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'IT'S LIKE THE WILD WEST'

Despite ban, e-cigarettes and liquid nicotine are big business

JENNY YUEN
Toronto Sun

Six years after e-cigarettes were effectively banned in Canada, a booming industry and thousands of users across this country remain in a nicotine-laced fog.

Are they legal?
Are they safe?

And what's taking so long to sort things out?

Federal foot dragging, says the opposition NDP health critic and vice-chairman of a Commons committee that

recommended regulations this past spring.

"It's like the Wild West," Victoria New Democrat MP Murray Rankin told the *Toronto Sun* this week. "All over the country, they call for some sort of serious regulatory action."

Meanwhile, Canadians' growing use of e-cigarettes and related products continues to fuel concerns about the potential health risks associated with unregulated nicotine "juice" used in the products, and the possibility that e-cigarettes, particularly those flavoured to appeal to kids, will hook more young people on smoking.

"We're talking bubblegum-flavoured tobacco," Rankin said. "This is such an unregulated industry."

National regulations would create standards and a level playing field, something the industry itself wants.

Instead, in the absence of federal leadership, standards are relegated to manufactur-

ers — many from out of country — and regulation is proceeding in a patchwork manner, province by province, city by city and even by local board, agency and commission.

In March 2009, Health Canada issued an advisory making it illegal to sell or advertise "electronic cigarettes, cigars, cigarillos and pipes, as well as cartridges of nicotine solutions and related products."

Despite the ban, online and local retailers, including variety stores and "vape" shops, openly sold those same products and the Canadian market is worth an estimated \$140 million.

Since 2009, there has been virtually no enforce-

ment of the ban — some 300 responses to complaints regarding the unauthorized sale of e-cigarettes but few charges or warnings — and little movement on regulation until 2014, when federal Health Minister Rona Ambrose had the Commons health committee study the risks and benefits of e-cigarettes and advise on the need for regulation.

The committee released 14 recommendations in the spring, including a call for further research and a national regulatory framework.

But there has been no apparent movement on the report.

"The Conservatives are doing nothing," Rankin said.

"We're talking bubblegum-flavoured tobacco. This is such an unregulated industry"

NDP MP Murray Rankin



"They're not acting on this. The report hasn't led, to my knowledge, to additional action on the part of the federal Conservatives, whereas the provinces have been forced to act in that vacuum created by federal inaction."

For her part, Ambrose's office released a boilerplate non-response on government plans.

"Minister Ambrose asked the health committee to study the potential risks and benefits of e-cigarettes and to seek the advice of a variety of health stakeholders," said Michael Bolkenius, the minister's press secretary. "We thank the committee for their study on this issue. We will review the findings of the report and respond in due course."

Ben Lobb, who chaired the Commons committee, suggests the "way forward" on e-cigarettes is through the Tobacco Act.

"What most Canadians will want to see is companies manufacturing e-cigarettes

are not targeting youth," Lobb said. "That's why we're looking at the Tobacco Act for a lot of that."

"I think when we're talking the mid-to-near future, we're talking 18 months would be a good time frame (to implement the regulations)."

Meanwhile, cities and provinces are independently preparing for e-cigarette regulations of their own and, by next year, there will be a patchwork system of regulations across the country.

"We've seen the explosion of e-cigarettes in Canada and I think that is appalling," Rankin said.

"That the provinces have had to get involved is testimony to the federal government not doing its job," he said. "The Conservatives have not stepped up to address this health challenge."

"We think it's time to act, there's been enough studies on this."

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VAPING: IS IT SAFE FOR ANYONE?

JENNY YUEN
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Is vaping safe? Some key health findings and concerns:

NOT ENOUGH RESEARCH

"There's the ongoing issue of the e-cigarettes that contain nicotine. On one hand, they can be helpful to some people. There are lots of anecdotal stories of them helping people quit. But the flip side is some people are using e-cigarettes as a way of accessing nicotine until they can get to their next cigarette."

— Michael Perley, director of the Ontario Campaign for Action on Tobacco

THE NUMBER OF TEENS VAPING IS GROWING FAST

The U.S. Centers for Disease Control and Prevention says the percentage of high school students using e-cigarettes shot up to 13.4% from 4.5% between 2013 and 2014, which translates to about 2 million teens.

During that same period, an additional 450,000 middle school students started vaping.

"We want parents to know that nicotine is dangerous for kids at any age, whether it's an e-cigarette, hookah, cigarette or cigar," CDC director Tom Frieden said. "Adolescence is a critical time for brain development. Nicotine exposure at a young age may cause lasting harm to brain development, promote addiction and lead to sustained tobacco use."

