

March 22, 2024

The Honourable Mark Holland
Minister of Health
House of Commons
Ottawa, ON
K1A 0A6

Re: Recommendation for Provincial and Federal Restrictions on Nicotine Pouches

Dear Minister Holland:

The Middlesex-London Health Unit (MLHU), on behalf of Ontario's Southwest Tobacco Control Area Network (SWTCAN), wishes to express our sincere, wholehearted support of Health Canada's recent announcement to address the increasing interest and non-therapeutic use of nicotine-containing products, including nicotine pouches, among youth. This announcement deeply resonates with our shared commitment to safeguard the health and well-being of our communities, and is in line with our support and endorsement of the Windsor-Essex County Board of Health Resolution Report entitled "*Steps Toward Limiting Nicotine Addiction in Youth*", attached as Appendix A. The SWTCAN, comprised of Chatham-Kent Public Health, Grey Bruce Public Health, Huron Perth Public Health, Lambton Public Health, Middlesex-London Health Unit, Southwestern Public Health, and the Windsor-Essex County Health Unit, applauds Health Canada's determined pursuit of regulatory measures to tackle youth appeal, access, and use of nicotine products.

Currently, the administrative decision by Health Canada to approve Zonnic nicotine pouches for sale under the *Natural Health Products Regulations* has meant that flavoured nicotine pouches are now available for purchase in all kinds of retail settings, primarily convenience stores and gas stations, displayed alongside candy, chips, and gum. The pouches come in colourful packaging and in a variety of sweet and fruity flavours, which are particularly appealing to younger consumers. Other brands of nicotine pouches, including "Zyn" and "KlinT" have found their way to the retail shelves in southwestern Ontario. Large video advertisements and branded display units promote the sale of nicotine pouches in the same retail settings where commercial tobacco and vaping products are available for purchase. The spectrum of available nicotine products is growing as the commercial tobacco and vapour product industry capitalize on gaps in the current regulatory framework.

The rapid emergence of nicotine pouches in the market has meant that provincial governments have had insufficient time to establish their own regulatory frameworks to respond to the sale of these products, with the exception of British Columbia and Quebec. On March 20, 2024, Health Canada issued a public advisory to (a) use authorized nicotine pouches only as directed for quitting smoking, and (b) avoid unapproved nicotine pouches in Canada. As Health Canada works to create a regulatory framework, the SWTCAN continues to express its support for the implementation of federal and provincial regulations targeting the retail sale and promotion of flavored nicotine pouches, and other nicotine-containing products that have not yet been proven effective as cessation aids. Specifically:

- that the federal government takes swift action to close the regulatory gap that permits the sale of nicotine pouches and other nicotine-containing products that have not yet been proven effective as cessation aids to individuals under 18 years of age; and,
- that the provincial government consider taking action to embed restrictions on the flavouring, sale, display, and promotion of nicotine pouches and other nicotine-containing products under the *Smoke-free Ontario Act, 2017*.

To provide the necessary time for provincial governments to work with Health Canada to respond to this emerging nicotine delivery device, the SWTCAN further recommends that Health Canada reclassify nicotine pouches as a prescription product or enact a suspension and temporary moratorium on the approval and sale of all nicotine pouches until appropriate regulatory measures are in place.

www.healthunit.com

Nicotine is a highly addictive substance, with substantial evidence documenting the adverse effect of nicotine on the developing brains of youth and young adults. The Middlesex-London Health Unit and the public health units within SWTCAN remain committed to working collaboratively with our school, municipal, provincial, and federal partners to prevent nicotine dependence, to promote cessation, and to protect communities through the promotion and enforcement of health protective policies.

The Middlesex-London Board of Health reviewed further information, which has been attached to this letter (Report No. 16-24 and Appendix A).

Sincerely,



Matthew Newton-Reid
Board Chair



Dr. Alexander Summers MD, MPH, CCFP, FRCPC
Medical Officer of Health



Emily Williams BScN, RN, MBA, CHE
Chief Executive Officer

Cc: Ontario Boards of Health
Hon. Sylvia Jones, Ontario Minister of Health
Arielle Kayabaga, Member of Parliament, London West
Karen Vecchio, Member of Parliament, Elgin-Middlesex-London
Lianne Rood, Member of Parliament, Lambton-Kent-Middlesex
Lindsay Mathysen, Member of Parliament, London-Fanshawe
Peter Fragiskatos, Member of Parliament, London North Centre
Teresa Armstrong, Member of Provincial Parliament, London-Fanshawe
Hon. Rob Flack, Member of Provincial Parliament, Elgin-Middlesex-London
Terence Kernaghan, Member of Provincial Parliament, London North Centre
Peggy Sattler, Member of Provincial Parliament, London West

