

Tobacco Products Information Regulations

SOR/2000-272

TOBACCO ACT

Registration 2000-06-26

Tobacco Products Information Regulations

P.C. 2000-1039 2000-06-21

Whereas, pursuant to section 42.1 of the *Tobacco Act*^a, the Minister of Health laid a copy of the proposed *Tobacco Products Information Regulations*, substantially in the annexed form, before the House of Commons on May 12, 2000 and the House of Commons concurred on June 8, 2000 in a report from the Standing Committee on Health approving the proposed Regulations;

^aS.C. 1997, c. 13

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Health, pursuant to sections 17 and 33 of the *Tobacco Act*^a, hereby makes the annexed *Tobacco Products Information Regulations*.

INTERPRETATION

Definitions

1. The definitions in this section apply in these Regulations.

"Act"
« *Loi* »

"Act" means the *Tobacco Act*.

"brand"
« *marque* »

"brand" means all of the brand elements that as a whole are used by a manufacturer to identify to a consumer a tobacco product made by the manufacturer.

"carton"
« *cartouche* »

"carton" means a package intended to be sold to consumers and that contains two or more packages of a tobacco product, other than a tube, a filter or cigarette paper.

"cigar"
« *cigare* »

"cigar" includes

(a) a cigarillo or cheroot; and

(b) any roll or tubular construction intended for smoking that consists of a filler composed of pieces of natural or reconstituted leaf tobacco, a binder of natural or reconstituted leaf tobacco in which the filler is wrapped, and a wrapper of natural or reconstituted leaf tobacco.

"cigarette"
« *cigarette* »

"cigarette" includes any roll or tubular construction that contains tobacco and is intended for smoking, other than a bidi, cigar, kretek or tobacco stick.

"equivalent unit"
« *unité équivalente* »

"equivalent unit" means

(a) in respect of cigarette tobacco, a cigarette prepared in accordance with the method set out in the Canadian General Standards Board standard CAN/CGSB-176.1-92, entitled *Preparation of Cigarettes from Cigarette Tobacco for Testing*, dated December 1992; and

(b) in respect of leaf tobacco, a cigarette prepared in accordance with Official Method T-401, entitled *Preparation of cigarettes from packaged leaf tobacco for testing*, prepared by the Department of Health, dated December 31, 1999.

"health information"
« *information de santé* »

"health information" means the information set out in Part 4 of the source document.

"health warning"
« *mise en garde* »

"health warning" means

(a) in respect of cigarettes, cigarette tobacco, kreteks, leaf tobacco and tobacco sticks, the warnings that are set out in Part 1 of the source document;

(b) in respect of pipe tobacco, other than pipe tobacco described in subsection 6(1), the warnings that are set out in Part 2 of the source document; and

(c) in respect of pipe tobacco and cigars described in section 6, the warnings that are set out in Part 3 of the source document.

"kit"
« *trousse* »

"kit" means a package that includes any of the following tobacco products together with another tobacco product, which products are intended to be assembled by a consumer for their use:

(a) cigarettes;

(b) cigarette tobacco;

(c) leaf tobacco;

(d) cigars;

(e) pipe tobacco;

(f) tobacco sticks;

(g) chewing tobacco;

(h) snuff;

(i) kreteks; or

(j) bidis.

"mainstream smoke"
« *fumée principale* »

"mainstream smoke" means the smoke that is drawn through the port of a smoking machine when a tobacco product is placed in the machine and combusted.

"manufacturer"
« fabricant »

"manufacturer" includes an importer of tobacco products. It does not include a manufacturer that only packages or that only distributes tobacco products on behalf of another manufacturer.

"principal display surface"
« principale surface exposée »

"principal display surface", means

(a) in the case of a package, carton or kit that has at least two equal sized sides or surfaces, other than the top and bottom, that may be displayed or visible under normal or customary conditions of sale or use, the area of each of two of those sides or surfaces, including the sides of any lid or cover if those sides are part of the sides of the package, carton or kit;

(b) in the case of a package, carton or kit that has sides of more than one size, the area of each half of the total area of its largest side;

(c) in the case of a package, carton or kit that has a lid or flap that is the part of the package, carton or kit displayed or visible under normal or customary conditions of sale or use, the area of each half of the total area of the top surface of the lid or flap; and

(d) in the case of a package, carton or kit that does not have a particular side or surface that is predominantly displayed or visible under normal or customary conditions of sale or use, any two portions that each occupy 40% of the total surface area of the package, carton or kit and that can be displayed or visible under normal or customary conditions of sale or use, excluding, where applicable, the top surface of any lid, but including the side of the lid if the side is a part of the side of the package, carton or kit.