DANGEROUS INGREDIENTS

A Japanese study found formaldehyde — which potentially increases a person's risk for leukemia and brain cancer — is released when the chemical substances in e-cigarette fluid are heated and become oxidized.

But some dispute the findings.



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Dr. Konstantinos Farsalinos of Ecigarette Research says certain e-cigarette brands may have up to 34 micrograms of formaldehyde, but the average

cigarette contains 200 micrograms.

Canadian Cancer Society spokesman Kelly Gorman said it's often difficult to know what ingredients or chemicals make up the nicotine liquid used in e-cigarettes.

"We don't know right now," Gorman said. "We should take a precautionary approach to them and study this a little bit more from a safety standpoint."

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— With files from Jeremy Appel

ELECTRONIC CIGARETTES – PROS AND CONS

MARYAM SHAH
Postmedia Network

PROS

- Users can customize the level of nicotine in an e-cigarette.
- No exposure to tobacco, tar or carbon monoxide.
- Easy to carry around.
- They can be cheaper than buying cigarettes.
- A 2013 study showed e-cigarettes were about as successful as nicotine patches as an aid to quit smoking.

Source: 180smoke.ca, projectvape.com

CONS

- E-cigarettes may not leave a smell behind, making it more difficult to catch children smoking.
- There isn't enough evidence to conclusively say whether e-cigarettes are healthier than tobacco products.
- Users may experience sore throats and dry mouths and lips — one retailer's website says it could be due to tobacco withdrawal.
- By resembling the act of smoking, younger people could be attracted to tobacco products. The Canadian Public Health Association cites a 2014 study that claims e-cigarette use may encourage "conventional" cigarette use

among U.S. adolescents.

- There isn't enough proof that e-cigarettes are an effective way to quit smoking.

Source: webmd.com, 180smoke.ca, Ontario Lung Association, Canadian Public Health Association

REPORT: GOV'T SHOULD FUND RESEARCH

The Commons health committee's recommendations for Health Canada:

- The government should help pay for research into the health effects of e-cigarettes and whether they encourage teens to smoke tobacco.

- The government should regulate e-cigarettes.

- The regulations should require that electronic cigarettes be visually distinct from tobacco products.

- They should address e-cigarettes that contain nicotine and those that don't.

- Limit the amount of nicotine in e-cigarette liquid or vapour.

- Require manufacturers and importers to disclose the ingredients in their e-cigarettes.

- Require e-cigarette components be sold in child-resistant packaging, and that all packaging clearly indicate the concentration of nicotine and feature safety warnings.

- Prohibit e-cigarette manufacturers from making unproven health claims.

- Prohibit the sale of e-cigarettes or other electronic nicotine delivery systems to persons under the age of 18.

- Prohibit the use of e-cigarettes in federally regulated public spaces.

- Restrict advertising and promotional activities for these products.

- Prohibit cross-branding practices, such as the use of tobacco industry logos on e-cigarettes.

- Prohibit the use of flavours in e-cigarette liquids that are specifically designed to appeal to young people.

WHAT ARE E-CIGARETTES?



E-cigarettes — or electronic cigarettes — are battery-powered vaporizers that simulate the sensation of smoking. Health Canada has banned any e-cigarette product or liquid containing nicotine or that is associated with a health claim. They are illegal to use, sell or advertise in the country but are ubiquitous in variety stores, vape and head shops across Canada.

WHAT IS ONTARIO DOING?

- The Ministry of Health and Long-Term Care said it's responsible for enforcing age-based sales restrictions of e-cigarettes to anyone under 19 beginning Jan. 1, 2016.

- Adults will be prohibited from using e-cigarettes anywhere smoking is banned, although an enforcement date hasn't been set.

- Then, on Jan. 1, 2017, the province will implement additional restrictions under the Electronic Cigarettes Act on the display, promotion, sale and use of e-cigarettes. For example, the law prohibits the sale of e-cigarettes in stores not licensed to sell cigarettes, and prohibits the display or promotion of e-cigarettes in stores where they or tobacco products are sold.

E-cigs OK in public places

Smoke-free Ontario Act doesn't apply

JENNY YUEN
Toronto Sun

People can use e-cigarettes in public places without fear of the smoking police, according to Ontario's health ministry.

While the province doesn't have any restrictions on e-cigarettes until new legislation comes into effect in 2016, some companies are using the Smoke-Free Ontario Act — which governs the lighting up of regular smokes — to prohibit vaping on their properties.

