SUMMARY: Meeting with Brigham Enterprises Inc.

Subject: New Health-Related Labelling for Tobacco Products

Date: 2019-02-01

Participants:

Health Canada (HC):
Manager, Labelling and Plain Packaging Office, Tobacco Control Directorate (TCD) (Chair)

Saira David
Director, Labelling and Plain Packaging Office, TCD

Senior Policy Analyst, Labelling and Plain Packaging Office, TCD

Brigham Enterprises Inc (Brigham):
Daniel W. More
President, Brigham Enterprises Inc.

Introduction:

A meeting was held at the request of Brigham to discuss areas HC is exploring for renewed health labelling on tobacco products.

The Chair reminded participants that this meeting is subject to disclosure as per HC'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.

HC also referred to Article 5.3 of the World Health Organization Framework Convention on Tobacco Control, its international obligation to protect tobacco control policies from the vested interests of the tobacco industry.

Brigham acknowledged that this meeting is to discuss the initiative for new health-related labelling for tobacco products, and mentioned an interest in meeting HC to discuss the proposed Tobacco Products Regulations (Plain and Standardized Appearance) (PSA).

Subjects:

Brigham introduced the structure and role of the company in selling cigars and pipe tobacco. Brigham indicated that the majority of its suppliers are small overseas manufacturers, and Canada represents a small percentage of their market.

Labelling size
Brigham outlined the various packaging materials, shapes and sizes for cigars and pipe tobacco. Brigham noted that regulating health warning label size as a percentage of surface area would result in different labelling dimensions for each package type. The company also indicated that it would be difficult to produce multiple different health-related sticker sizes to accommodate each package type. Brigham requested that health-related labelling requirements be limited to 2 or 3 specified dimensions, as opposed to by package surface area percentages.

Brigham explained that further requirements would create major compliance challenges to overseas suppliers currently packaging products for the Canadian market. Brigham noted that it does not have a Tobacco Manufacturing Licence that would allow for changes to the labelling of packages once they have arrived in Canada and are enclosed with a tax stamp.

Illicit Tobacco and PSA
Brigham indicated that a loss of its products on the Canadian market would result in an increase in the illicit tobacco market and would lead consumers to purchase products online and from the United States.

HC indicated to Brigham that there has been no credible evidence to suggest that implementation of PSA measures in other countries, such as France and Australia, have resulted in increases in the illicit tobacco market.

Implementation timelines
Brigham inquired about the implementation timelines for both labelling and PSA regulations. Brigham highlighted its difficulties to comply with the 6 months implementation timeline proposed for the PSA.

HC noted that the department received input in regards to the proposed 6 month implementation timeline for PSA, and is taking all comments into consideration while finalizing the regulations. At this time, HC cannot confirm a final publication date for the PSA in Canada Gazette, Part II.

Brigham also indicated that introduction of new labelling requirements shortly after introducing PSA would result in compliance challenges and difficulties working with manufacturers. Brigham explained that to comply with new PSA, several years' worth of packaging would need to be purchased, which could potentially be thrown out when new labelling requirements are implemented. Brigham requested that PSA and labelling requirements be introduced together, by potentially slowing down the timelines of the PSA requirements.

HC explained that labelling and PSA regulations are two separate initiatives and at different stages of regulatory development. HC advised that it would be longer than six months between implementation of the two sets of requirements, and the department is expecting to pre-publish proposed labelling regulations in the Canada Gazette, Part I in 2021. HC noted that slowing down the timeline of either regulations is not possible.

Conclusion:

The meeting was then concluded.

Documents: N/A