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IS BANNING 99% OF FLAVOURS
'STRIKING A BALANCE' ?

10 myths and facts about vaping

Based on the regulatory impact analysis concerning
the proposed order amending schedules 2 and 3 to the tobacco
and vaping products act (June 19, 2021) by Health Canada

August 2021

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¹Canada Gazette, Part I, Volume 155, Number 25: Order Amending Schedules 2 and 3 to the Tobacco and Vaping Products Act (Flavours) –Regulatory Impact Analysis Statement
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²Nicotine Concentration in Vaping Products Regulations: SOR/2021-123
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10 MYTHS TAKEN FROM HEALTH CANADA'S IMPACT ANALYSIS ON THE BANNING OF FLAVOURS¹ AND THE IMPOSITION OF A LIMIT ON NICOTINE CONCENTRATION², AND 10 FACTS

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¹ Canada Gazette, Part I, Volume 155, Number 25: Order Amending Schedules 2 and 3 to the Tobacco and Vaping Products Act (Flavours) –Regulatory Impact Analysis Statement
<https://www.gazette.gc.ca/rp-pr/p1/2021/2021-06-19/html/reg2-eng.html>

² Nicotine Concentration in Vaping Products Regulations: SOR/2021-123
<https://www.gazette.gc.ca/rp-pr/p2/2021/2021-06-23/html/sor-dors123-eng.html>

Does banning 99% of flavours equate with "striking a balance"?

After capping the concentration of nicotine allowed, Health Canada is set to ban all but two flavours of vaping, namely tobacco and **mint**/menthol.

Although extreme, the ban on 99% of flavours is presented as «striking a balance» between:

- 5,000,000 Canadian smokers whose lives are at risk **versus** a few thousand healthy young people for whom the long-term effects are purely speculative.
- 16,000 vaping flavours **versus** only two, effectively eliminating vaping's exclusive advantage - taste - as a way to break tobacco addiction.
- 7,000 toxic compounds from tobacco combustion, including 65 carcinogens, **versus** flavoured vapour with no proven link to lung disease.³

Health Canada admits that vaping can save lives⁴, flavourings play an important role in staying smoke-free⁵, and banning them could reduce the appeal of vaping to people who would rather smoke⁶. So why ban almost everything?

Surely, there are **better options** for continuing to offer an attractive and less harmful alternative to smokers without encouraging young people to vape.

To make informed choices, we need to stick to the evidence. Health Canada's impact assessment is **full** of myths about vaping, as the ten excerpts on the following pages demonstrate.

Banning 99% of flavours presents serious implications for Canadian **smokers and vapers**. Is it really the right thing to do, or is it «striking a balance» as claimed?

To ask the question is to answer it.

³ [Public Health Consequences of E-Cigarette, 2018, Conclusion 11-1: «There is no available evidence whether or not e-cigarettes cause respiratory diseases in humans.» – Study cited by Health Canada](https://www.nap.edu/catalog/24952/public-health-consequences-of-e-cigarettes)
<https://www.nap.edu/catalog/24952/public-health-consequences-of-e-cigarettes>

⁴ « (...) The CTS notes that giving adult smokers access to less harmful options to cigarettes will help reduce their health risks and possibly save lives. - Part I, Canadian Tobacco Strategy

⁵ «Some adults who smoke who would try tobacco- and mint/menthol-flavoured vaping products may find these vaping products are not pleasant or palatable and could therefore end up being dual users or remain smokers.» — Part I, Costs to adults who smoke and dual users

⁶ «Further restricting the promotion of flavours, limiting flavouring ingredients and prescribing sensory attributes standards in vaping products are expected to contribute to making these products less appealing to youth, which would help address the rapid rise in youth vaping.» — Part I, Role of flavour indications, ingredients and sensory attributes in inducing youth to vape

01 Youth vaping and health

MYTH # 1

"There has been a rapid increase in youth vaping in Canada...young persons are being exposed to vaping product-related harms...Because of this rise in the prevalence of vaping among youth, young persons are being exposed to vaping product-related harms..."