"slide"
« tiroir »

"slide" means the sliding portion of a slide package that is intended to contain a tobacco product.

"source document"
« document source »

"source document" means the document entitled *Health Warnings and Information for Tobacco Products*, published by the Department of Health, dated May 12, 2000.

"toxic constituent"
« constituant toxique »

"toxic constituent" means a toxic constituent listed in column 1 of Schedule 2.

"toxic emission"
« émission toxique »

"toxic emission" means a toxic emission listed in column 1 of Schedule 1.

"type of package"
« type d'emballage »

"type of package" includes each size of the following types of packages:

(a) in respect of bidis, cigarettes, kreteks and tobacco sticks,

(i) a slide and shell package,

(ii) a flip-top package, and

- (iii) a soft package;
- (b) in respect of cigarette tobacco and pipe tobacco,
 - (i) a pouch,
 - (ii) a can, and
 - (iii) a tub;
- (c) in respect of cigars,
 - (i) a tube,
 - (ii) a flip-top box,
 - (iii) a soft package, and
 - (iv) a bundle; and
- (d) in respect of chewing tobacco and snuff, a plastic or metal container.

"unit"
« unité »

"unit" means

- (a) a cigarette;
- (b) a cigar;
- (c) a tobacco stick;
- (d) a kretek; or
- (e) a bidi.

APPLICATION

Retail sale

2. These Regulations apply to tobacco products that are for retail sale in Canada.

GENERAL

Must be legible

3. (1) Any written information that is required by these Regulations to be displayed shall be displayed

- (a) in both official languages, in the same manner; and
- (b) in a manner that ensures that the information is legible and prominently displayed.

Health warnings and health information

(2) Health warnings and health information shall

(a) except for those set out in subsections 5(4) to (6), be obtained from the Minister and reproduced from electronic images obtained from the electronic files used by the Minister to generate the source document; and

(b) be adapted to meet the requirements of paragraph 5(2)(b).

Colour and clarity

(3) All health warnings and health information shall be reproduced

(a) in a colour that is as close as possible to the colour in which they are set out in the source document; and

(b) as clearly as possible taking into consideration the method of printing used by the manufacturer.

Attribution

4. (1) If a manufacturer attributes information that, in accordance with these Regulations, must be displayed, the manufacturer shall do so by displaying only the following under the information, in the same colour as the text of the information and in Universal type in a pitch that is not greater than the smallest pitch used in the attributed information:

(a) if the information is in English, the phrase "Health Canada"; and

(b) if the information is in French, the phrase "Santé Canada".

Removal of attribution

(2) Every manufacturer that does not attribute a health warning or health information may remove the attribution contained in the electronic files obtained under paragraph 3(2)(a).

HEALTH WARNINGS

Obligation to display

5. (1) Subject to subsections (4) to (6), every manufacturer of bidis, cigarettes, cigarette tobacco, kreteks, leaf tobacco, chewing tobacco, snuff, tobacco sticks, or pipe tobacco, other than pipe tobacco described in section 6, shall display the applicable health warnings for the tobacco product on every package of the tobacco product that they manufacture, in accordance with this section.

Manner of display

(2) The health warnings must

(a) be displayed in English on one principal display surface and in French on the other principal display surface;

(b) occupy at least 50% of the principal display surfaces and be positioned parallel to the top edge of the package, towards the top part of the package as much as possible while satisfying the requirements of paragraph (c), and in the same direction as the other information that is on the package;

(c) be displayed on a principal display surface in a manner that ensures that none of the words of the warning will be severed when the package is opened; and

(d) be selected, except in the case of bidis, chewing tobacco and snuff, from the formats provided by the Minister for each health warning and based on the shape of the space as determined in accordance with paragraph (b).

Pitch

(3) A health warning referred to in subsections (4) to (6) shall be displayed using black characters on a white background in Helvetica bold type in a pitch that results in it occupying not less than 60% and not more than 70% of the area in which it is displayed as determined in accordance with paragraph (2)(b).

Bidis

(4) Every manufacturer of bidis shall display one of the following bilingual health warnings on every package of bidis that they manufacture, in accordance with subsection (7):

(a) "USE OF THIS PRODUCT CAN CAUSE CANCER" and "L'USAGE DE CE PRODUIT PEUT CAUSER LE CANCER";

(b) "TOBACCO SMOKE HURTS CHILDREN" and "LA FUMÉE DE TABAC NUIT AUX ENFANTS";

(c) "TOBACCO SMOKE CAN CAUSE FATAL LUNG DISEASES" and "LA FUMÉE DE TABAC PEUT CAUSER DES MALADIES PULMONAIRES MORTELLES"; or

(d) "TOBACCO SMOKE CONTAINS HYDROGEN CYANIDE" and "LA FUMÉE DE TABAC CONTIENT DE L'ACIDE CYANHYDRIQUE".

