

SUMMARY: Meeting with Imperial Tobacco Canada

Subject: Meeting to discuss proposed regulatory requirements for vaping products

Date(s): January 30, 2018

Participants:

Health Canada (HC):

James Van Loon

Director General, Tobacco Control Directorate (TCD) (Chair)

Dana Beaton

Director, Office of Research & Surveillance (TCD)

Denis Choinière

Director, Tobacco Products Regulatory Office (TCD)

Tolga Yalkin

Director General, Consumer Product Safety Directorate (CPSD)

Geoff Barrett

Director, Risk Management Bureau (CPSD)

A/Senior Advisor, Director general's office (TCD)

A/Policy Analyst, Tobacco Products Regulatory Office (TCD)

Imperial Tobacco Canada (ITCan):

Jorge Araya

President and Chief Executive Officer (ITCan)

Mathieu Nadon

Head of Next Generation Products (ITCan)

Eric Gagnon

Head of Corporate & Regulatory Affairs (ITCan)

Scott Thurlow

Senior Counsel, Temple Scott Associates Inc.

Introduction:

The meeting was held at the request of ITCan via Mr. Thurlow of Temple Scott Associates.

The Chair opened the meeting by doing round table introductions.

HC reiterated its international obligation to protect tobacco control policies from the vested interests of the tobacco industry. In addition, in the interest of transparency, the department stated that it would be making a record of the meeting publicly available.

The topics raised by ITCan were:

- Regulatory proposals related to next-generation vaping products (future NGP);
- Consumer Chemicals and Containers Regulations (CCCR)/Canada Border Services Agency (CBSA) issues;
- Certain clauses in Bill S-5 that pertain to vaping products;
- The transition from status quo to approved products after the passage and royal assent of Bill S-5.

Subjects:

ITCan indicated its intention to embrace the principles of health when developing NGP products. ITCan stated that it shares HC's interests and objectives of tobacco use reduction to 5% by 2035.

The company indicated that it finds the current regulatory framework to be complex. However, it believes there is an opportunity for dialogue in order to import its vaping products legally and make them available to consumers in Canada. ITCan stated that it supports the consumer's right to be informed. The company would like to be a part of a harm reduction strategy and solution.

ITCan expressed concern that it is unable to import its vaping products into Canada prior to royal assent of Bill S-5. It questioned whether there was another viable legal pathway that could be considered.

The company also expressed concern that requirements under the CCCR represent a major challenge. The notion of a skull and crossbones symbol being required on packaging of vaping products will work against a message of harm reduction.

ITCan indicated its desire to import its products, not for sale but for testing and training purposes. However this request was denied by CBSA on the basis that the products could potentially be used with nicotine.

HC reiterated the requirement to comply with existing laws, and suggested the possibility of an alternative pathway – a therapeutic claim pursuant to the *Food and Drugs Act*.

With respect to importation for testing purposes, the Chair committed to getting back to ITCan with further information.

As a sign of transparency, ITCan invited HC officials to visit British American Tobacco (BAT) R&D centre in Southampton, UK, to see how its products (which are currently being sold in other countries) are being developed. HC responded that it would consider any future technical visits to BAT facilities within their obligations under Article 5.3 of the WHO Framework Convention on Tobacco Control.

ITCan asked whether CBSA would process the importation of vaping products fairly quickly as per the new rules, once Bill S-5 receives Royal Assent. HC responded that it is in regular contact with CBSA and that information would be conveyed to that agency through regular channels.

Conclusion:

The meeting was then concluded.

Documents:

- N/A