MIDDLESEX-LONDON BOARD OF HEALTH

REPORT NO. 16-24

TO: Chair and Members of the Board of Health

FROM: Dr. Alexander Summers, Medical Officer of Health
Emily Williams, Chief Executive Officer

DATE: 2024 March 21

**RECOMMENDATION FOR PROVINCIAL AND FEDERAL RESTRICTIONS ON
NICOTINE POUCHES**

Recommendation

It is recommended that the Board of Health:

- 1) Receive Report No. 16-24 re: "Recommendation for Provincial and Federal Restrictions on Nicotine Pouches" for information;
- 2) Endorse the Windsor-Essex County Board of Health Resolution Report, attached as [Appendix A](#); and
- 3) Direct staff to submit a letter to Health Canada on behalf of the seven public health units in southwestern Ontario, attached as [Appendix B](#).

Report Highlights

- Health Canada authorized nicotine pouches containing 4 mg of nicotine under the *Natural Health Products Regulations*, raising concerns nationwide due to their accessibility, marketing, and appeal to youth.
- The Windsor-Essex County Board of Health Resolution Report, attached as [Appendix A](#), calls for swift federal action to curb sales to those under 18 years of age and calls for provincial restrictions on the flavoring, sale, display, and promotion of nicotine pouches under the *Smoke-Free Ontario Act, 2017*.
- Health Unit staff prepared a letter for submission to Health Canada on behalf of the seven public health units in southwestern Ontario, attached as [Appendix B](#), endorsing the Windsor-Essex County Board of Health Resolution Report.

Current Landscape of Nicotine Products in Canada

Nicotine pouches made by Imperial Tobacco Canada Ltd. were officially authorized for sale by Health Canada as a natural health product on July 18, 2023, under the *Natural Health Products Regulations* as nicotine replacement therapy and a smoking cessation aid. Each package contains 10 or 24 pouches, and each pouch contains up to 4 milligrams of nicotine. The amount of nicotine in a cigarette can vary, depending upon the brand (11.9 to 14.5 mg of nicotine); however, those who smoke will only absorb 1 to 1.5 mg of nicotine from a single stick. This means that one pouch may contain nicotine that is the equivalent of up to 4 cigarettes.

The classification of nicotine pouches as a natural health product allowed the pouches to fall beyond the scope of the federal *Tobacco and Vaping Products Act (TVPA)* and the provincial *Smoke-Free Ontario Act (SFOA), 2017*, which regulate the marketing, retail sale and display, and public use of commercial tobacco and vaping products. Presently, in Ontario, nicotine pouches are available for purchase at convenience stores and gas stations, displayed alongside candy, chips, and gum. The pouches come in colourful packaging and in a variety of sweet and fruity flavours, which are particularly appealing to younger consumers. Large video advertisements and branded display units promote the pouches as a quitting aid, while the producers of these products continue to manufacture and market commercial tobacco and vaping products. The spectrum of available nicotine products is growing as the tobacco industry capitalizes on gaps in the current regulatory framework.

Reaction and Regulatory Approaches Across Canada

Due to nicotine's highly addictive nature and its adverse effects on the developing brains of youth and young adults, the approval by Health Canada [sparked significant concern](#) among health organizations across Canada. The advertising of nicotine pouches is governed federally; however, where these products can be sold, including age and advertising restrictions at retail, rest with provinces and territories. Youth-friendly advertising, substantial marketing and distribution strategies, and flavoured nicotine products that lack age restriction regulations are a local public health concern. Retailers are reporting that they are challenged to keep the different brands of nicotine pouches and gum produced by the tobacco industry in stock across Middlesex-London, and packaging is being littered in schools and in parks.

Until recently, Québec was the sole Canadian province with a regulatory framework limiting the sale of nicotine replacement therapy products, including nicotine pouches to pharmacies. However, on February 7, 2024, British Columbia enacted regulation to restrict the sale of nicotine pouches to behind the counter at pharmacies, requiring consultation with a pharmacist prior to purchase. At the time of drafting this report, no additional measures have been taken by other provinces.