Chewing tobacco and oral snuff

(5) Every manufacturer of chewing tobacco or oral snuff shall display one of the following bilingual health warnings on every package of chewing tobacco or oral snuff that they manufacture, in accordance with subsection (7):

(a) "THIS PRODUCT IS HIGHLY ADDICTIVE" and "CE PRODUIT CRÉE UNE FORTE DÉPENDANCE";

(b) "THIS PRODUCT CAUSES MOUTH DISEASES" and "CE PRODUIT CAUSE DES MALADIES DE LA BOUCHE";

(c) "THIS PRODUCT IS NOT A SAFE ALTERNATIVE TO CIGARETTES" and "CE PRODUIT N'EST PAS UN SUBSTITUT SÉCURITAIRE À LA CIGARETTE"; or

(d) "USE OF THIS PRODUCT CAN CAUSE CANCER" and "L'USAGE DE CE PRODUIT PEUT CAUSER LE CANCER".

Nasal snuff

(6) Every manufacturer of nasal snuff shall display one of the following bilingual health warnings on every package of nasal snuff that they manufacture, in accordance with subsection (7):

(a) "THIS PRODUCT IS NOT A SAFE ALTERNATIVE TO CIGARETTES" and "CE PRODUIT N'EST PAS UN SUBSTITUT SÉCURITAIRE À LA CIGARETTE";

(b) "THIS PRODUCT CONTAINS CANCER CAUSING AGENTS" and "CE PRODUIT CONTIENT DES AGENTS CANCÉRIGÈNES";

(c) "THIS PRODUCT MAY BE ADDICTIVE" and "CE PRODUIT PEUT CRÉER UNE DÉPENDANCE"; and

(d) "THIS PRODUCT MAY BE HARMFUL" and "CE PRODUIT PEUT ÊTRE NOCIF".

Equal display

(7) Every manufacturer shall, in respect of each brand of a tobacco product that the manufacturer packages in a year and each type of package of the brand, display each health warning

(a) in the case of cigarettes, cigarette tobacco, kreteks, leaf tobacco and tobacco sticks, on between 3.25% and 9.25% of those tobacco products; and

(b) in the case of bidis, cigars, pipe tobacco, chewing tobacco and snuff, on between 22% and 28% of those tobacco products.

Pipe tobacco pouches and cigar boxes

6. (1) Every manufacturer of pipe tobacco contained in a pouch or cigars contained in a box shall display, entirely on one side of the pouch or box, one of the bilingual health warnings set out in Part 3 of the source document in a manner that the label is not severed when the pouch or box is opened, as follows:

(a) if the surface on which the warning is displayed is less than or equal to 149 cm², using a label of at least 20 cm² with the width of the label measuring no less than 4 cm; and

(b) if the surface on which the warning is displayed is greater than 149 cm², using a label of at least 40 cm² with the width of the label measuring no less than 4 cm.

Cigars in bundles

(2) Every manufacturer of cigars contained in a bundle shall display, on a label of at least 40 cm² with the width of the label measuring no less than 4 cm placed anywhere on the bundle except for the top and bottom surface of the bundle, one of the bilingual health warnings set out in Part 3 of the source document.

HEALTH INFORMATION

Display

7. (1) Every manufacturer of cigarettes, other than cigarettes contained in a soft package, cigarette tobacco, other than cigarette tobacco contained in a pouch, kreteks, leaf tobacco and tobacco sticks shall display health information in the following manner:

(a) in the case of any package other than a slide and shell package or a tub

(i) anywhere on the package, other than the principal display surface or the bottom, in a manner that the English and French texts are side by side, centred, and together occupy between 60% and 70% of the side on which it is displayed; or

(ii) on a leaflet inserted in every package, in English on one side of the leaflet and in French on the other side, with the information centred and occupying between 60% to 70% of each side;

(b) in the case of a slide and shell package

(i) in the manner described in subparagraph (a)(ii), or

(ii) on the surface of the slide that is opposite to the side of the slide that is next to the tobacco product, in such a manner that the English and French texts are side-by-side and centered, and together occupy 60% to 70% of that surface; and

(c) in the case of a tub

(i) in the manner described in subparagraph (a)(ii),

(ii) on any exterior surface of the tub except the bottom,

(iii) on the interior surface of the lid, or

(iv) on the freshness seal.

