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## Standing Committee on Health

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EVIDENCE

**Tuesday, June 9, 2009**

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**Chair**

**Mrs. Joy Smith**

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Tuesday, June 9, 2009

•(1530)

[English]

**The Chair (Mrs. Joy Smith (Kildonan—St. Paul, CPC)):** I would like to call the meeting to order, ladies and gentlemen.

I want to welcome our guests today from the Department of Health. We're going to be studying Bill C-32, an act to amend the Tobacco Act.

First of all, as we usually do, we're going to listen to the witnesses. You have a ten-minute presentation, and I understand, Mr. Glover, you're taking the lead to present today. Then we'll have our questions and answers as usual.

We will have a change of witnesses at 4:30, and I will introduce them at that time.

Mr. Glover, you have the floor.

**Mr. Paul Glover (Assistant Deputy Minister, Healthy Environments and Consumer Safety Branch, Department of Health):** Thank you very much, Madam Chair.

I'm pleased to be with you again this week on a different topic, Bill C-32.

I'm joined today again by Diane Labelle, from the Department of Justice, legal counsel for Health Canada; Cathy Sabiston, director general of the program; and Denis Choinière, an expert in the area.

Last week I was here discussing the Canada Consumer Product Safety Act, and there were several amendments related to tobacco products and their fit within the scope. It's my pleasure to be here today to speak to you regarding the important amendments to the Tobacco Act that will help to modernize this important piece of legislation to keep pace with the constantly evolving marketing practices of the tobacco industry.

[Translation]

Health Canada is the lead department for the Government of Canada's Federal Tobacco Control Strategy. Delivery of the Federal Strategy is coordinated across a number of departments and agencies including the Canada Revenue Agency, Canada Border Services Agency, Public Safety Canada and the RCMP.

[English]

The efforts of our federal partners are critical to the success of the strategy, particularly work related to regulating, verifying, monitoring, and assessing, and to the changes in the contraband tobacco environment. The overall objective of the strategy is to reduce death and disease in Canada caused by tobacco usage. Over 37,000

Canadians die every year from tobacco usage, and it costs the health care system over \$4.4 billion a year in direct costs.

The strategy is comprehensive in nature, working in areas such as smoking cessation, preventing youth from starting to smoke, protecting Canadians from the effects of second-hand smoke, as well as product regulation. It is by nature a comprehensive strategy that works with provinces and territories, public stakeholders, and non-governmental tobacco control organizations to reduce smoking rates in Canada.

[Translation]

Health Canada also administers the Tobacco Act. The act regulates the manufacturing, sale, labelling and promotion of tobacco products. It was upheld after a ten-year legal challenge by the tobacco industry.

[English]

Canada's work under the federal tobacco control strategy and the Tobacco Act has been adopted internationally and has formed the basis for the World Health Organization's Framework Convention on Tobacco Control, the world's first public health treaty.

While we are interested in helping other countries at very early stages of tobacco control, we are also very aware of what's been happening within Canada, especially over the past few years. We have noticed dramatic changes in the tobacco marketplace. We have noticed that the tobacco industry as a whole has started marketing some tobacco products with new flavours that may be especially appealing to youth. It is possible that members of the committee have not seen these products, since they are required to be out of sight at retail. When you see the products addressed in Bill C-32, you'll know that something has to be done.

I'd like to show you a couple of examples. I'll hold these up. I know some people might have sensitivities, so we won't pass them out. These are products that exist today.

This is a package of Aloha. These are chocolate-banana flavoured cigarettes. These are Dutch chocolate, available today.

These are what we refer to as the cigarillos, and they're sold in singles in these nice little containers that look like markers.

These are also examples of cigarillos, available today on the marketplace, sold in singles like this. This is a pack of cigarillos as well, again, put in a small package. I don't know what image that brings to your mind. I won't tell you what it brings to mine, but it's not cigars or cigarettes right from the outset.

There are other challenges we face, for example, in some cases how small the health warning messages are getting and the ability to see those as we move forward. And with respect, this is one of my personal surprises—vitamin-enriched cigarettes, VitaCig. These are all available today. Staff from my office were able to purchase these.

• (1535)

**The Chair:** Mr. Glover, just to let you know, we will not be passing the products around today.

**Mr. Paul Glover:** Yes, I understand that.

We will take some pictures and have it translated and tabled for the committee, if that's helpful as we move forward.

Because this act does deal with advertising, I'll just hold up a couple of these. This is the Canadian edition of *Time* magazine, and you can see inside what is available in terms of advertising that has started again.

These are the new dailies that we're starting to see. These are available and distributed free, oftentimes at bus stops and other places like that. So it's not really clear, exactly, who is able to pick that up, but pretty much anybody.

There are examples of some of the large advertisements we're starting to see.

Again, it's very targeted and very strategic in terms of some of the things we thought you might like to see, in terms of some of the specific examples we're trying to address with Bill C-32.

For the sake of time, I will return to my presentation.

Following the Supreme Court of Canada ruling in late July 2007, the tobacco industry has been increasingly advertising tobacco products. Our research shows that over 86% of these have been appearing in free weekly publications, which I just showed you, which are easily accessible to youth. Also, evidence clearly indicates that the sales of flavoured little cigars have grown from 53 million units in 2001 to 403 million units in 2007, and that 25% of youth between the ages of 15 and 17 have tried smoking a little cigar. Our understanding is that this is the fastest growing product category right now.

[*Translation*]

These flavoured little cigars are relatively new to the Canadian market place. They are produced in flavours such as chocolate, grape and tropical punch. The tobacco industry's own documents show that they use flavouring to make them more appealing to young people.

[*English*]

Given what we know in terms of the resurgence in tobacco advertising, the ability of flavoured tobacco products and their alarming growth in the Canadian market, there is a need to act now to put an end to marketing practices that could induce youth to start smoking. As I mentioned earlier, prevention is a key element to a successful tobacco control strategy. Ultimately, as I said earlier, our objective is to prevent new people from starting to smoke if we're going to be successful in driving down further the number of Canadians who smoke.

In May of this year, Bill C-32, the cracking down on tobacco marketing aimed at youth act, was introduced by the Minister of Health to address these issues.

Very quickly, five key components of the legislation are the following.

The first one is banning all advertising in publications that may be seen or read by children and youth. Tobacco advertising will no longer be allowed in publications that have an adult readership of 85% or more. By definition, these publications could have 15% youth readership. This will prevent tobacco advertisements from appearing in newspapers, magazines, and free entertainment weeklies that could be viewed by children and youth.

The second one is banning flavours and additives in little cigars in blunt wraps. Under the Tobacco Act, there are currently no restrictions on the addition and marketing of flavours and additives to tobacco products. The bill will ban the addition of flavours, except menthol, and other additives such as vitamins, sugars, sweeteners, and colouring agents, from cigarettes to little cigars and blunt wraps.

The third one is banning the use of representations or pictures on the front of packaging of these products so that it cannot be implied that the flavour is in the product. For example, a picture of cherries on a package of little cigars, blunt wraps, or cigarettes will not be permitted.

The fourth one is ensuring that little cigars and blunts are sold in packages of 20 or more, because it will increase the price point, and price is a key factor in whether youth start to smoke or not. The Tobacco Act already requires that cigarettes be sold in a package containing at least 20 units, so this would bring this in line.

And the fifth one is creating a schedule so that the government can take faster action to ban other products or additives should they be found to encourage youth to start smoking.

• (1540)

[*Translation*]

The proposed legislation does exclude menthol from the flavour ban. This legislation is focused on the new and emerging fruit and candy flavours.

[*English*]

Research shows that nearly 8 of 10 young people who try smoking a whole cigarette before they turn 20 go on to become smokers at some point in their lifetime. The legislation before you today for discussion sets out a direction to ensure the continued protection of youth from inducements of these new tobacco products that are clearly targeted at them.

My officials and I will now be pleased to respond to any questions you may have on Bill C-32.

Thank you.

**The Chair:** Thank you very much.

We will go directly into questions, because it's my understanding, Mr. Glover, that you are doing the presentation for the whole group.

**Mr. Paul Glover:** That is correct.

**The Chair:** Thank you.

We will start with Ms. Murray.

**Ms. Joyce Murray (Vancouver Quadra, Lib.):** Thank you, Madam Chair.

Just to clarify, are these seven-minute rounds?

**The Chair:** They are seven-minute rounds for questions and answers.

**Ms. Joyce Murray:** Okay.

Thanks for the presentation. All of us don't like the idea of children being tricked into an addiction to tobacco smoking or tobacco use, so it's a good thing to be mindful of that.

You were talking about fruit and banning flavours and additives. Could you clarify? That was for little cigars and blunts? And then you added something that was being banned from cigarettes as well.

**Mr. Paul Glover:** Thank you very much for the question.

I will turn to my colleague, Denis, to get into some of the more specific details, but the objective is to ban flavours in cigarettes and little cigars and blunts, with the exception of menthol.

Denis, have you points to add?

**Mr. Denis Choinière (Director, Office of Regulations and Compliance, Tobacco Control Program, Department of Health):** If you look at page 7 of the bill, you'll see the product categories that are targeted are cigarettes, little cigars, and blunt wraps. All the prohibited additives that are listed in column 1, such as flavourings, amino acids, caffeine, colouring agents, vitamins, mineral nutrients, and so forth, all apply to the same three categories.

**Ms. Joyce Murray:** What I am trying to understand—and it seems as though it may be the case—is whether we are treating all the categories of tobacco products equally. There has been some concern that some products are being treated differently from others. I would like you to address that from a conceptual perspective, from a public policy perspective. Are we creating an even playing field for any of the purveyors of these legal, though obviously not healthy, consumer products?

**Mr. Paul Glover:** Thank you, Madam Chair.

In response to that question, we do intend through this bill to ensure that there is a level playing field, and that's why, as my colleague indicated, there are schedules being created. As we see the introduction of new product categories or flavours, we'll be able to amend those schedules over time. This is not one point in time fixed forever. We would be able to return to those schedules over time as appropriate if we saw new product classes or potentially new ingredients that also might be further inducements to youth.

**Ms. Joyce Murray:** My concern is really the access that young people and children might have to tobacco products. I'd like to find out whether, in your view, the prohibition of the new flavoured products will end up driving those products into the black market.

