

# Health Canada and Chubby Gorilla meeting: Vaping – January 29, 2020

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## Subject:

Vaping

## Date:

**January 29, 2020**

## Participants:

Health Canada (HC)

- Denis Choinière (Chair)
  - Director, Tobacco Products Regulatory Office, Tobacco Control Directorate (TCD)
- Policy Analyst, Office of Policy and Strategic Planning, TCD
- Manager, Risk Management Strategies Division, Risk Management Bureau, Consumer and Hazardous Products Safety Directorate (CHPSD)
- Tiana Branch
  - National Director, Tobacco and Vaping and Controlled Substances Division, Consumer Products and Controlled Substances Directorate (CPCSD), Regulatory, Operations and Enforcement Branch (ROEB)

- Senior Manager, Tobacco and Vaping and Controlled Substances Division, CPCSD, ROEB
- Supervisor, Tobacco and Vaping and Controlled Substances Division, CPCSD, ROEB

Chubby Gorilla:

- Eyad Aboabdo
  - Vice President, Chubby Gorilla, Inc., A 4320 N. Harbor Blvd, Fullerton, California 92835 USA
- Dwain L. Sparks
  - Regulatory Compliance Director

## Introduction:

A meeting was held at the request of Chubby Gorilla to present:

- Company Overview
- Sample container closure systems
- Overview of our container closure system qualification testing program
- Our successful journey in developing compliant Child-Resistant Packaging
- An overview of nicotine regulations, globally
- Protection of product design and intellectual property
- Discussion and questions from the attendees
- Next steps for continuing this dialogue

The Chair opened the meeting by doing round table introductions.

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. It was acknowledged by Chubby Gorilla, Inc. representatives.

## Subjects:

### **Company Overview**

Chubby Gorilla provided a brief overview of their company, which has manufacturers and distributors in China, California and the Netherlands.

### **Overview of container closure system – qualification-testing program**

Chubby Gorilla provided an overview of the testing that their containers undergo, to be compliant in the US market and other jurisdictions.

### **Child-Resistant Containers**

Chubby Gorilla mentioned they have conducted various tests with their child-resistant containers. The containers have undergone viability and feasibility studies to assess the closure system over the lifetime of the container. These studies were completed on containers with and without e-liquid.

Chubby Gorilla, asked for clarification of the Vaping Products Labelling and Packaging Regulations, regarding evaluation, specifically the meaning of “responsible person”. HC directed Chubby Gorilla to consult Part 2, section 43 (1) of the [Vaping Products Labelling and Packaging Regulations](#) which provides a definition for “responsible person”.

### **An overview of nicotine regulations, globally**

Chubby Gorilla provided a brief overview of what they have heard globally with respect to nicotine concentration levels.

Chubby Gorilla asked HC how they could stay up to date on upcoming regulations, consultations, etc. HC indicated that they could consult the [Canada.ca News](#) webpage for the most up to date governmental news releases. They could also consult the [Canada Gazette](#) webpage or the department’s [forward regulatory plan](#).

### **Protection of product design and intellectual property**

Chubby Gorilla expressed concerns about providing master files to Health Canada and was seeking clarification as to whether such information remained confidential or would become public knowledge. HC indicated that any information submitted to HC would be subject to the [Access to Information Act](#).

### **Round table**

Chubby Gorilla sought clarification of the Vaping Products Labelling and Packaging Regulations regarding directions for opening and closing child-resistant containers. HC directed Chubby Gorilla to Part 2, section 55(1) to 56(5) of the [Vaping Products Labelling and Packaging Regulations](#), which outlines the requirements pertaining to directions for opening and closing child-resistant containers.

## Conclusion:

The meeting was then concluded.

## Documents/samples:

Chubby Gorilla provided HC with product samples, empty e-liquid bottles varying in size.