Leaflet

(2) The leaflet shall be approximately 50 mm by 88 mm and readily visible to a person who opens a package in which it has been inserted.

Equal display

(3) Every manufacturer shall, in respect of each brand of a tobacco product specified in subsection (1) that the manufacturer packages during a year and each type of package of the brand, display each message on between 3.25% and 9.25% of those tobacco products.

TOXIC EMISSIONS AND TOXIC CONSTITUENTS

Test methods

8. (1) Sections 4 (laboratories) and 5 (alternative methods) and subsections 12(4) (constituents — sampling), 12(5) (constituents — replicates), 12(6) (adjustment for

moisture), 14(3) (emissions — sampling) and 14(4) (emissions — replicates) of the *Tobacco Reporting Regulations* apply to the testing of a tobacco product for the purpose of displaying information in accordance with sections 9 and 10 of these Regulations.

Exceptions and exemptions

(2) The exceptions and exemptions set out in sections 12 and 14 of the *Tobacco Reporting Regulations* apply for the purpose of displaying information in accordance with sections 9 and 10 of these Regulations.

Toxic emissions

9. (1) Every manufacturer of cigarettes, cigarette tobacco, kreteks, leaf tobacco and tobacco sticks shall display on every package, other than a carton, kit or wrapper, of those tobacco products

(a) a range, as determined by calculations of the mean under the conditions set out in subsection (2) with a prediction interval of 95%, of every toxic emission that is contained in the total amount of mainstream smoke produced from the combustion of the tobacco product, expressed to 2 significant digits in milligrams per unit or equivalent unit, as determined in accordance with the official method set out for that toxic emission in column 2 of Schedule 1; and

(b) the information referred to in paragraph (a), in the order that the toxic emissions are listed in column 1 of Schedule 1, in such a manner that the English and French texts are one under the other, preceded by

(i) in the case of cigarettes, kreteks and tobacco sticks, the words "Toxic emissions/unit:" and "Émissions toxiques/unité :", and

(ii) in the case of cigarette tobacco and leaf tobacco, the words "Toxic emissions/gram:" and "Émissions toxiques/gramme :".

Conditions for the collection of data

(2) The amount of a toxic emission shall be determined as follows:

(a) under the conditions set out in the International Organization for Standardization standard ISO 3308, Third Edition, dated 1991-10-15, entitled *Routine analytical cigarette-smoking machine — Definitions and standard conditions*; and

(b) under the conditions specified in paragraph (a) but modified in the following manner:

(i) puff volume must be increased from 35 mL to 55 mL,

(ii) puff interval must be decreased from 60 s to 30 s, and

(iii) all ventilation holes must be blocked by placing over them a strip of Mylar adhesive tape, Scotch Brand product no. 600 Transparent Tape, and the tape must be cut so that it covers the circumference and is tightly secured from the end of the filter to the tipping overwrap seam or by another method of equivalent efficiency.

Toxic constituents

10. Every manufacturer of chewing tobacco or snuff shall display on every package, other than a carton, kit or wrapper, of chewing tobacco or snuff that they manufacture

(a) with a variation of not more than 5%, the mean amount of toxic constituents contained in the chewing tobacco or snuff, expressed in milligrams, micrograms or nanograms per gram of chewing tobacco or snuff and determined in accordance with the official method set out for that toxic constituent in column 2 of Schedule 2; and

(b) the information referred to in paragraph (a), in the order set out in column 1 of Schedule 2, in such a manner that the English and French texts are one under the other, preceded by the words "Toxic constituents/gram:" and "Constituants toxiques/gramme :".

Placement and pitch

11. The information to be displayed in accordance with sections 9 and 10 shall be displayed

(a) on any side of the package, other than a side displaying a health warning, or, in the case of a package of chewing tobacco or snuff, on its bottom, in a manner that it occupies no less than 50% of the entire side or bottom;

(b) in Helvetica bold type in black characters on a white background, in a pitch of 10 points or, if it is impossible to display the information without occupying more than 70% of the area in which it is to be displayed, in a pitch that results in the information occupying not less than 60% of that area; and

(c) using the full name of the emission or constituent and not its chemical formula or any other abbreviated name.

SLIDE AND SHELL PACKAGES

Texts to be displayed

12. (1) Subject to subsection (3), every manufacturer of bidis, cigarettes, kreteks or tobacco sticks contained in slide and shell packages shall display on the upper slide-flap of every package of those tobacco products that they manufacture the health information that is set out for the upper slide-flap in Part 4 of the source document, in accordance with this section.