I was at a justice committee hearing on drug and gang crime about a month and a half ago, and there was a lot of testimony about the impacts historically of prohibition in terms of creating more opportunities for organized crime, with the product still getting into

the hands of the people who want to consume the product, and then it being outside of the ability of government to regulate and tax and apply restrictions to that product to protect the most vulnerable. The concern has been raised that we may be doing that with these flavoured products and that there may be a more detrimental result in the end.

Could you speak about how the changes you are proposing relate to the concerns around prohibition?

• (1545)

**Mr. Paul Glover:** Thank you, Madam Chair, for the member's question.

I'll turn to my colleague Director General Cathy Sabiston to complement my answer, but my short response to that is a bit of yes and no, unfortunately. Any time we move to prohibit a product, then by the very nature of prohibition, some of that product is driven onto the black market. At the same time, that's why the strategy is comprehensive in terms of what we do and why we work with other federal departments to deal with contraband and other issues.

It's important for the government to take action on these things so they stop being sold in singles, and that we start to see the legal and what is clearly the fastest growing product category being made available to our youth. We believe taking any steps we can to make that more difficult, while at the same time we work with our partners in other federal departments to further reduce not just this but all contraband products, is the right direction for us to take.

Cathy, can you add to that?

**Ms. Cathy Sabiston (Director General, Controlled Substances and Tobacco Directorate, Department of Health):** I think you were very comprehensive.

One minor comment is that under the federal tobacco control strategy, our partners in Public Safety, the RCMP and others receive funding to monitor the marketplace for contraband. They are in the best position to respond to that question.

**Mr. Paul Glover:** My colleague from the Department of Justice has a quick point to add.

**Ms. Diane Labelle (General Counsel, Legal Services Unit, Department of Health):** The government's strongest enforcement tools on contraband are in the Excise Tax Act and the Criminal Code. Those are the tools being used.

**Ms. Joyce Murray:** Does the appropriate department have the staff and resources to be able to do compliance, enforcement, and apply those tools?

With additional products that might be expected to boost the contraband market, is there anything in this bill that would add to the resources to tighten up the compliance and enforcement side?

**Mr. Paul Glover:** The member's question has a number of elements. First, on whether there are enough resources, as bureaucrats in departments we're instructed to make do with the resources that parliamentarians, in their wisdom, have allocated to these different issues. It's really not my place as an official to pass that kind of judgment. The resources are appropriated to us and we develop work plans based on them.

On the second element, we work in partnership with all our colleagues in other departments. They are aware of this legislation and are supportive of it. It does not specifically include incremental resources to deal with the issues they are already dealing with.

**The Chair:** Thank you, Mr. Glover.

Monsieur Dufour.

[*Translation*]

**Mr. Nicolas Dufour (Repentigny, BQ):** Thank you, Madam Chair.

I would like to thank our witnesses for coming.

I appreciated the questions that my colleague, Ms. Murray, asked about smuggling cigarettes. You were saying that as a general rule, young people were beginning with the cigarillos before they really began smoking. I have to tell you that I myself saw many of these young kids who began smoking these little cigars. Although I support Bill C-32—I even defended it in the House of Commons—you must realize that flavoured cigarillos are legal in the United States.

To some extent, my question follows up on Ms. Murray's remarks. Don't you fear that smuggling will rise if they just prohibit these small flavoured cigars without taking any practical measures? Because young people have no difficulty travelling several kilometres to get boxes of these little cigars at less than \$10 per box.

**Mr. Denis Choinière:** In fact, we are already seeing these little cigars amongst the various items that the RCMP and other police forces have seized, and indeed, it is because of the price. You are right, it is an appealing option for smugglers to make some money quickly. They really do not care whether they are smuggling small cigars, cigarettes or other products; as we frequently see, smugglers do not make many distinctions amongst the various items.

This is not a new phenomenon. The other federal agencies that Mr. Glover was mentioning have the same problem, namely smuggling, be it smuggling of little cigars or cigarettes.

• (1550)

**Mr. Nicolas Dufour:** Are you not afraid that banning these products will increase smuggling?

**Mr. Denis Choinière:** Generally speaking, price is the main factor.

**Mr. Nicolas Dufour:** Whether or not the items are...

**Mr. Denis Choinière:** Regardless, it does not matter to them.

**Mr. Nicolas Dufour:** I have read the bill, and I have a question for you about this.

In your opinion, why were the other kinds of smokeless tobacco not included in this bill, such as chewing tobacco, pouch tobacco or even blunt wraps?

Similarly, ever since the beginning, people have been saying that menthol cigarettes were excluded from the bill. I would like to know why the menthol flavour is being excluded, even though candy and fruit flavours are included, as you were pointing out.

**Mr. Paul Glover:** Madam Chair, I would like to thank the member for his question.

First of all, it is a matter of targeting the products that have a greater impact. In our opinion, these products are cigarettes, little cigars and other products. Of course, there are new categories. That is why we have a schedule system so that after a short period, we will add other kinds of products.

As for menthol, that flavour is somewhat different. Menthol now has a long history on the market. Our objective is to properly target the new products, the new flavoured products, not the ones that have been on the market for a long time.

[*English*]

**Ms. Cathy Sabiston:** The menthol market in Canada is quite different, as Mr. Glover just said. Menthol has been in the marketplace since 1934, and retail sales in Canada have fallen over time. Between 2001 and 2007, unit sales of menthol have declined by 26%.

So it's not the same as the market for little cigars, which is actually doing the reverse and growing quite dramatically.

[*Translation*]

**Mr. Nicolas Dufour:** Yet many smokers think that menthol cigarettes are not as harmful as ordinary cigarettes or even the flavoured cigarillos.

Even though sales are declining, is there not some way of ...?

**Mr. Denis Choinière:** Actually, we did not see this impression you mention amongst the smokers we saw in the focus groups. In fact, people who smoke menthol cigarettes seem to be a separate group. Typical cigarettes smokers do not like menthol. If they run out of cigarettes and ask someone for one, they say "no, thank you" to people who offer them a menthol cigarette.

So menthol cigarettes are not as appealing as one might think.

**Mr. Nicolas Dufour:** Pursuant to the legislation, the cost of acquiring a federal licence to manufacture tobacco products is currently \$5,000.

Don't you find that \$5,000 is a very low fee to get a licence?

**Mr. Denis Choinière:** Actually, that question should be asked of our colleagues at the Canada Revenue Agency, who manage this system on behalf of the Government of Canada. We are not in a position to tell you what criteria were used to set the price of the licence.

**Mr. Nicolas Dufour:** How much time do I have left, Madam Chair?

[*English*]

**The Chair:** You have about a minute and a half.

[*Translation*]

**Mr. Nicolas Dufour:** We see that these youth begin smoking with the little cigars. Do you think that just banning the flavours will really have that much of an effect? The ordinary little cigars, the cigarillos, will remain on the market. Don't you think—I wouldn't go so far as to say that the measures are minimal—that we may not be getting to the root of the problem?

**Mr. Paul Glover:** Thank you for the question.

In our opinion, this bill tackles the problem. The industry uses the new products, the flavoured products and the new flavours to target youth. That is its strategy. In our opinion, this is a way to tackle the challenge and to reduce the rate at which young people become new smokers, but it's not the only way.

Denis, do you have anything to add?

• (1555)

**Mr. Denis Choinière:** As was mentioned earlier, the schedule was created for that purpose, to make adjustments. If after two or three years, the market shifts and we find ourselves facing a new problem, we hope that we will be able to deal with it by making the necessary changes to the schedule.

[English]

**The Chair:** Thank you, Mr. Choinière.

Ms. Wasylycia-Leis.

**Ms. Judy Wasylycia-Leis (Winnipeg North, NDP):** Thank you, Madam Chairperson.

Thanks to all of you for being here. I think this is a very exciting moment in Parliament. We have legislation that is going to make a real difference. I want to thank all of the department officials, of course the minister, and all of the people here from the different organizations who have worked so hard to push and prod all of us to get to this point.

I could certainly support the bill as it is, but without pushing my luck too much or hoping I don't ruin anything, I would like to pursue the possibility of a couple of amendments to see what you feel and get your expert advice.

Let me pick up where the Bloc left off on smokeless products. You didn't show any of those products, Mr. Glover, but there are things that look like bubble gum and peppermints that are flavoured chews. Although I know you've told us in the past that they represent only a small percentage of the problem, it seems that from talking to folks, especially the young people who have worked so hard in northwestern Ontario, there is a much higher usage in certain parts of the country. It could be as high as 25% in parts of northern Ontario or northern Canada.

Many people have written us saying the legislation is great, but asking if there is some way we could amend the legislation to include flavoured, smokeless tobacco. What would be the drawbacks of doing that? Do you think we could do that without causing huge problems for the bill?

**Mr. Paul Glover:** I feel like it's Thursday and we're doing clause-by-clause, Madam Chair.

**Voices:** Oh, oh!

**Mr. Paul Glover:** First of all, I want to acknowledge and say thank you to the member for acknowledging the work of the department officials and all of the NGOs for bringing this piece of legislation forward.

As I said earlier, we believe we have targeted the largest product classes and flavours that we see as having the biggest impact, but we would certainly acknowledge that there are other product classes that might need to be dealt with over time. We would acknowledge the

member's comments with respect to regional variances that do exist for in fact all product classes. There are a few exceptions where we see the very same across the country, but there are differences from one region to another that we do acknowledge.

In principle, the question is this: Is it highly problematic? The short answer would be no, in that the schedules were designed to do just that. Is now the time to do that, and do we have enough evidence to support that? That's the question.

**Ms. Judy Wasylycia-Leis:** In a short while we'll hear from some of the witnesses who might be able to enlighten us on that. I hope some of the youth who are familiar with this are able to present on it.

I would like to ask a further question about menthol. I know you've said it's something that appeals to a different target group than youth, but I think there is some evidence to suggest that menthol and cloves, which is also not covered in this legislation, make it easier for a smoker to inhale smoke deeper into their lungs, therefore increasing the amount of tissue directly exposed to the harmful chemicals of tobacco smoke.

I guess I'm wondering if it's possible at all, either now or in the future, to look at targeting menthol, which may help young people actually get hooked because it feels easier on their lungs.

**Mr. Paul Glover:** The member's comments are quite insightful. I'm sure there will be witnesses beyond us who will speak further to these issues.