Next Steps

In January 2024, the Windsor-Essex County Board of Health passed a resolution report, attached as [Appendix A](#), calling for immediate federal and provincial regulatory action. The Resolution Report calls on the federal government to take swift action to address the regulatory gap allowing nicotine pouch sale to individuals under 18 years of age. Furthermore, the resolution calls on the provincial government to regulate the retail sale of nicotine pouches under the *Smoke-free Ontario Act, 2017*. An endorsement letter was prepared by Health unit staff on behalf of the Southwest Tobacco Control Area Network (i.e., the seven public health units in southwestern Ontario), attached as [Appendix B](#). With Board of Health direction, the letter would be submitted to Health Canada and copied to the Ontario Ministry of Health.

This report was prepared by the Social Marketing and Health System Partnerships Team.



Alexander Summers, MD, MPH, CCFP, FRCPC
Medical Officer of Health



Emily Williams, BScN, RN, MBA, CHE
Chief Executive Officer

This report refers to the following principle(s) set out in Policy G-490, Appendix A:

- The Substance Use and Injury Prevention Standard (requirements 2 and 3) as outlined in the [Ontario Public Health Standards](#)
- The [Tobacco and Vaping Products Act](#)
- [The Smoke-free Ontario Act, 2017](#)
- The following goal or direction from the [Middlesex-London Health Unit's Strategic Plan](#):
 - Our public health programs are effective, grounded in evidence and equity.

This topic has been reviewed to be in alignment with goals under the Middlesex-London Health Unit's [Anti-Black Racism Plan](#) and [Taking Action for Reconciliation: An Organizational Plan](#), specifically ensuring the use of culturally appropriate language.



Windsor-Essex County Health Unit Board of Health

RECOMMENDATION/RESOLUTION REPORT

Steps toward Limiting Nicotine Addiction in Youth;

Local, Provincial, and Federal Restrictions on Nicotine Pouches

Date: Thursday, January 18th, 2024

ISSUE/PURPOSE

The recent availability of Nicotine Pouches under the brand name “Zonnic” has triggered widespread concern from health organizations across Canada, including the Canadian Cancer Society, Heart and Stroke, and the Canadian Lung Association, who have issued calls for immediate federal action to regulate their sale to youth (von Stackelberg, 2023). Health Canada has approved the products under their *Natural Health Products* designation as a Nicotine Replacement Therapy (NRT) which can be used to quit smoking. Each package contains either 10 or 24 pouches with each pouch contains up to 4mg of nicotine, the equivalent of up to 2 cigarettes (Marsh, 2023).

Nicotine is highly addictive and has permanent adverse effects on the developing brains of youth and concerns regarding the nicotine pouches are rooted in their marketing and distribution approach being attractive to young people. An approach which includes attractive colours and targeted promotions, fruity flavouring which includes sweeteners, and a lack of regulations which makes it legal for children and youth to purchase these products. The similarities in purpose, advertising, and the range of flavors offered by nicotine pouches relative to the already popular vaping products poses a significant risk of sparking a trend comparable to rapid uptake of vaping amongst youth.

BACKGROUND

Nicotine pouches were approved for sale in Canada on July 18, 2023 as a *Natural Health Product*. The nicotine pouches are currently outside the scope of the federal *Tobacco and Vaping Products Act* (TVPA) and the provincial *Smoke-free Ontario Act (SFOA) 2017* which regulate tobacco and vaping products by restricting their advertisement, display, and public use. As a result, the nicotine pouches are currently being sold at convenience stores and gas stations, placed alongside items such as candy and chips. The pouches are sold in vibrant packaging and various sweet and fruity flavours which are attractive to younger populations.

The recent growth in popularity of vaping products serves as an example of the importance of moving quickly to mitigate the risk of these new products (University of Waterloo & Brock University, 2023). Although research on the health effects of using nicotine pouches is still emerging, the effects of using oral NRTs include mouth ulcers, mouth and throat soreness, and coughing (M. Jackson et al., 2023). For youth and young adults who develop a dependence on nicotine, lasting negative impacts on the cognitive abilities, growth, and development can also occur (Stein et al., 1998; Ren & Lotfipour, 2019). Most concerning, given the highly addictive nature of nicotine, dependence can lead to further use of vaping product, tobacco products, or other drugs (Leslie, 2020).

The Windsor-Essex County Health Unit (WECHU) has consistently engaged businesses, school administrators, students, parents, and municipalities to inform these groups about the health consequences of tobacco and vaping

and has worked closely with them to develop policies, and enforce provincial regulations pertaining to smoking and vaping in public areas. The WECHU is committed to working closely with these same partners to better understand the best ways to keep residents, in particular young people, safe from these products however, until such time that a regulatory framework is established at the federal and provincial levels it is possible that the uptake of these products in Windsor and Essex County will escalate in a similar manner to vaping products.