"The act doesn't apply to e-cigarettes," health ministry spokesman David Jensen said. "The new Electronic Cigarettes Act (under the Making Healthier Choices Act) will apply to e-cigarettes."

However, in addition to the position that some companies are taking, there's also a misconception when it comes to bans in some restaurants.

Rules for smoking e-cigarettes inside restaurants and on patios vary by establishment, with many owners pointing to the Smoke-Free Ontario Act to back up their prohibitions.

But transit organizations, such as the TTC and GO Transit, have their own bylaws to "be absolutely covered," Metrolinx spokesman Anne Marie Aikins said.

"We don't allow people to smoke (e-cigarettes) on the platforms, the trains or anywhere you couldn't smoke normally," she said.

"We have interpreted e-cigarettes the same as we have for cigarettes, but we want to make sure it's covered so we had an amendment to our own smoking bylaw that our board has voted on. They're getting a legal opinion on it this summer."

Banned from TTC

Meanwhile, the TTC has banned e-cigarettes — regardless of whether they have nicotine in them — from its properties.

"We will be bringing a bylaw amendment to our board to spell that out," TTC spokesman Brad Ross said. "The use of these devices are becoming more prevalent and we are saying to people it's not permitted and we'll ask people to extinguish or refrain from using them. We want to edu-

cate and inform people before we start fining them."

A fine for smoking on the TTC is \$235. On GO it's \$60.

Air Canada said it doesn't allow the use of e-cigarettes on their planes. Customers aren't allowed to pack the devices in their checked luggage, but can put them in carry-on bags, provided they're not turned on.

Ontario's health ministry will be responsible for enforcing age-based sales restrictions of e-cigarettes to anyone under 19 beginning Jan. 1. Adults will also not be permitted to use e-cigarettes anywhere where smoking is prohibited, although an enforcement date has yet to be set.

On Jan. 1, 2017, the province will implement remaining restrictions on display, promotion and use of e-cigarettes.

The inspectors are public health unit employees who will enforce the Electric Cigarettes Act.

But the province is also betting on "a high level of voluntary compliance" based on its experience enforcing the Smoke-Free Ontario



Andrew Vecchio blows a vape-ring at Vapeshore in Etobicoke.

DAVE ABEL/TORONTO SUN

Act, favouring education and warnings prior to laying charges.

The maximum fines for e-cigarette violations will

range from \$250 to \$100,000 for individuals and from \$2,000 to \$300,000 for a corporation, depending on the type of offence and number of

prior convictions — the same amounts that exist in the Smoke-Free Ontario Act.

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Use gambling cash for education?

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Toronto Sun

Up to 3% of the profits from any new Woodbine Racetrack casino operation should be used to educate children about gambling addiction, insists Toronto Councillor Jim Karygiannis.

"We have campaigns ongoing in schools saying to children 'Don't smoke,' and we have campaigns that say 'Do not drink,'" Karygiannis said Sunday. "But we do not have a campaign for children ... saying 'Don't gamble.'"

City council is poised this week to debate an expansion of Woodbine's gambling

operation.

Karygiannis says he will call on city council to ensure up to 3% of profits from any Woodbine casino to Toronto's public and Catholic school boards for programming designed to fight gambling addiction.

"We're taught not to drive when we're drunk, we're taught to behave and we're taught all kinds of things, but there's nothing that is there that teaches that gambling is an addiction and it can bring us difficulties," said the councillor for Scarborough-Agincourt (Ward 39).

The city's executive committee last week voted in



KARYGIANNIS
3% of profits



DAVE ABEL/TORONTO SUN

City council is poised to debate an expansion of Woodbine's gambling operation.

favour of expanding gambling at Woodbine Racetrack. But any casino at the site would be subject to certain conditions, such as

including the development of an integrated entertainment complex.

Members of city council will have final say this week

during a meeting, which starts on Tuesday.

Mayor John Tory has previously said his support for expanding gambling at

Woodbine is rooted in the prospect of adding jobs to the region.

Councillor Joe Mihevc has likened putting a casino in the neighbourhood to a "poverty enhancement strategy."

Woodbine Racetrack currently features close to 3,000 slot machines along with horse-race betting. Expansion could mean an additional 2,000 slot machines and 300 gaming table.

City staff has estimated that expanded gaming could net an additional \$14 million for Toronto.

Around 2.5% of Ontario residents have a moderate to severe gambling problem, according to the Problem Gambling Institute of Ontario.

— With files from Don Peat