As my colleague Cathy Sabiston indicated, we have found that the research that exists on menthol is primarily out of the U.S., where it is a very different marketplace. It is a much larger per cent of the overall total marketplace. It is true that it does make the cigarette less harsh. However, the evidence we have in Canada is that it is a very small per cent of the total market. It is shrinking. When we have done focus group testing, they have said it is not a preferred product.

When we looked at this, at the five million Canadians in Canada who are addicted to tobacco cigarettes, and looked at new product categories, where things are emerging, the evidence we had with respect to the appeal of this particular product for use and the differences we saw between the Canadian marketplace and... We did not feel it was an area that we needed to be attacking.

• (1600)

**Ms. Judy Wasylycia-Leis:** Some of the correspondence we've received I think could be dismissed out of hand, but it ought to be addressed to ensure that we aren't headed down a problematic path. One is from the brand-name tobacco companies.

Imperial Tobacco, in fact, wrote and said that "without amendments" C-32 "will throw the entire legal cigarette industry in this country into chaos". I'd like your comments on that.

Secondly, the small convenience stores suggested that this was terrible for them. In fact, there's some talk of civil disobedience.

I just wanted to ask you about some of those comments.

**Mr. Paul Glover:** There is no question that this is an aggressive strategy, Madam Chair, in terms of what the government is proposing. This would again be a world first, where Canada has been a leader.

We have stalled in terms of the number of smokers in this country and the rate that we've been able to reduce it. We've made great strides, and then we seemed to be sitting stable over the last few years. This is not to be dismissive of the tobacco industry and their comments, but in order for us to continue to reduce that rate, we need to take further steps as a society, as a country.

Someone was describing this to me earlier as a big pie: every year we have people who quit, or, for other unfortunate reasons, leave the ranks of smokers, and every year we have new people coming into that. Our objective with this is to limit that.

I fully anticipate that there will be industry push-back. At the same time—I apologize, this is a long-winded answer, and I'm eating the member's time—we do acknowledge that there are a number of technical concerns with some of the ingredients we have put forward that are important to the tobacco industry and that we need to deal with, that have an impact on the product itself as it currently exists.

Denis, would you like to elaborate further?

**The Chair:** We just have a few minutes, but that's so interesting, so if you could elaborate on it, that would be very good.

**Mr. Denis Choinière:** The schedule was not built with the intent of banning any product categories from the marketplace. Let me go through the additives and give you, to excuse the pun, the flavour of what was intended to be captured.

For flavourings we went very broad. We had to refer to other sources to make sure that all 5,000 or so chemicals used for flavouring are captured. Unfortunately, more than flavours are captured, so in the list, below those flavourings we have products used for preservatives, products used for burn rate control, products used as a binder, products used as humectants. We have added these, together with the three compounds—menthol, l-menthol, and l-menthone—that are for menthol purposes.

That is for the flavouring. Then we have a series of additives that we feel are being used, have been used, or will potentially be used to give some type of healthy connotation to new trends; for example, the energy drinks that have been and may still be quite popular with kids. Caffeine, taurine, and glucuronolactone have been used, so we wanted to capture these.

There are also probiotics, vitamins, and minerals. I understand that for the tobacco industry this category may be too broad. What we intended to capture was mineral nutrients, so that you don't claim vitamin C or calcium or so that you don't get your dose of potassium with your daily cigarettes, if you like. That was the intent.

We are also capturing colouring, because we have seen products that are fairly attractive. I'm showing you a cigarette that is all black, with gold covering the filter. We have seen others, in the U.S. market, that are bright pink or other colours. For us, colouring agents were important. However, we did not want to prohibit manufacturers from building the traditional cigarette look; that is, either white or with an imitation cork tip, and so on.

• (1605)

**The Chair:** Thank you, Mr. Choinière.

Dr. Carrie.

**Mr. Colin Carrie (Oshawa, CPC):** Thank you very much, Madam Chair.

I want to continue with my colleague's questioning about menthol. There is a long list of additives that have been excluded from the schedule of prohibited additives, and you've touched on that.

My understanding is that in the manufacture of certain products—I'll use the example of apple juice—they just add vitamin C to it as a manufacturing part of it. With cigarettes, I believe in one of the letters my colleague brought up they mentioned vanilla as a flavouring that's quite often added.

When you were doing this list, were there any vitamins and minerals used in the normal manufacture of cigarettes that you looked at? Is that something you could comment on?

**Mr. Denis Choinière:** Thank you for the question.

The cigarettes that we've seen passed, as was shown by Mr. Glover, apparently contained vitamin C, but as well had added fruit juice, and I can't recall which fruit juice.

We've also seen in the German market some cigarettes that had vitamin E added to them.

We went fairly broad to make sure that those types of practices were not going to continue, in order to limit the potential appeal for youth.

**Mr. Colin Carrie:** Okay, but my question was, if we look at the normal manufacture of cigarettes, is it the normal practice in North America to put certain minerals or vitamins in, whether for shelf life or anything along those lines? Is that something that's a standard practice in their manufacturing already?

**Mr. Denis Choinière:** In Canada we have what's called a Virginia flue-cured tobacco cigarette market. It's basically Virginia tobacco flue-cured leaf, and you usually don't need additives for that tobacco. However, what we've seen is that when you manufacture the paper you need some chemicals, and some of those chemicals could be mistaken to be minerals, because they're based on silicium or on potassium, and so forth. That's why I put some emphasis earlier on the fact that we were tracking mineral nutrients; that we don't want to capture, for example, calcium carbonate that is used to make the paper, or some other compound.

Maybe one thing I should add for the schedule is that the schedule as presented is part of an amendment that is targeted to youth. But if later on we find there are some compounds that may have an impact on addictiveness or toxicity, obviously we would want to also use the schedule to target those compounds.

**Mr. Colin Carrie:** That was my next question, to talk a little about the schedule. We've heard that in other legislation, sometimes it's good to put things right into the legislation, but other times you put it into a schedule.

How does using the schedule give more flexibility? Could you comment on that too?

**Mr. Paul Glover:** Thank you, Madam Chair, for the member's question.



With all respect to industry members, who I'm sure will be writing or testifying after me, this is an interesting area in which to regulate and legislate. It's rather a game of leapfrog. We will design legislation and regulation, they will comply with it, and then, as with any other business—this is not meant to be a criticism—they will look at how they can leverage it and find opportunities within it and see what new markets it opens up for them.

What we have intended with the creation of the schedules is flexibility that would allow us over time to respond to the constant back and forth of regular business cycles that occur in this—and, quite frankly, any other—marketplace and any other industry. Rather than enshrine it in the legislation, this provides us the flexibility, as we see new product innovations, to say that they are appropriate and to allow them, or maybe to say that there are issues associated with them that need to be dealt with and add them to the schedule, for the reasons we've enunciated earlier. It provides for a significantly more flexible, nimble process to deal with the types of innovations we've seen.

Maybe it wasn't entirely clear in some of my opening remarks, but these are new product categories. These were rounding errors a few years ago, and there are now 405 million units a year.

• (1610)

**Mr. Colin Carrie:** How do you know they're actually getting to kids? Is there any hard evidence?

**Mr. Paul Glover:** I'll turn to my colleagues for some of the details on that.

**The Chair:** Mr. Choinière.

**Mr. Denis Choinière:** We have surveys that are done regularly. One is the Canadian tobacco use monitoring survey; others are youth smoking surveys. We also have provincial partners who do surveys. Although we don't have a lot of specific questions on little cigars, we know from “ever used” questions that we have up to 25%, as we mentioned earlier.

“Ever used” doesn't mean they're currently smoking those; we know they're also smoking cigarettes. When a youth starts smoking, they usually start smoking what their friends smoke, or if they steal what their parents are smoking they'll start smoking what their parents are smoking. If their friends are smoking cigarettes, they'll start cigarettes. If their friends are smoking little cigars, they'll smoke those as well. It's just contributing to the appeal that tobacco products may have.

We have also seen reports from places where youth hang out that what you see on the floor is butts from little cigars, or you see them smoking little cigars.

**Mr. Paul Glover:** Madam Chair, I have one point to add in terms of specific numbers on those surveys.

Our research and information tells us that every year approximately 210,000 children experiment, and from among that number, every year 35,000 become regular smokers. Anything we can do to make the enticement less for those 210,000 and for the 35,000 every year who take it up is, we think, an appropriate thing to be doing.

**Mr. Colin Carrie:** Thank you.

**The Chair:** Thank you, Dr. Carrie.

We're now going into our five-minute rounds for questions and answers.

We'll start with Dr. Duncan.

**Ms. Kirsty Duncan (Etobicoke North, Lib.):** Thank you, Madam Chair.

I thank the officials for coming.

Like my colleague, I think this is important legislation. This is a product that, to quote Gro Harlem Brundtland, “statistically kills half of its users”. This is very encouraging legislation.

My first comment is around contraband tobacco.

Mr. Glover, I think you said that by its very nature we drive it underground. The current use of contraband products—and you can correct me if I'm wrong—is about 48%. If we're going to further drive this underground, I don't think we're closing the loop on it. We talked about excise tax and the Criminal Code.

A second thing I would ask about is the regional variation of tobacco use for youth. I think it's important to look at those figures.

The third issue is around menthol. Again to pick up on my colleague's comments, I think it's less frightening for youth to use menthol: it's mint. If we remove flavoured products, and I think this is really important, I'm wondering whether our youth will go to menthol products. I'm wondering whether we've looked at the projected impacts of it.

**Mr. Paul Glover:** Thank you, Madam Chair, for the member's questions.

I'll answer them in reverse order, starting with menthol. There will be a little bit of repetition, so I'll move through this fairly quickly.

We believe that the menthol market in Canada is markedly different from the one in the U.S., where most of the research comes from. From the limited research we have done with youth, we find that it is not from youth directly. They have indicated to us that it is not an enticement. It is not a product they are interested in.

**Ms. Kirsty Duncan:** I think that's because they currently have bubble gum and chocolate-banana. I'm going back to my youth, and those products did not exist. I also know what products they did use when they tried this at age 10.

**Mr. Paul Glover:** We could debate the hypotheses around that....

**Ms. Kirsty Duncan:** It's a hypothesis, yes.

**Mr. Paul Glover:** I would acknowledge that this is the case.

I would like to return to the issue of contraband. I don't want my remarks to leave an incorrect impression.

Do we have direct evidence or research saying one way or the other exactly what is going to happen? Not exactly. But there is evidence, generally, that as you prohibit things, it does create a black market for those things. So it's very broad. In society, we see that phenomenon repeat itself.

