

Health Canada and the Canadian Tobacco Manufacturers' Council meeting on the proposed *Regulations Amending the Tobacco Products Regulations (Plain and Standardized Appearance)* – August 18, 2022

Subject:

The Canadian Tobacco Manufacturers' Council technical committee (hereinafter referred to as "CTMC") requested a meeting to present to Health Canada with their input regarding the proposed *Regulations Amending the Tobacco Products Regulations (Plain and Standardized Appearance)*, which were published in the *Canada Gazette*, Part I, on June 11, 2022.

Date: August 18, 2022

Participants:

Health Canada (HC)

- Laura Smith (Chair), Acting Director General, Tobacco Control Directorate (TCD)
- Denis Choinière, Director, Tobacco Products Regulatory Office (TPRO), TCD
- Trevor Mischki, Acting Director, Office of Research and Surveillance, TCD
- Sophie Corriveau, Acting Associate Director, Office of Compliance of Tobacco and Vaping Products (OCTVP), TCD

- Acting Manager, Regulatory and International Policy Unit, Office of Policy and Strategic Planning (OPSP), TCD
- Manager, Tobacco Labelling, TPRO, TCD
- Senior Policy Analyst, Tobacco Labelling, TPRO, TCD, (observer)
- Policy Analyst, Tobacco Labelling, TPRO, TCD (observer)
- Policy Analyst, Tobacco Labelling, TPRO, TCD (observer)
- Senior Economic & Socio-Economic Analyst, Tobacco Labelling, TPRO, TCD (observer)
- Policy Analyst, Plain and Standardized Packaging, OCTVP, TCD (observer)
- Senior Program Officer, Tobacco Labelling, TPRO, TCD (observer)
- Senior Program Officer, OCTVP, TCD (observer)
- Junior Policy Analyst, Regulatory and International Policy Unit, OPSP, TCD (secretariat)

CTMC

- Katherine Ridings, Supervisor Regulatory Compliance Canada, Rothmans, Benson & Hedges Inc. (RBH)
- Maria Harris, Scientific and Regulatory Affairs Director, Japan Tobacco International-Macdonald Corp. (JTI)
- Elaine McKay, Head of Corporate Affairs & Communications, JTI
- Charles Johnston, Head of Engineering, JTI
- Andre Hopf, Head of Sales, North America, Focke & Co.
- Ahmet Comlekci, Regional Packaging Manager, Imperial Tobacco Canada Limited
- Zvi Cohen, Senior Regulatory & Scientific Engagement Manager, Imperial Tobacco Canada Limited

Introduction:

A meeting was held at the request of the CTMC in order to provide Health Canada with a presentation on their input regarding the proposed *Regulations Amending the Tobacco Products Regulations (Plain and Standardized Appearance)*, published in the *Canada Gazette*, Part I, on June 11, 2022.

Health Canada read a transparency and openness statement, reminding CTMC representatives that the meeting is subject to disclosure as per Health Canada's [Openness and Transparency policies](#). In the interest of transparency, the Department stated that it would be making a record of the meeting publicly available. The [handling of information and privacy notice](#) was mentioned and acknowledged.

Health Canada also referred to Article 5.3 of the [World Health Organization Framework Convention on Tobacco Control](#), the department's international obligation to protect tobacco control policies from the vested interests of the tobacco industry.

The Chair then invited participants to introduce themselves.

Subjects:

The CTMC presented technical challenges associated with the proposed regulations. Their presentation included the following suggestions:

- Permit the continued retail sale of packages containing cigarettes, cigarette tobacco, little cigars and tubes that display a labelling element from the preceding series;
- Permit the 90-day transition period between labelling rotations for all tobacco products;
- Provide portrait and square orientation for health warnings in the Source Document, Section A – Cigarettes;

- Permit display of Health Information Message on the lower portion of the pouch, underneath the flap of the 50g cigarette tobacco pouch format (s95(1)(d));
- Exclude the glossy finish requirement for the 50g cigarette tobacco pouch format (s115(1));
- Specify a minimum display area of 20mm (tobacco products labelling s(119(3)));
- Remove “in regular weight and width” from s120(3)(c);
- Allow health warnings to be printed directly on a cork pattern without a white background (s121);
- Permit an upper-slide flap minimum width of 80mm, and height of 51mm for regular size cigarettes and 62mm for king size cigarettes (s42. 1(1) and (2));
- Provide 22+12 months before the s42.1 requirements come into force;
- Allow a single-phase implementation of 12 months that would include: no change to slide dimensions, 20mm allowance for the tipping display area, removal of regular weight and width, and updates to all other labelling elements.
- Alternatively, it was recommended that a two-phased approach be allowed for implementation of all labelling elements with manufacturing compliance to all labelling requirements within 34 months of the regulations being published.

Questions:

- HC asked if RBH’s challenge with the orientation applies to both cartons and packs, and RBH confirmed that it does.
- In response to RBH’s challenge with a 90-day transition period, HC asked what RBH believed to be a more feasible transition period, and RBH clarified that they would suggest that a transition period to apply to all tobacco products.

- Health Canada asked if the glossy finish on the tobacco pouches is a permanent feature. RBH confirmed that it is.
- HC asked for clarification regarding the suggested minimum of a 20mm display area for the health warning on the tipping paper. JTI responded that this would be suitable for their king size cigarettes only.
- Health Canada also asked for clarification on the role and functionality of perforation on the tipping paper. JTI responded that perforation is used to achieve the tar, nicotine, and carbon monoxide (TNCO) dilution requirements.
- Health Canada asked to further explain the potential misalignment of health warning messages on the cigarette itself (not the health warning on the packaging). JTI responded that it is difficult to perfectly align the top and bottom portions of a tipping patch and that machine variability should be considered.
- HC asked for clarification regarding the issue presented by Focke & Co.'s of white lines appearing on packages under the proposed requirements. Focke & Co. responded that it is on the edges of the package and that it is an aesthetic concern.
- HC asked if there are any operational impediments to making the switch to all of the changes except the upper slide-flap and if it is not feasible, to provide an explanation as to why not. Focke & Co. responded that it would be very challenging to implement, making the supply chain efforts to comply with all the changes very difficult to manage.
- Health Canada asked if there would be technical challenges to keeping the same filter size and having a longer tipping paper that would wrap a bit more on the tobacco rod. JTI responded that it is technically feasible but that typically there is an overlap between the tipping paper and tobacco rod so consumers might smoke over the tipping paper.

In closing, HC invited the CTMC to submit comments for the public consultation if they have feedback regarding the costs of retrofitting the machines.

The CTMC also confirmed each of the companies represented would submit their comments in writing as part of the public consultation (closing August 25, 2022).

Conclusion:

The meeting was then concluded.

Documents:

- Agenda as provided by the CTMC technical committee