PROPOSED MOTION

Whereas, Health Canada has approved Nicotine Pouches for sale under a *Natural Health Product* designation which does not provide restrictions on advertising or sale to minors; and

Whereas, there is no evidence to demonstrate the efficacy of Nicotine pouches as a smoking cessation aid; and

Whereas, the emergence of nicotine pouch products produced by Imperial Tobacco Canada, under the brand name “Zonnic” has occurred rapidly without the same regulations applied to other nicotine products; and

Whereas, the marketing and accessibility of Zonnic Pouches raises concerns regarding its appeal to youth populations; and

Whereas, the Nicotine Pouches fall outside existing provincial regulations on tobacco and vaping products; and

Whereas, there are significant concerns regarding the risks to youth and young adults who do not smoke and parallels between nicotine pouch use and vaping.

Now therefore be it resolved that the Windsor-Essex County Board of Health strongly encourages the federal government to take immediate action to close the regulatory gap that permits the sale of nicotine pouches to people under the age of 18; and

FURTHER THAT, the Windsor-Essex County Board of Health strongly encourages the province of Ontario to take immediate action to embed restrictions on the flavouring, sale, display, and promotion of nicotine pouches under the provincial *Smoke-free Ontario Act, 2017*; and

FURTHER THAT, the Windsor-Essex County Health Unit works closely with local municipalities to review tobacco/vape-free public place bylaws to include additional nicotine products; and

FURTHER THAT, the Windsor-Essex County Health Unit works closely with local schools and boards to update policies to ensure products like nicotine pouches, and other emerging products that are tobacco or nicotine related are prohibited on school property.

References

- Government of Canada, & Health Canada. (2004, July 26). *Natural Health Products Ingredients Database*.
Webprod.hc-sc.gc.ca. <https://webprod.hc-sc.gc.ca/nhpid-bdipsn/ingredReq.do?id=1518&lang=eng>
- Health Canada. (2023, October 17). *Product information*. Health-Products.canada.ca. <https://health-products.canada.ca/lnhpd-bdpsnh/info?licence=80125630>
- Leslie, F. M. (2020). Unique, long-term effects of nicotine on adolescent brain. *Pharmacology Biochemistry and Behavior*, 197(173010), 173010. <https://doi.org/10.1016/j.pbb.2020.173010>
- M. Jackson, J., Weke, A., & Holliday, R. (2023). Nicotine pouches: a review for the dental team. *British Dental Journal*, 235(8), 643–646. <https://doi.org/10.1038/s41415-023-6383-7>
- Marina von Stackelberg. (2023, November 15). *National health groups call on Ottawa to prevent sales of nicotine pouches to children*. CBC. <https://www.cbc.ca/news/politics/restrictions-nicotine-pouches-1.7028297>
- Marsh, S. (2023, June 23). How much nicotine is in a cigarette compared to a vape? *The Guardian*.
<https://www.theguardian.com/society/2023/jun/23/how-much-nicotine-is-in-a-cigarette-compared-to-a-vape#:~:text=Generally%2C%20a%20smoker%20absorbs%20between>
- OSDUHS. (2021). *The Ontario Student Drug Use and Mental Health Survey (OSDUHS)*. CAMH. <https://www.camh.ca/-/media/files/pdf---osduhs/2021-osduhs-report-pdf.pdf>
- Ren, M., & Lotfipour, S. (2019). Nicotine Gateway Effects on Adolescent Substance Use. *The Western Journal of Emergency Medicine*, 20(5), 696–709. <https://doi.org/10.5811/westjem.2019.7.41661>
- Stein, E. A., Pankiewicz, J., Harsch, H. H., Cho, J. K., Fuller, S. A., Hoffmann, R. G., Hawkins, M., Rao, S. M., Bandettini, P. A., & Bloom, A. S. (1998). Nicotine-induced limbic cortical activation in the human brain: a functional MRI study. *The American Journal of Psychiatry*, 155(8), 1009–1015. <https://doi.org/10.1176/ajp.155.8.1009>
- University of Waterloo, & Brock University. (2023). *COMPASS: Windsor-Essex County Health Unit*.
- WECHU. (n.d.). *Smoking and Vaping | The Windsor-Essex County Health Unit*. www.wechu.org. Retrieved December 13, 2023, from <https://www.wechu.org/school-health/substance-use/smoking-and-vaping#:~:text=In%20Windsor%2DEssex%2C%204%25>