That being said, we continue to believe that the important thing is to have a multi-pronged approach that includes prohibiting these products—making them illegal—which would have a significant impact on their use overall, and then working with partner departments that are already fighting the issue of contraband to continue to deal with it on that front. So it must in fact be a multi-pronged approach for us to be successful. That is the strategy.

My colleague, Cathy Sabiston, perhaps has a point I haven't raised.

• (1615)

**Ms. Kirsty Duncan:** Can I just...? I agree with the multi-pronged approach, but we're still not closing the loop if it's a 48% use. It's important to attack it at the different points, but you still have to close the loop.

**Ms. Cathy Sabiston:** Yes. Thank you for the expanded question.

It's very true that the Tobacco Act is really looking at the illicit market—the manufacture, the sale, and the industry practices, promotions, techniques, and so on. Both are equally critical, but this is dealing with only the one set of issues on the illicit market.

A point that hasn't come up, which I think may be of interest to everyone, is that while menthol is excluded, it still captures other flavours in the cigarette market. And this is, at present, about 200 million units. So it still goes a considerable way towards looking at flavours in the cigarette market.

**Ms. Kirsty Duncan:** Thank you.

**The Chair:** Thank you so much.

We'll now go to Ms. McLeod.

Sorry, Dr. Duncan.

**Ms. Kirsty Duncan:** It's no problem, Madam Chair.

**Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC):** Thank you, Madam Chair.

I am very pleased to see this legislation come forward. It was certainly a campaign commitment, I recall very clearly, in the summer. So again, it's a good piece of legislation.

I have a few questions. The first question, which we have asked about other bills, is what kind of consultation process you did. Did you have any sort of consultation process as you created this bill?

**Mr. Paul Glover:** Madam Chair, the member's question is an interesting one.

At some level, given the member's framing of the question, it had the ultimate consultation, as somebody described it to me, in that it was part of a platform commitment. Therefore, that drove the extent to which the department consulted on this, which is to say that it was targeted and limited, given that it was a platform commitment and that there was significant discussion.

I will turn to my colleagues to further round out that answer.

**Mr. Denis Choinière:** We did issue a consultation document about a year ago on the issue of minimum quantities for little cigars only. Although it was only on this issue, most stakeholders did comment as well on the issue of flavours. So it was used, as well as consultations, if you will, with provincial colleagues. As you may

have seen, some provinces have proposed legislation on little cigars. So we did have some consultation with those partners.

**Mrs. Cathy McLeod:** To follow up, you indicated some provinces have headed a little bit down this path already. Are there any concerns about a patchwork? Does this legislation align with where the provinces have gone?

**Mr. Paul Glover:** Thank you very much for the question. This piece of legislation is important, in the Department of Health's view, because it will allow the federal system to catch up with the patchwork that exists across the country and establish clear national standards that would apply in all jurisdictions. Right now some jurisdictions are actually ahead of the federal government, and we do have that variation; this would ensure national consistency, both for smokers and for the industry as it moves forward, and would help deal with the patchwork that currently exists.

**Mrs. Cathy McLeod:** In the jurisdictions that have moved forward ahead of the federal government, are you aware if any of the issues we've been talking about were included in their particular legislation—for example, menthol or smokeless tobacco?

• (1620)

**Mr. Denis Choinière:** Yes. Bill 124—I hope it's the right number—went through the Ontario Legislative Assembly last fall. It also dealt with issues related to the weight and the 1.4 gram criterion for little cigars. It also left some room to be able to go back with regulations and specify exactly if there were any exemptions for flavours. We understand that menthol was also one of the issues they were examining, just as we are examining today.

**Mr. Paul Glover:** If I might summarize, we work closely with them, and we do not see huge differences with respect to the actions we are taking and where those provinces that have chosen to move forward have gone.

**Mrs. Cathy McLeod:** I would say that the feedback I've had is almost universally in favour, although there are people, as my colleague Ms. Wasylycia-Leis suggested, who do have a few concerns. One of the arguments they've put forward has to do with the curtaining of products so that children aren't seeing them and are not enticed. Could you speak to that particular issue? Do they indeed remain enticed to children even though they don't see them in stores?

**Mr. Paul Glover:** Thank you very much. Madam Chair, I want to acknowledge that I did not answer the NDP member's question when that was raised as well.

I'll turn to my colleagues to deal with the issue of retail.

**Ms. Cathy Sabiston:** It's not the intent of the bill to interfere with information at retail. By removing the advertising described in paragraph 22(2)(b), we will no longer allow publications in Canada, as Mr. Glover was showing earlier. That's the intent; it's not to impact at the retail level.

There are still a number of opportunities for the industry to advertise. One is direct mail to an adult; another is signs at retail to show price and availability. Health Canada does have further regulatory authority, should it become necessary.

**The Chair:** Thank you, Ms. McLeod.

We now go to Madame Bonsant.

[Translation]

**Ms. France Bonsant (Compton—Stanstead, BQ):** Thank you, Madam Chair.

I must tell you that I am only visiting, so to speak, because I am not a member of this committee. So if I ask any questions that you already answered at other meetings, please pardon me.

No one at today's meeting has mentioned the ban on selling cigarettes to minors. Why isn't that ban included in this bill?

**Mr. Denis Choinière:** Thank you.

Actually, the prohibition on selling cigarettes to minors is already found in section 8 of the Tobacco Act. So the ban is already in the current legislation.

**Ms. France Bonsant:** I see.

**Mr. Denis Choinière:** That is why the ban is not found in this act to amend the Tobacco Act; it is already in the Tobacco Act.

Despite this ban, we realize that young people are able to get cigarettes. So we have introduced other measures to make it harder for young people to get cigarettes. Price is one way, as well as the requirement for a minimum of packaging.

**Ms. France Bonsant:** I see.

In Quebec, people who sell cigarettes to minors must pay a huge fine. Furthermore, cigarettes are not displayed in the stores. That does help, perhaps when it comes to young people. I was thinking of the Quebec legislation, and that is why I asked whether such a ban was part of this bill.

You said that the bill would prohibit tobacco advertising on displays. However, I have some reservations about selling cigarettes in packs of 20. Don't you think that even if young people no longer buy packages of 20 cigarettes, they will still buy the little cigarettes that are not flavoured? A package of these little cigars does not contain the same number as a package of cigarettes. Do the same regulations apply in both cases? Will we see packages of 20 little cigars and packages of 20 small cigarettes?

**Mr. Denis Choinière:** Actually, the ban on selling cigarettes in packages of less than 20, or selling cigarettes individually, already exists. In this case, we are bringing the requirements up to the same level for the little cigarettes and the blunt wraps, so that they are considered in the same way and so that people do not switch from one product to another.

**Mr. Paul Glover:** The goal is to strike a balance amongst the three types of products.

**Ms. France Bonsant:** People have been talking a lot about smuggling, but no one has talked about smuggling on the native reserves. Will police officers be visiting the native reserves? You do realize that many people go there to buy cigarettes and cigars.

•(1625)

**Mr. Paul Glover:** Madam Chair, that's a good question, but unfortunately, my department and my colleagues are not in a...

**Ms. France Bonsant:** I see.

**Mr. Paul Glover:** You would have to put that question to the Department...

**Ms. France Bonsant:** To the Department of Justice or the Public Security department?

**Mr. Paul Glover:** The Department of Public Security.

**Ms. France Bonsant:** Fine.

I am not familiar with the bill. You said that cigarettes contain vitamin C. Did you check that? Is it true that cigarettes contain vitamin C or is that misleading advertising? Ms. Labelle, you are from Legal Services, so could you tell us whether that claim constitutes misleading advertising?

**Ms. Diane Labelle:** One would have to determine if the department does tracking. Of course, it's a matter of having evidence.

**Mr. Paul Glover:** Madam Chair, that's a good question, but in my opinion, it doesn't change anything. Whether the product contains vitamin C or not, it's an enticement.

**Mr. Denis Choinière:** The claim is meant to make the product appear more appealing; it's a ploy.

**Ms. France Bonsant:** It's an illusion.

**Mr. Paul Glover:** Yes, but if young people think that cigarettes and these small cigars contain vitamins, they will have one more reason to begin smoking.

**Ms. France Bonsant:** From a legal point of view, that claim is a form of misleading advertising. I think that some laws prohibit advertisers from making such misleading claims for products that are not entirely...

Did you want to say something, Ms. Labelle? This is not my field.

**Ms. Diane Labelle:** To determine whether it is a case of misleading advertising, first of all one would have to verify whether the cigarettes or the little cigars contain a vitamin as the package promises.

**Ms. France Bonsant:** Does the bill mention places where people are not allowed to smoke? For instance, people who want to smoke must be 100 feet away from a high school, and people are not allowed to smoke in public places where meetings are held. When you walk around here, it is disgusting. As I enter the building, I see cigarette butts everywhere. I think that's terrible for a capital like Ottawa. When you open the doors, the cigarette butts are swept up and get inside the building.

Would it be possible to state somewhere that people cannot smoke within 30 feet of the doors?

**Mr. Denis Choinière:** The Tobacco Act regulates the manufacturing of tobacco products, as well as their sale, labelling, and promotion, but the act does not regulate their use.

**Ms. France Bonsant:** The act does not regulate education.

**Mr. Denis Choinière:** The use of tobacco products is dealt with under the Non-smokers' Health Act, which Parliament passed in 1988. This act regulates the use of tobacco in federal workplaces as well as in companies that come under federal jurisdiction. Outside these areas, the issue falls within provincial jurisdiction. You would have to look at each provincial law to determine what it covers.

**Ms. France Bonsant:** Even if a person is on a federal piece of land?

[English]

**The Chair:** Thank you, Madame Bonsant. We have only about two minutes left.

Mr. Uppal, I'm sorry you won't have the full time.

**Mr. Tim Uppal (Edmonton—Sherwood Park, CPC):** That's fair enough.

**The Chair:** If you can go ahead, you may start now. Thank you.

**Mr. Tim Uppal:** I'll just jump directly to this question—and thank you for coming.

I know you talked about the impact of this bill, and you chose to ban—and rightly so—all these products you showed us. As for the flavoured, smokeless tobacco, in Alberta, we're looking at it, and young people were asked if they tried this. The national average for smokeless tobacco is 9%. In Alberta, it's 17%. We have this problem in Alberta. This is a concern among young people in Alberta.

