacy, education, research and support of its membership. Founded in 1922, the CPS is a voluntary professional association that represents more than 3,500 paediatricians, paediatric subspecialists, paediatric residents, and others who work with and care for children and youth. The CPS is governed by an elected Board of Directors representing all provinces and territories.

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<sup>9</sup> The Society for Adolescent Health and Medicine. Protecting Youth from the Risks of Electronic Cigarettes. *Journal of Adolescent Health* 2019;66(1):127-131.