

Health Canada and Vaping Industry Trade Association (VITA) meeting: Vaping Regulations Compliance – June 7, 2021

Subject:

Vaping Industry Compliance

Date:

June 7, 2021

Participants:

Health Canada (HC)

- Sonia Johnson
 - Acting Director General, Tobacco Control Directorate (TCD), Controlled Substances and Cannabis Branch (CSCB)
- Joseph Given
 - Associate Director, Systems Configuration Unit and Compliance for Tobacco and Vaping Products, TCD, CSCB
- Acting Manager, Office of Policy and Strategic Planning, TCD, CSCB
- Policy Analyst, Office of Policy and Strategic Planning, TCD, CSCB (secretariat)
- Krista Locke
 - Director General, Consumer Product and Controlled Substances Directorate (CPCSD), Regulatory Operations and Enforcement Branch (ROEB) (Chair)
- Sally Gibbs

- Acting Director, Tobacco, Vaping and Controlled Substances Division, CPCSD, ROEB
- Senior Manager, Promotions and Internet Inspections, Tobacco, Vaping and Controlled Substances Division, CPCSD, ROEB
- Analyst/Issues Manager, Director General's Office, CPCSD, ROEB

Vaping Industry Trade Association (VITA)

- Daniel David
 - President
- Allan Rewak
 - Executive Director
- Meshailia Sinnis
 - Compliance Team Lead

Introduction:

A meeting was held at the request of VITA to discuss vaping industry compliance efforts.

The Chair opened the meeting with 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 the VITA representatives.

Subjects:

VITA Compliance Initiative

VITA explained their compliance initiative to address the lack of industry compliance with the *Vaping Products Promotion Regulations* (VPPR), particularly for online marketplaces. The objective of their work is to help the vaping industry understand what the requirements are, and what changes are required in order to improve compliance across Canada.

As part of the initiative, VITA indicated that they have developed online resources, hosted compliance webinar sessions, and conducted online compliance reviews for retailers by VITA trained inspectors. As phase one of the compliance review, VITA noted that they have inspected 630 online webpages from 230 vaping companies including their business websites, and social media accounts. After the initial review, VITA indicated that additional online reviews are conducted to see if the necessary changes have been implemented accordingly.

HC asked how VITA would approach outstanding items after conducting a second online review. VITA noted that they would call retailers to offer assistance in that case.

HC asked VITA if any marketing was done to encourage participation in VITA's webinar sessions. VITA indicated that there was limited promotion; however, they utilized connections within their network to inform the whole vaping industry of the initiative. VITA also noted that they collaborated directly with the Canadian Vaping Association (CVA) and their members.

VITA also explained their initiative for child-resistant containers (CRCs). Vaping industry members can subscribe to receive a list of CRC compliant tanks and pods through VITA's website.

Challenges with Online Compliance Requirements

VITA indicated that there have been several challenges adhering to online compliance requirements. For instance, VITA noted financial constraints for retailers requiring web developers to make changes

to their webpages. Additionally, VITA explained that age-gating functions are inconsistent on social media platforms such as Instagram. These errors can sometimes cause delays on retailers' social media pages, enabling visitors to see available products before the age-gating prompt is triggered.

VITA also indicated that some retailers have encountered issues with Facebook and Google reposting deleted product reviews. There are features on the online platforms that can automatically generate new pages on behalf of business owners, which cannot be managed by retailers. Some retailers have had to delist their businesses from Google to address this issue.

HC asked what percentage of the market has participated in VITA's online compliance initiative. VITA estimated that the retailers involved represented approximately 60-70% of the whole vaping industry across Canada, excluding Quebec.

VITA asked when the results of the HC 2020-21 online inspections would be released. HC indicated that the results are expected to be published in the summer of 2021.

Conclusion:

The meeting was then concluded.

Documents:

- Agenda as provided by VITA
- PowerPoint Presentation prepared by VITA