Have you looked at that?

**Mr. Paul Glover:** Yes. We are aware that regional differences do exist. Unfortunately, and with respect, my answer returns to our objective with this, which was to target those areas we felt were the largest return on investment nationally—the fastest-growing product categories—as we moved forward in this.

**The Chair:** Thank you very much. We want to thank our guests for coming today and for your very insightful answers. As usual, you've left us with far more information than we started with.

I'm going to suspend the meeting for two minutes, and then I would like to have the Canadian Cancer Society, the Non-Smokers' Rights Association, and the Physicians for a Smoke-Free Canada take their places. We will put your names up and we will resume shortly.

Thank you.

•(1625) \_\_\_\_\_ (Pause) \_\_\_\_\_

•(1630)

**The Chair:** I call the meeting to order again. Thank you so much.

Committee members, before we start with our witnesses, I need your help with something. To bring witnesses in, we need to spend a little bit of money for their transportation and a few other items. There is a motion to adopt a budget, ladies and gentlemen. I'm going to read the motion. Do you have it in front of you?

It is moved that the proposed budget in the amount of \$7,300 for the study of Bill C-32, An Act to amend the Tobacco Act, be adopted.

Do I have agreement from the committee?

(Motion agreed to)

**The Chair:** Now we're going to go to our witnesses, and we're going to start with the Physicians for a Smoke-Free Canada. We have Neil Collishaw, research director, and Sam McKibbin, the campaigner from that organization.

From the Non-Smokers' Rights Association, we have Melodie Tilson, the director of policy, and for the Canadian Cancer Society,

we have Rob Cunningham, senior policy analyst, national public issues office.

Let's start with Mr. Collishaw, please.

**Mr. Neil Collishaw (Research Director, Physicians for a Smoke-Free Canada):** Good afternoon, honourable members of the health committee, colleagues, ladies and gentlemen.

I believe committee staff have already distributed to members of the committee information kits in English and French.

I should also say that we have received three letters sent to you by physician colleagues of ours in northern Ontario and a fax sheet from colleagues in Alberta. Regrettably, these documents arrived too late for us to have them translated into French. However, I have sufficient copies in English, and I have passed them to the clerk and they will be distributed to you when the French version is completed.

**The Chair:** Thank you, Mr. Collishaw.

Just to remind you, we will have seven minutes in this round for presentations. Thank you.

[Translation]

**Mr. Neil Collishaw:** Thank you.

According to the WHO, tobacco use is a pandemic that is unequalled in history. Last century, the use of tobacco killed 100 million people. In the 21st century, it will kill 1 billion people unless we end this epidemic. It will not be an easy task. We need an ongoing series of measures to restrict tobacco use, such as those found in Bill C-32. Taken together, these measures are proving to be very effective to reduce the use of tobacco.

We applaud this bill, and we have only one improvement to suggest to you. We suggest that the ban on the use of flavourings be expanded to include smokeless tobacco like this product here. You can find a draft amendment that would do so in your information kits.

Why are we making this suggestion? Here a few reasons provided by two dental surgeons from Northern Ontario, Dr. Pynn and Dr. Dowhos of Thunder Bay, in their letter to the committee. Here is the quote:

•(1635)

[English]

More than fifty percent of our patients are of Aboriginal origin with the majority of this population using tobacco products. ... Tobacco has no boundaries when it comes to its effects on the oral cavity.

Dental decay and gum disease caused by tobacco usage, including smokeless tobacco (also called chew and spit), are leading reasons why we are so busy with tooth extractions. Not only are we extracting single or multiple teeth, but we also regularly have the unfortunate task of performing full mouth clearances of all 32 teeth because of tooth rot from poor oral hygiene and decay.

Prolonged usage of products such as smokeless tobacco can also cause life-threatening oral cancers. Oral cancer can have a horrific and disfiguring consequence, as the majority of the surgical interventions for its treatment require parts of the jaw to be completely removed.

Our youth do not recognize that the instant pleasure they may receive from chewing smokeless tobacco can have devastating effects later, thus we also need to ban the use of flavourings to smokeless tobacco products before it is too late.

In a few minutes my colleague from Dryden, Ontario, Mr. Sam McKibbon, will explain just exactly how he and many of his friends in northwestern Ontario and many other places in northern and western Canada are being seduced by the lure of flavoured, smokeless tobacco.

Mr. McKibbon was one of the creators of the “Flavour...GONE!” campaign. Physicians for a Smoke-Free Canada are proud to have provided more both moral and financial support to this campaign, and we are proud to have Mr. McKibbon here speaking on our behalf today.

[Translation]

Before I turn it over to him, I still have one important duty to fulfil. I would like to thank all of you. For 18 months, we have been asking parliamentarians to amend the act in order to protect our youth from the tobacco companies' tricks, in particular adding all kinds of tempting flavours to encourage our kids to start using tobacco. The fact that Parliament has introduced not one but two bills to deal with this problem bears witness to the serious attention that our elected officials have given to this issue.

[English]

We are particularly grateful to Ms. Judy Wasylycia-Leis and her staff for the introduction of private members' bills in two successive parliaments to draw attention to this issue and for the strong support shown by her and her staff to the “Flavour...GONE!” campaign. We are similarly grateful to the Hon. Leona Aglukkaq and her staff for the initiative shown to bring forward Bill C-32 as a government bill and the parliamentary craft involved in shepherding it through all stages of consideration.

We are also grateful for her initiative in seeking the support of Ms. Judy Wasylycia-Leis and to the latter for so graciously offering such support.

**The Chair:** Mr. Collishaw, may I just stop the clock for one minute? You have about a minute and a half left, and I understand from your organization that you wanted Mr. McKibbon to say some words as well.

I'll start the clock again.

• (1640)

[Translation]

**Mr. Neil Collishaw:** We would like to thank the person who promised us such legislation, the Prime Minister. We are grateful to the staff in his office for their work to ensure the progress of Bill C-32. We greatly appreciate all your efforts.

Thank you.

[English]

Now I'd like to pass to my colleague, Mr. McKibbon.

**The Chair:** Go ahead, Mr. McKibbon.

**Mr. Sam McKibbon (Campaigner, Flavour...GONE!, Physicians for a Smoke-Free Canada):** Thank you very much. I'll try to be quick.

Good afternoon, ladies and gentlemen, distinguished members of the committee, fellow youth advocates, and committee witnesses.

My name is Sam McKibbon and I live in Dryden, Ontario. I'm here to present on behalf of the Northwestern Health Unit, former peer leader for the Youth Action Alliance, and also a member of the youth-led campaign to eliminate flavoured tobacco called Flavour...GONE! Before I begin, I'd like to acknowledge two people in the crowd right now, Catherine Kiewning and Jeffrey Satchwill, who are my counterparts in the Flavour...GONE! campaign. I thank them for their support in making this presentation today. I hope to do them proud.

Jeff, Catherine and I started the Flavour...GONE! campaign last July because we saw that many of our peers were using flavoured tobacco products and that they were clearly marketed toward youth. This stirred up the youth advocate side of us, and we felt strongly that the best way to stem the tide of these products was to advocate for the elimination of flavours in tobacco products, which are attractive to youth and easy to use.

We are thrilled that the Canadian government has tabled Bill C-32 and has taken a stand to protect children from these products. This bill will eliminate the lure of flavoured cigarillos, cigarettes, and blunts and is a big step toward discouraging youth from picking up tobacco products.

What we are not so pleased about and what we are respectfully pleading the committee to do is to include chewing tobacco in Bill C-32. We have put together a package, which unfortunately hasn't been handed out to you—it will be afterwards—that we hope will help you make this decision. In the folder you will find letters from the medical officers of health from the Northwestern Health Unit and also the Thunder Bay District Health Unit. Both refer to a 2005 student survey that put youth chewing rates at 10% among the youth in my part of Canada, which is northwestern Ontario. What might come as a surprise to the committee is that I was once part of that 10% who used chewing tobacco. My first dip of chew was Peach Skoal. Although I acknowledge that peer pressure was a factor in the situation of me picking up chew, I can honestly say that if it hadn't come in a myriad of very palatable flavours, I'm not sure I would have tried it.

Chewing tobacco was something that my team mates did after games and during road trips, to make them go by more quickly, and although the coaches knew about us using chewing tobacco, they did not care as much because we were not harming our lungs. For the rest of my grade 11 season, I used chewing tobacco, occasionally after practices and games. I quit with some difficulty at the end of my grade 11 year, then became involved with the youth action line, which is a youth advocacy program.

Reflecting now on my experience, I can honestly say that if chewing tobacco hadn't come in many flavours, I probably wouldn't have started and it probably wouldn't have been such a big issue on my team. More than half my team used chewing tobacco on my football team in Dryden, Ontario. Unfortunately, many of my friends, to whom I have already made reference, did not quit when I did. They are now addicted, and they all started on flavoured tobacco products. I was lucky enough to quit. Many of them were not.

I'm here today to also tell you that I know that chewing tobacco is an issue with youth, especially among young athletes in Ontario. There is evidence of this in my area of Canada in the form of the northwestern Ontario student Dryden youth survey, as well as personal stories told me by the many youth I know across Ontario who are involved in youth action lines. Also, when the news of Flavour...GONE! reached Alberta and British Columbia, we heard the youth tell us there that it is an issue in their communities. I understand that scientific proof might be lacking at this point, but I urge the committee to consider the fact that this is becoming a disturbing part of youth culture. There's a whole youth culture surrounding chewing tobacco in sports teams, especially hockey, football, and baseball in rural areas, that the committee may not be aware of but we are very aware of.

I want to draw your attention, and obviously you will see this later, to a website where chew users post comments and pictures about chewing tobacco. The website contains lots of articles and pictures, such as choosing a dip for beginners, dip of the week, and blend talk, where chewers discuss the best way to blend flavours of chewing tobacco to reduce the bad tobacco taste. The page also includes an article entitled "How a chew chewer recycles". This features a table made by a person in British Columbia, and on the second page there are a number of dipper cups that are made from empty chew tins. I'll also point out that the second cup from the left is a dipper's cup made by a local hockey team in my area of Dryden. This website is one very visual example of the culture that surrounds chew in Canada.