Manner of display

(2) The health information required under subsection (1) shall be displayed in a manner that the English and French texts are one under the other and together occupy at least 50% of the surface of the upper slide-flap.

Equal display

(3) Each message of the required health information shall be displayed, in respect of each brand of a tobacco product specified in subsection (1) packaged by a manufacturer in a year, on between 3.25% and 9.25% of those products.

Meaning of "upper slide-flap"

(4) In this section, "upper slide-flap" means, in respect of a slide and shell package, the portion at the extremity of the slide that can be folded and is concealed by the shell when the slide and shell package is closed and that, when the package is opened by a consumer under normal conditions of use, is visible to the consumer.

CARTONS AND KITS

Display

13. (1) Every manufacturer of a tobacco product contained in a carton or kit shall, in addition to the information otherwise displayed on each package, display on the carton or kit

(a) on the principal display surface, a health warning in accordance with subsections 5(1), (2), (3) and (7);

(b) on the two next largest sides, a health warning from those mentioned in paragraph (a) so that it occupies at least 50% of the surface of each of those sides; and

(c) on the remaining sides, except in the case of transparent cartons and transparent kits, either

(i) a health warning from those mentioned in paragraph (a) so that it occupies at least 50% of the surface of those sides; or

(ii) the following, in such a manner that the English and French texts are one under the other and together occupy at least 50% of those sides, in Helvetica type and in a pitch that results in it occupying not less than 60% and not more than 70% of the surface to be occupied:

(A) in the case of chewing tobacco and snuff, the mean amount of the toxic constituents, determined in accordance with section 10, and

(B) in any other case except bidis, the range of the mean toxic emissions, determined in accordance with section 9.

Health information

(2) Every manufacturer of cigarettes contained in soft packages that are packaged in cartons or kits shall insert in each of those cartons a leaflet that displays health information in the manner specified in section 7.

COMING INTO FORCE

Coming into force

14. (1) These Regulations, except sections 8 to 11, come into force

(a) in respect of a brand of cigarettes that, for the year preceding the year in which these Regulations are registered, has total sales in Canada of that brand in that year of more than 2% of the total sales in Canada of cigarettes in that preceding year, on the day that is 180 days after the day on which these Regulations are registered; and

(b) in respect of any other tobacco product, one year after the day on which these Regulations are registered.

Toxic emissions and constituents

(2) Sections 8 to 11 come into force one year after the day on which these Regulations are registered.

SCHEDULE 1

(Sections 1 and 9)

OFFICIAL METHODS FOR THE COLLECTION OF DATA ON TOXIC EMISSIONS IN MAINSTREAM SMOKE

	Column 1	Column 2
Item	Toxic Emission	Official Method
1.	(a) Tar (b) Nicotine (c) Carbon monoxide	Official Method T-115, <i>Determination of "Tar", Nicotine and Carbon Monoxide in Mainstream Tobacco Smoke</i> , prepared by the Department of Health dated December 31, 1999
2.	Formaldehyde	Official Method T-104, <i>Determination of Selected Carbonyls in Mainstream Tobacco Smoke</i> , prepared by the Department of Health dated December 31, 1999
3.	Hydrogen cyanide	Official Method T-107, <i>Determination of Hydrogen Cyanide in Mainstream Tobacco Smoke</i> , prepared by the Department of Health dated December 31, 1999
4.	Benzene	Official Method T-116, <i>Determination of 1,3 — Butadiene, Isoprene, Acrylonitrile, Benzene and Toluene in Mainstream Tobacco Smoke</i> , prepared by the Department of Health dated December 31, 1999

SCHEDULE 2

(Sections 1 and 10)

OFFICIAL METHODS FOR THE COLLECTION OF DATA ON TOXIC CONSTITUENTS IN CHEWING TOBACCO AND SNUFF

	Column 1	Column 2
Item	Toxic Constituent	Official Method
1.	Nitrosamines	Official Method T-309, <i>Determination of Nitrosamines in Whole Tobacco</i> , prepared by the Department of Health dated December 31, 1999
2.	Lead	Official Method T-306, <i>Determination of Ni, Pb, Cd, Cr, As, Se and Hg in Whole Tobacco</i> , prepared by the Department of Health dated December 31, 1999
3.	Nicotine	Official Method T-301, <i>Determination of Alkaloids in Whole Tobacco</i> , prepared by the Department of Health dated December 31, 1999