

## **SUMMARY: Meeting with Rothmans, Benson & Hedges**

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Subject: *Tobacco and Smoking Reduction Act* (TSRA) Review

Location: McDougal Centre, Calgary Alberta

Date: November 13, 2019

### Participants:

#### Meeting Chair

- Mr. Jeremy Nixon, MLA for Calgary-Klein, appointed to conduct the TSRA review

#### Alberta Health

- Ms. Jessica Carlson, Executive Director, Health and Wellness Promotion Branch
- Ms. Kim Schmidt, Manager, Health and Wellness Promotion Branch
- Mr. Richard Thorne, Senior Policy Lead, Health and Wellness Promotion Branch

#### Office of the Chief Medical Officer of Health

- Dr. Andre Corriveau, Deputy Chief Medical Officer of Health

#### Alberta Treasury Board and Finance:

- Ms. Irene Chan, Executive Director, Strategy and Client Services
- Mr. Lyndon Epp, Senior Manager, Tax Policy
- Mr. Geoffrey Durocher, Tax Policy Analyst

#### Industry

- Mr. Jeff Gaulin, Director, External Affairs, Rothmans, Benson & Hedges
- Mr. Michael Westcott, Manager, Government & Regulatory Affairs, Rothmans, Benson & Hedges
- Ms. Gail Kelly, Senior Consultant, Crestview Strategy

### **Introduction:**

A meeting was held with representatives from Rothmans, Benson & Hedges to discuss the review of the *Tobacco and Smoking Reduction Act* (TSRA). The Chair opened the meeting with round table introductions. The privacy key messages and tobacco disclaimer were read and acknowledged.<sup>1</sup>

### **Background:**

The chair indicated that the TSRA review will assess the effectiveness of the current legislative framework to address tobacco-related harms and to address issues including the recent surge in youth vaping and harms from use of tobacco-like products. He specified the scope of the review:

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<sup>1</sup> To meet the transparency and openness requirements of Article 5.3 of the World Health Organization Framework Convention on Tobacco Control (FCTC), please be advised that this meeting will be subject to disclosure. Information, views and opinions intended to inform the development of regulations and related initiatives, as a part of a submission to a formal consultation will not be treated confidentially by Alberta Health and the Government of Alberta. Furthermore, in keeping with Article 5.3 of the FCTC, the Government of Alberta must protect public health policies from the vested interests of the tobacco industry. Alberta Health will conduct this meeting with tobacco Industry Representatives only to the extent necessary to enable the department to effectively regulate the industry and its products

- In scope: Issues related to tobacco, vaping and tobacco-like products; potential policy options to inform possible changes in legislation; review of legislation of other Ministries to identify and reduce potential overlap, inconsistency or conflict.
- Out of scope: Ceremonial use of tobacco by First Nations; policy recommendations that fall under the authority of municipalities, First Nations or the federal government; issues related to cannabis; health care cost recovery litigation against tobacco manufacturers; the decision to impose a tax on vaping products.

Feedback will be used to inform potential amendments to the TSRA, for the spring 2020 session.

### **Subjects:**

The topics discussed during the meeting included:

- Vaping products as a harm reduction tool
- Plan to address use of vaping products by youth
- Additional vaping issues
- Vaping products tax

### **Vaping products as a harm reduction tool**

The Rothmans, Benson & Hedges representatives indicated support for moving smokers from combustible tobacco to vaping products and reducing incidences of youth vaping. The Rothmans, Benson & Hedges representatives argued for Alberta to adopt a harm reduction approach to reducing tobacco smoking rates. As such, they contended that vaping products should not be regulated like tobacco products. The Rothmans, Benson & Hedges representatives stated that future regulations should deal with the problem of smoke and the chemicals within that smoke, as they are the source of smoking related illnesses, which is not a component of their heat not burn tobacco product and vaping products. The Rothmans, Benson & Hedges representatives cited studies from the Public Health Agency of England and the Royal College of Physicians to support the claim that vaping is less harmful than combustible tobacco.

### **Plan to address use of vaping products by youth**

The Rothmans, Benson & Hedges representatives outlined a ten point plan to address youth vaping while ensuring that the products remain accessible as a harm reduction tool. The plan included the following actions:

1. Add warning labels – include warnings on vaping products
2. Restrict flavours – limit flavours that appeal to youth, including dessert and confectionary flavours
3. Restrict advertising and promotion – point of sale restrictions within reasonable limits suggested, but the Rothmans, Benson & Hedges representatives stated that the ability to message to target market should be allowed
4. Raise minimum age – to prevent social sourcing of vaping products amongst youth
5. Licensing and penalties – in order to ensure compliance
6. Tampering prevention – limit ability of people to alter vaping products to prevent health unintended health harms
7. List ingredients
8. Nicotine cap – a 50ml nicotine cap was proposed
9. Reporting – product quality and safety reporting
10. Education – allow industry to highlight harm reduction products

### **Additional vaping issues**

The Rothmans, Benson & Hedges representatives highlighted the definition of vaping used by Ontario as one that could be adopted in Alberta.

The Rothmans, Benson & Hedges representatives discussed online sales and recommended regulations that require a third party age and delivery verification system.

The Rothmans, Benson & Hedges representatives recommended that governments play a role in promoting harm reduction. Representatives suggested that any future vaping product communication restrictions should not align with current tobacco legislative restrictions. Doing so, would not allow them to communicate comparisons of their vaping products with combustible tobacco, thereby limiting the harm reduction potential of those products. Additionally, they stated that governments should allow sampling in adult only environments to promote the harm reduction aspects of vaping products.

Representatives supported point of sale restrictions but they emphasized to need to message to current smokers. The Rothmans, Benson & Hedges representatives noted that point of sale advertising could be used if the message in those advertisements is crafted in such a way that they inform smokers of an alternative, while not attracting youth. Additionally, they acknowledged that lifestyle ads and other youth focussed advertising of vaping products are inappropriate.

#### **Tax for vaping products**

The Rothmans, Benson & Hedges representatives indicated that the design of a tax on vaping products should consider how easy it is to apply, the rate and its applicability. The representatives stated that they thought a volume based tax, set at a low rate and universally applied would be the most effective tax for vaping products. They further argued that the risk profile associated with the consumption of the product should be considered.

#### **Conclusion:**

No definitive conclusions were reached or commitments made concerning any possible future changes to Alberta's tobacco and smoking legislative framework.