• (1645)

Flavoured chewing tobacco is very easy for users to tolerate. Eliminating flavours in chewing tobacco at the same time that we get rid of them in flavoured cigarillos, cigarettes, and blunts will go a long way in keeping children and youth from experimenting with these products.

It will also remove a significant marketing tactic that the tobacco industry has been able to manipulate by selling the products in the same colours and flavours as candy. I will also make reference to another photo that you'll be able to see later, in which a candy display has been interspersed with chewing tins to show that.

**The Chair:** Might I interrupt you and stop the clock for a minute, Sam?

I need the indulgence of the committee. Sam has gone way over time.

Your presentation is so compelling.

With the will of the committee, there will be no objections just to listen to Sam finish. Is that okay?

**Some hon. members:** Yes.

**The Chair:** It doesn't happen very often that I break the rules, Sam. Go ahead.

**Mr. Sam McKibbin:** Thank you very much, Chair.

In closing, I am here on behalf of many youth, like those currently involved in the Youth Action Alliance across Ontario who put together the bus stop billboards that you guys may have seen in

Ottawa. We also created the MP packages you received last week to ask for a ban on all flavoured tobacco products.

I am also here to represent the youth from the Flavour...GONE! campaign and all those health organizations that have signed on in support of our campaign, as well as over 8,000 people who have signed postcards in support of Flavour...GONE!

I am here on their behalf to respectfully ask you, the Standing Committee on Health, to send Bill C-32 back to Parliament with an amendment that adds all oral tobaccos, including chew and snus, to the list of tobacco products that should not contain flavours. Please help youth make better decisions for their health by removing these products that once hooked me and continue to hook my friends.

Thank you.

[*Applause*]

**The Chair:** Thank you, Sam. That was a very compelling presentation.

Now we'll go to the Non-Smokers' Rights Association.

I have to warn you, Ms. Tilson, that I am keeping to the time, which is seven minutes. Thank you.

**Ms. Melodie Tilson (Director of Policy, Non-Smokers' Rights Association):** Thank you, Madam Chair and members of the committee, for the opportunity to address you on Bill C-32.

[*Translation*]

I would like to thank the chair and all the committee members for giving us the opportunity to tell them our point of view about this bill, which is so important for the health of our young people.

[*English*]

My name is Melodie Tilson. I'm the director of policy with the Non-Smokers' Rights Association. My organization has played a major role in tobacco control in Canada for more than three decades, and I myself have been working in tobacco control for the past 19 years.

The Non-Smokers' Rights Association strongly supports the amendments in the Tobacco Act contained in Bill C-32. Bill C-32 would put an end to tobacco advertising in print publications, a practice that resumed in 2007 and that has proliferated in the past year. My colleague is going to show just a few of the samples that we've collected from the veritable mountain of tobacco ads that have appeared over the past year or so.

A key objective of the Tobacco Act, to protect young persons and others from inducements to use tobacco products, is "being undermined with the current provision allowing advertising in publications with 85% adult readership". As research by University of Regina business professor Anne Lavack shows, significant numbers of impressionable teenagers remain exposed to tobacco promotion.

Based on 2005 readership data from the Print Measurement Bureau, Dr. Lavack found that advertising in a single issue of *People* magazine in Canada, for example, reaches half a million youth readers aged 12 to 17, or about 20% of the youth population of this age. Advertising in the Canadian edition of *Time* magazine reaches about 200,000 adolescents aged 12 to 17. Even more troubling is the extensive advertising of tobacco products in entertainment weeklies across the country. These publications clearly target teens and young adults and are available free of charge in hundreds of locations throughout major Canadian cities.

The bottom line is that limiting print advertising to publications with an 85% adult readership results in substantial promotion of tobacco products to vulnerable young Canadians. We commend the government for recognizing that this loophole must be closed.

We also commend the government for understanding the importance of dealing with flavoured cigarillos. This product is clearly being marketed to youth and young adults, and with remarkable success. You heard already from Mr. Glover that sales have increased exponentially in recent years, growing eightfold in just six years to 400 million units.

Perhaps most disturbing is that flavoured cigarillos are being consumed by youth who would otherwise not have considered smoking. If this population of youth smokers were covered by the definition of current smokers in our major national surveys, smoking rates among Canadian youth would increase by five percentage points, from 15% to 20%.

I see that we've all brought a lot of samples for show and tell, but I'm going to pass around a few cigarillos, and I invite you to just open the cap and smell them. They really do smell like candy or Kool-Aid and nothing like a tobacco product.

• (1650)

**The Chair:** I am keeping an eye out, committee.

**Ms. Melodie Tilson:** Sadly, my own experience validates this finding. My 21-year-old son, who was successfully inoculated against smoking cigarettes by his parents and of course by his schooling, did not equate cigarillo use with what he knew to be the health risks of smoking. And who can blame him or his peers when cigarillos come in candy and cocktail flavours that mask the harsh tobacco taste, when they are sold in singles and kiddie-sized packs at youth-friendly prices, and when, as in the case of singles, they have no health warning at all?

The Non-Smokers' Rights Association strongly endorses the measures in Bill C-32 that would ban flavouring in cigarillos, cigarettes, and blunts and would require these products to be sold in packs of 20. We assume that the new health warning regulations currently being drafted will remedy the situation regarding the woefully inadequate warnings currently on cigarillos.

Although my organization's top priority is to see Bill C-32 pass before the House recesses for the summer, there is one amendment that we strongly urge members to support. As you've just heard from Sam McKibbin with Flavour...GONE!, flavoured, smokeless tobacco is another product that targets kids and starts them on a dangerous path toward a lifelong addiction to tobacco. Like cigarillos, smokeless products come in a vast array of innocuous

candy and fruit flavours, and in a very quick trip to a local convenience store I was able to find a number of candy products that look just like Skoal. I challenge you to tell from a distance which is which.

Like cigarillos, smokeless products come in a vast array of innocuous candy and fruit flavours and are packaged to resemble tins of candies, mints, and gum. While use of smokeless tobacco by youth Canada-wide is low, this statistic is misleading. As you have heard, there are specific demographic and geographic clusters of adolescents with very high rates of use—for example, youth in northern Ontario, in Alberta, in native communities, and youth who play sports such as hockey. Once again, many of these kids would not have considered smoking, but for many reasons, including the candy flavours, they did not associate smokeless tobacco with the dangers of tobacco use. Once again, my own 16-year-old son is included in this group. I asked him last night how many of his peers use smokeless tobacco, and he said basically all of them do. I asked if he would use this product if it didn't come in flavours, and he said no.

Members of Parliament have the opportunity to close the huge loophole that currently exists for flavoured, smokeless tobacco products and thereby ensure that the exponential increase in use of flavoured cigarillos by youth that we saw in recent years is not repeated with smokeless tobacco.

I would like to say a few words about the contraband tobacco problem, which I know is a major concern for members of Parliament, as it is for the health community. The extent of the contraband market in Canada is not a reason to refrain from implementing progressive tobacco control measures such as Bill C-32. Rather, the extent of the contraband market justifies urgent and concerted action by government. Health groups have been advocating for some time for the government to implement a comprehensive set of measures that would severely limit contraband, and in so doing would protect public health. In fact, just today my organization is sending to members of Parliament our latest publication on this issue, which outlines a very comprehensive approach that we are urging the government to adopt. You should have that any day now.

In closing, I would like to commend the government for its leadership on this issue as well as recognize the support given by members from other parties, in particular Ms. Wasylycia-Leis. The Non-Smokers' Rights Association urges members of the committee and indeed all members of Parliament to ensure that this important piece of legislation is passed before the House rises for the summer. We also urge you to support an amendment to include smokeless tobacco products in the schedule of tobacco products to which the flavouring ban would apply.

Thank you. *Merci*.

• (1655)

**The Chair:** Thank you, Ms. Tilson, for that very insightful presentation. It was very compelling.

We'll now go to the Canadian Cancer Society.

Mr. Cunningham.

[Translation]

**Mr. Rob Cunningham (Senior Policy Analyst, National Public Issues Office, Canadian Cancer Society):** Madam Chair, committee members, thank you for giving us this opportunity to testify today. I would also like to thank the Minister of Health for bringing in this bill.

[English]

I'd like to thank the Prime Minister for his commitment last September 2008. I'd like to thank all parties for their support at second reading and the members of this committee who spoke during the debate in favour of the bill.

I think you would appreciate a special acknowledgement from us to Ms. Judy Wasylycia-Leis for her leadership with respect to this particular issue. So thank you.

We would urge that this bill be passed quickly by this committee and by Parliament. The sooner that happens the sooner it can work to advance public health and the sooner it can prevent youth addiction. At the same time, we have three amendments to propose, and I'll come to those in a moment.

First, with respect to advertising, we very much support the ban on advertising in newspapers and magazines, as found in this bill. There is a compelling body of evidence with respect to the impact of tobacco advertising. The Canadian Cancer Society has already tabled with the committee eight volumes of this evidence—it's very substantial—four of which were tabled with a Senate committee in 1998 and four of which were tabled as an update in 2005, in terms of growing evidence with a *commission parlementaire de l'Assemblée nationale*, in Quebec. That is available for members of the committee and committee staff for their consideration during consideration of this bill.

I also draw to the attention of the committee this recent report by the National Cancer Institute in the U.S., in 2009, which provides an update in terms of a review of the evidence: *The Role of the Media in Promoting and Reducing Tobacco Use*.

In our written submission to this committee, we have included a number of things. If you turn to tab 5, you'll see examples of tobacco advertisements that have appeared in Canada. The first one here is a recent advertisement from du Maurier, Imperial Tobacco Canada, in which they promote the environmental friendliness of their packaging. So here we have this highly toxic product. We have cigarette filters that are horrible for the environment because they simply do not biodegrade well, and they're doing some green-washing. This is the endless creativity we have from tobacco companies, and we see other examples of tobacco advertisements in tabs 5 and 6.

Of concern, of course, is where they advertise. We've seen a lot of advertising in the free weekly entertainment newspapers, such as *The Georgia Straight*, in Vancouver, *Prairie Dog*, in Saskatchewan, *Voir Montreal*, in Montreal and other parts of Quebec, and *Ottawa Xpress*, here in Ottawa. These reach youth, and that's why, in part, this bill is necessary.

With respect to cigarillos, I would like to reiterate our support for this measure. The evidence is clear, in terms of how there's been a

tremendous growth by youth of the flavoured cigarillos, this product category one, which simply did not exist about 10 years ago. The youth smoking survey has very shocking data in terms of the proportion of youth who are experimenting. Even if a company claims they do not intend to market to youth, the fact is that youth are attracted by these products. It is the reality in the marketplace that Parliament must respond to, and already, as noted, the Ontario and New Brunswick legislatures have adopted bills to prohibit flavoured cigarillos and to provide authority to deal with other types of flavoured tobacco products.

As one example, I have these Bravo cigarillos that are packed to look like magic markers or lip gloss. The Prime Minister held these up during his announcement. I'll pass these around to members of the committee.

There are three amendments to propose. You'll see in tab 1 a summary of our amendments and a proposed text, in English and French, for our amendments.

The first amendment is to prohibit flavoured, smokeless tobacco products, a message you've already received. And I have with me examples of these. I have vanilla and berry, I have black cherry and cherry, there's mint and spearmint, and apple and citrus. This simply should not be happening, and that's why we feel very strongly, along with others, with respect to this amendment.

We also have to recognize where these companies are placing their advertisements. It's in these free weekly entertainment newspapers for *Ottawa Xpress*, where we see advertisements for Skoal smokeless tobacco. It's in publications such as this one, *Urban Male Magazine*, a sort of Canadian version of *Maxim*. That has a very substantial youth readership. And to give you one example, I invite members to turn to tab 15 of our binder, of our submission, and here you have an advertisement for Skoal Peach in *Playboy*. *Playboy* is widely read by young males, teenage boys. This is the type of marketing. Who is their target audience? That's why we feel this is very important, why we need to protect youth. We know that among teenage boys there's substantial smokeless tobacco use in Canada. It is higher in some regions, such as Nunavut, northwestern Ontario, and Alberta. But for every five boys who smoke, one uses smokeless tobacco.

● (1700)

Our second amendment is with respect to the menthol exemption. The government's intent is to maintain an exception for menthol cigarettes, but it still would be possible to ban menthol little cigars, menthol smokeless tobacco, and menthol blunt wraps. We propose an amendment to ban menthol from those other product categories, not touching the government's intent.

Our third amendment is a technical amendment. The bill is worded in such a way... I'll pass this around; it shows some cigarettes. You can see how the companies print their trademarks on the cigarettes with coloured ink. There's an exemption in the bill to allow that, but we would like it to be available as well for governments to print a tax paid marking on a cigarette, as Singapore has done starting in January 2009, or a health message.



In 1994, Parliament approved amendments to excise legislation to give regulatory authority to require a tax paid marking on the cigarette itself. It hasn't happened yet, but as the interdepartmental task force reviews options to deal with contraband, this might be part of the package. We should not say that should never happen.

Similarly, new international guidelines adopted under the international tobacco treaty last November include an endorsement for consideration of a health message directly on cigarettes.

So it's a small amendment just so that door is not closed for provincial governments and for the federal government.

Finally, provincial governments, in their point of sale legislation to control advertising, have sometimes used allowing a price list or information binder as a mechanism. I know there is regulatory authority existing in the act that would allow those information binders and reference catalogues to continue. I note that Ms. Sabiston from Health Canada said that a regulation may be necessary. I would urge the government to take action on that to maintain the flexibility of the provinces to have their best optimal control of advertising at point of sale.

Thank you very much.

**The Chair:** I thank you all. These have been excellent presentations.

I have to say we're just going to go through one round of questioning. That's going to be a seven-minute round with questions and answers. I need five minutes with the committee at the end to go over some business.

We will start with Mr. Wilfert.

**Hon. Bryon Wilfert (Richmond Hill, Lib.):** Thank you, Madam Chair.

I'm not a member of this committee, but I have to say, Mr. Collishaw, that I was struck by your comment that tobacco is the pandemic. I'm sure that if it were any other product or anything else, we would be lining up to respond accordingly, but in fact you give us some interesting statistics. Yet we, as parliamentarians, are only in one business and that is good public policy. Is this good public policy?

I would suggest to you that we have failed as parliamentarians because we have not had a whole-of-government approach when it comes to tobacco. Finance, public security, justice, agriculture, etc.—we have failed miserably. We continue to respond to the edges of the issue.

For example, as a parliamentary secretary to two ministers of finance, I was in the business of dealing with excise taxes on tobacco. We have no problem taxing it. What do we do with the revenue? We put it into general revenue. We don't dedicate a dollar to health prevention or to health care. It goes into general revenue.

From the municipal days, we used to do it. As a former president of the Canadian Parks and Recreation Association, I was involved with Health Canada in a joint project to deal with banning it and educating young people, as young as eight years old, about tobacco. I couldn't believe we were dealing with eight-year-olds at the time. This was in the early 1990s.

My question really, Madam Chair, is to the assistant deputy minister about the failure of government generally in terms of responding. Yes, I support this bill. I support the three amendments, although I have nothing to do at this committee with it. But to me it seems to be, again, at the edges.

One of the comments I noticed in the binder that's put out says we're going to watch further trends. I'm not sure what that means, but if instead of getting ahead of the parade we're going to watch until people become addicted and then we're going to come back and say we need to respond accordingly....

So although this is all well and good, it doesn't address the issue. If we want to deal with the tobacco industry, do we have a long-term strategy that's going to deal with farmers who are currently producing a legal product and with manufacturers who produce it? Are we going to deal with the real issue of smuggling, particularly if other jurisdictions near us are able to continue to promote and manufacture this?

In terms of taxation, are we honestly going to get serious, and is Health Canada going to get together with Finance, and is government generally, regardless of party, going to really take this kind of action? I'd be interested in your comments on those views.

• (1705)

**The Chair:** Who would like to start?

Mr. Collishaw.

**Mr. Neil Collishaw:** I'd be happy to start, Madam Chair, and I thank the member very much for his question.

Indeed, these sentiments that he's expressed are ones that I share and have often reflected on in my own career working on tobacco control, which has spanned 28 years so far. May I say at the outset that a long time ago, Parliament was, in fact, very prescient about this issue. There was a bill that passed second reading in Parliament to ban cigarettes. That bill was voted on in 1904, but it somehow or other never became law, even though it had been adopted at second reading. So Parliament has tried, and there have been other efforts by Parliament since then, in the sixties and seventies and eighties, to control tobacco, but there are many forces at work that maintain tobacco use in our society.

I think the question also suggests that we ought to have a much stronger approach to dealing with tobacco. I agree wholeheartedly, and on another day at another time I would be delighted to engage members of the committee in a serious discussion about how we may well phase out tobacco over the next 20 years. I have a lot of ideas about that, and I would be happy to discuss further ideas.

In the meantime, however, there are some very good things that we can do, as has been suggested. Members of Parliament could adopt Bill C-32, hopefully with one or more of the amendments that have been suggested here today. That is certainly a step in the right direction. But like the member, I am anxious for real action, to have a whole-of-government approach to really address this problem once and for all.

Thank you.

**Hon. Bryon Wilfert:** I'm interested in seeing a comprehensive strategy. In my 12 years in Parliament, this is the first time I've been to the health committee, so I thought I'd put the question on the table.

**The Chair:** We have another minute and a half.

Mr. Cunningham.

**Mr. Rob Cunningham:** Just to add, with respect to the part of your question on contraband, it is indeed a very serious situation. We have made recommendations for possible actions to deal with this, and I think there are a couple of things to note. One is that 95% to 98% of contraband today comes from unlicensed, illegal manufacturing operations, which can distinguish themselves...some of these products would no longer be available to be sold because they'd be regulated and you couldn't have these flavours. So it's a different circumstance. Dealing with contraband is not precluded by dealing with the regulated part of the market.

I also wanted to note that there are ongoing international negotiations for an illicit trade protocol, which once adopted should assist with things going forward.

**The Chair:** Thank you very much.

Monsieur Dufour.

[Translation]

**Mr. Nicolas Dufour:** Thank you very much, Madam Chair, and thank you to our witnesses for coming today.

To counter cigarette smuggling, the cost of a federal licence to manufacture tobacco products could be increased from \$5,000 to \$5 million. The Bloc Québécois has been making that suggestion for a long time. Is anyone listening? We will certainly see someday. But we see that the witnesses are in agreement with our suggestion.

In the summary of your amendments, Mr. Cunningham, the one that had to do with a ban on menthol cigarillos, menthol blunt wraps and menthol smokeless tobacco caught my attention. I was extremely surprised when I read the bill. I completely agree with Mr. McKibbin about the way people start smoking cigarettes. I am not very old. I played on the football team at my high school, and many of my teammates started with chewing tobacco, cigarillos and other products.

Earlier the officials from the department told us that the bill does not cover menthol flavoured tobacco because menthol cigarettes have been around for a very long time. Chewing tobacco goes back to the 1700s or 1800s. Why would we create an exception for menthol but not for the rest? Why did the government and the officials not include all oral tobacco products and smokeless tobacco products in the bill?

• (1710)

[English]

**The Chair:** Mr. Cunningham, do you want to take a shot at that one?

[Translation]

**Mr. Rob Cunningham:** I think that question should be put to the bureaucrats.

In our opinion, since the evidence and statistics show that these products are consumed by young people, they should be included.

We do not feel that there is any reason why they should continue to be excluded. That is why we are supporting an amendment to include them.

**Mr. Nicolas Dufour:** I must admit that I agree entirely with this amendment.

I would like to know the difference between regular and smokeless tobacco.

**Mr. Rob Cunningham:** They are two different product categories. I do not smoke, so I don't know the difference between smokeless and regular products. Cigarettes are the most consumed products in Canada. Their consumption has declined considerably, but a certain number of young people and other people still smoke them.

[English]

**The Chair:** Mr. Collishaw.

[Translation]

**Mr. Neil Collishaw:** I can add that smokeless tobacco is absorbed by the mouth. It is completely different from smoke being absorbed by the lungs. Hazardous products are transmitted directly from the lungs to the heart and the brain. Absorption by the mouth is slower, but just as dangerous.

**Mr. Nicolas Dufour:** I usually ask my questions correctly, but perhaps I did not in this case. I wanted to know whether there is a considerable difference, according to studies, between the two types of products, with regard to health. Is one of them much more harmful than the other, or are they the same?

**Mr. Neil Collishaw:** Both of them are harmful. According to the letter written by dental surgeons, there are a great many problems linked to the consumption of snuff, which can cause mouth cancer and serious harm to the cheeks. Lung cancer is caused by cigarettes, not by snuff. So the problems are different.

**Mr. Nicolas Dufour:** Okay.

Do I have any time left?

[English]

**The Chair:** You have just a minute.

[Translation]

**Mr. Nicolas Dufour:** Thank you, Madam Chair.

Earlier, my colleague asked an excellent question. I would like to ask it again. When the tobacco companies tell us that they have added vitamins, probiotics and other things to their products, is that not false advertising?

**Mr. Rob Cunningham:** There are many cases of misleading advertising for so-called light cigarettes, for example, and other deceptive packaging. Vitamin-added tobacco products should not exist. If there are no vitamins, and the advertising and the packaging claim that there are, then that is definitely false advertising.

• (1715)

**Mr. Nicolas Dufour:** It is illegal.

**Mr. Rob Cunningham:** Yes, it is illegal.

[English]

**The Chair:** Thank you, Mr. Cunningham.

We'll now go to Ms. Wasylycia-Leis.

**Ms. Judy Wasylycia-Leis:** Thank you, Madam Chairperson.

Thanks to every one of you for working so hard for so many years—in the case of Neil it's been 28 years—trying to rid our markets of these death sticks and cancerous products.

I especially want to thank Sam McKibbon for being here with his other friends and colleagues from the Northwestern Ontario Youth Action Alliance. I think folks are also here from the Eastern Ontario Youth Action Alliance and the Ottawa youth action alliance. When you launched your campaign Flavour...GONE! almost a year ago, I think it was really the key to moving all of us toward this point where we see a bill almost in its final stages. So I want to thank you very much.

One of the comments we've had from industry is that this bill will only make it worse for young people. In fact, I was quoting before from Imperial Tobacco. There's a certain other cigar owner in this country who has suggested that this bill won't do a thing and will only make it worse for young people. What do you say to that?

**Mr. Sam McKibbon:** I can't speak in stats; I don't have letters behind my name, but I can speak from personal experience. I know that a lot of my friends have used tobacco products because there are flavourings in them. In terms of cigarillos, they make them easier to smoke. They make the smoke that you get on your clothes smell not as bad. They're a more appealing product because they're cigars instead of cigarettes.

People make that distinction at my age. I've heard lots of people say that cigars are more natural, which is totally not the case. It's exactly the same tobacco. Also, in terms of chewing tobacco, from my personal experience, I can say that the difference between regular Skoal and any kind of flavoured Skoal product is night and day. Most users, when they first use a straight product—a Skoal straight product—will puke, whereas the other products are quite palatable. I think it'll make a big difference to eliminate these flavours. That's what's making these products attractive to youth, and that's what's making those youth that normally wouldn't go out of their way to use tobacco products try them. It is something new. It is something different. It is something that we're definitely curious about.

**Ms. Judy Wasylycia-Leis:** I was going to ask Melodie and Rob and Neil as well. What do you say to people like the folks at Imperial Tobacco who say that the amendments will throw the entire legal cigarette industry into chaos, that these amendments will have no effect and indeed will benefit the illegal industry in Canada?

**Ms. Melodie Tilson:** There are a number of points made there. I want to address something you said just a moment ago, about this bill adversely affecting tobacco companies. I think members, in legislating tobacco control, have to recognize that we can't have it both ways. If indeed the legislation is going to have a meaningful impact on tobacco use in this country, it's going to affect the bottom line of tobacco companies. If it doesn't affect their business, then the bill isn't having any impact on tobacco use.

It should affect the tobacco companies. This particular bill, apart from the part banning advertising in print publications, primarily affects companies operating at the margins, not the big three companies in Canada. I don't understand at all their comment that

they will be thrown into chaos. They survived in the market for years with no advertising while the Tobacco Act was before the Supreme Court of Canada.

**Ms. Judy Wasylycia-Leis:** Is there anyone else who wants to comment on that?

**Mr. Rob Cunningham:** I haven't seen their comments in the context in which they were made. They certainly have a long history of exaggeration. If they have a particular technical issue with the bill that they've raised, I'm sure committee members would be interested in that.

**Mr. Neil Collishaw:** In response to concerns that flavours aren't that important, I would like to cite Mr. Bob Beets. Bob Beets was a sales representative for U.S. Tobacco, the company that makes this stuff. He said:

Cherry Skoal is for someone who likes the taste of candy, if you know what I'm saying.

They're marketing to kids.

● (1720)

**Ms. Judy Wasylycia-Leis:** I'd like you to actually do something that's not very fair. I'd like you to prioritize the suggested amendments. I'm going to ask you—if you would agree—if you could only get one amendment, what should it be?

**Ms. Melodie Tilson:** We had a meeting of our coalition last week, and we were all in agreement around the table that the number one priority for us was to see flavoured, smokeless tobacco included in the legislation. All four of us addressed that issue.

**Ms. Judy Wasylycia-Leis:** Do you believe that the bill as designed will actually allow for changes to regulations as we develop the evidence and science?

**Ms. Melodie Tilson:** Absolutely the bill will allow for changes, but through experience, I know that the regulatory process can be very slow. We feel we have sufficient evidence right now to merit flavoured smokeless tobacco being included on the schedule right now, so that we don't have the same situation a few years down the road that we had with cigarillos. Cigarillos surprised all of us. When we first saw the data, we couldn't believe that from nothing we had this huge problem with uptake amongst youth and young adults, and we don't want to see the stats of smokeless tobacco use go through the roof in the same way. Let's get smokeless on the schedule now so that we can curtail use by our really vulnerable youth population.

**The Chair:** Thank you, Ms. Tilson. We'll now go to Mr. Brown.

**Mr. Patrick Brown (Barrie, CPC):** Thank you, Madam Chair. I'm sharing the first part of my time with Mr. Rickford.

**Mr. Greg Rickford (Kenora, CPC):** Thank you, Madam Chair, and thank you to the witnesses.

I just want to make a couple of very brief comments.

First of all, Sam, thanks so much for representing the great Kenora riding today and for spreading an important message with all your colleagues. The Flavour...GONE! campaign has had a real impact in our region. As a chemotherapy-certified nurse, I've had the unfortunate responsibility of treating young men suffering from the absolute worst-case scenario of smokeless tobacco. Whole parts of their jaws were resected surgically, and they went on to have other and more serious forms of cancer.

Sam, I just want to know if you have seen effects in your friends or if you would be willing to share very briefly the less serious forms of injuries that can lead ultimately to cancer that occur in the mouth with regular or not-so-regular use.

**Mr. Sam McKibbin:** As I said, I've had quite a few friends who have used smokeless tobacco, especially on the football team. I was heavily involved with that in high school. Starting in grade 9 and being in grade 11 or grade 12, after only three or four years of using during their high school years, at least three of my friends had precancerous cells, leukoplakia, forming on their lips where they stuck their chew. Because the tobacco is absorbed through the mucous membrane in the mouth, the cancer does tend to show up more quickly, from what I understand. It is quite dangerous, and it does do significant damage when they have to remove that cancer.

**Mr. Greg Rickford:** That's great, Sam. I understand that at least 70% of first-time users can get canker sores almost immediately after using, so it's quite incredible.

My second question is for Melodie. I have to disclose that coming from the generation of Popeye cigarettes, I was a user. It was a really good candy, but obviously very harmful, and I have changed my ways.

I was wondering what groups like yours do to lobby the candy manufacturers to reduce or eliminate some of these products that we're seeing that seem to almost work in collaboration with the smokeless tobacco producers in that they're so obviously similar and, like Popeye cigarettes, encourage kids to graduate from a candy cigarette to a smoking cigarette.

**Ms. Melodie Tilson:** You're absolutely right. These are not benign products, to the extent that I will actually go through my kids' Halloween candy and remove all the Popeye cigarettes and not let them have them. A lot of good it did me, but I tried.

In terms of our organization's lobbying efforts, we certainly support a ban on imitation tobacco products, but we haven't lobbied actively on this issue. These are not products that immediately affect health in the way that flavoured smokeless tobacco and cigarillos do. We're a small organization, so we've had to pick and choose the issues we work on.

• (1725)

**Mr. Greg Rickford:** Thank you.

Thanks, Pat.

**Mr. Patrick Brown:** Sam, I too appreciate your efforts. I met with a group in my riding from the Simcoe Muskoka District Health Unit. They're peer leaders as well, and they presented several hundred petitions. It's a compelling way to raise awareness for this cause and it's certainly a good approach.

I have a question for any of the witnesses: how does Canada compare to other countries? Are we behind the pack, or are we

leading on this campaign to tackle some of the root causes of tobacco addiction?

**Mr. Rob Cunningham:** It depends on what we're talking about. In many ways Canada is a leader. We were the first country to have picture-based warnings on packages. Some of the aspects of this bill will be among the best in the world with respect to flavours, and we commend parliamentarians for that.

This will move us up with respect to advertising, but there will still be countries that have stronger laws on advertising. We certainly have a problem with contraband, but in many respects—for example, with retail displays at the provincial level—Canada is an international leader.

**Mr. Patrick Brown:** How has tobacco advertising changed in Canada over the last several years? Has it become more aggressive?

**Ms. Melodie Tilson:** A few years ago we didn't see any traditional forms of advertising, particularly when the companies were arguing the Tobacco Act when it was before the Supreme Court. In about 2007 they resumed advertising in print publications.

The biggest form of promotion that we've seen in the last few years is the package itself. We have that with cigarillos in the form of the really unique packages, the colouring, etc. It is a major form of promotion for cigarettes as well. The packages are novel. They're using different colours, different styles of openings, and different shapes. They're using everything, all to undermine the health warning messages by making them less visible and less prominent, and they're also using the look of the package itself to suggest that this product is not nearly as harmful as people have been led to believe.

Our organizations intend to come before members of Parliament on that issue in the near future. We would like to see all tobacco products packaged in plain and standardized packages so that the companies can't continue to use the package as a major vehicle to promote use.

**The Chair:** Thank you.

I'm sorry that I have to interrupt you, Mr. Brown.

I want to thank our witnesses for coming today.

I'm going to have to spend two minutes with the committee after you leave. I just want to thank you for your very insightful information. It's invaluable.

I'm going to suspend the committee for about thirty seconds, because we're running out of time. I would ask that if you want to have any conversations that you please leave the room. I'm going to be calling the committee back shortly.

*[Proceedings continue in camera]*







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