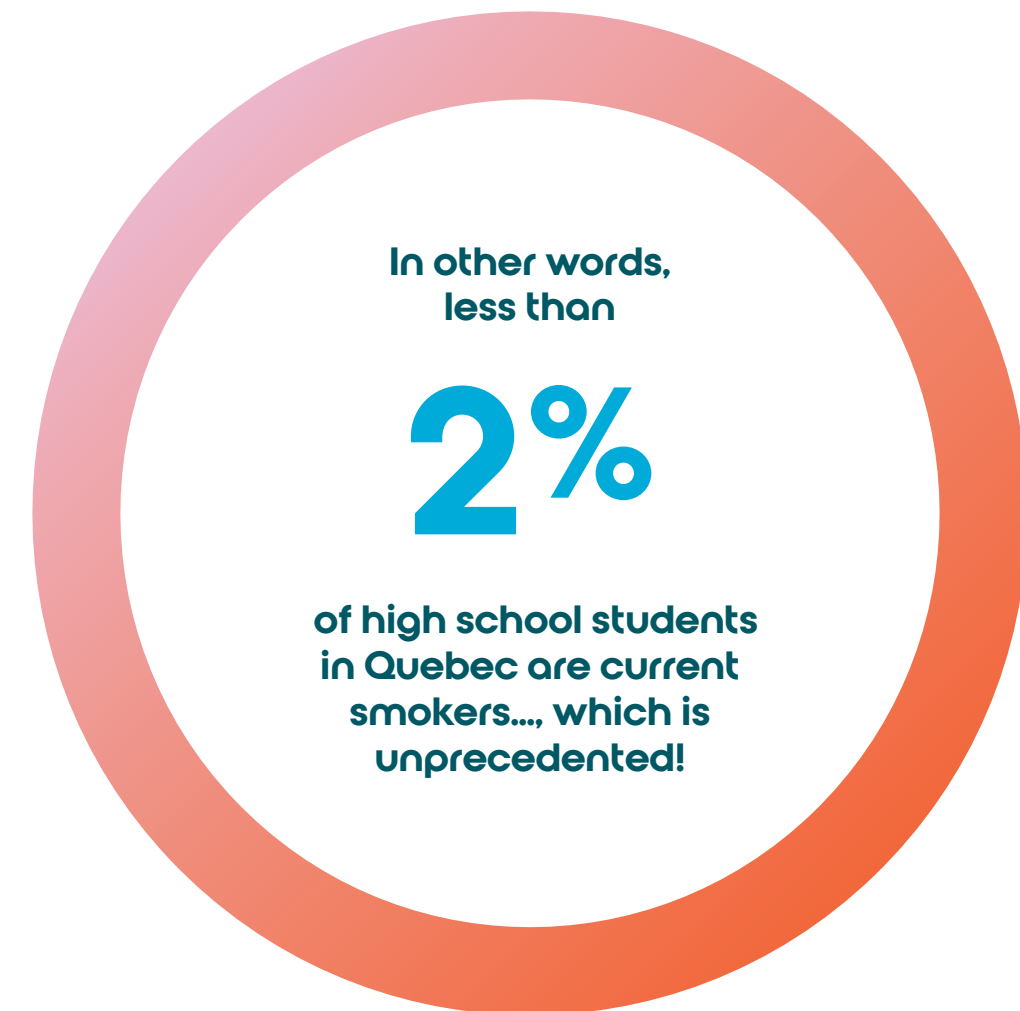
FACT

Health Canada fails to mention that this much-discussed increase has been accompanied by an all-time record low in youth smoking.

The federal agency uses Quebec as an example and cites the Canada-wide ECTADE study. However, a more detailed Quebec study⁷ (ETADJES) conducted during the same year among high school students shows that:

⁷ Enquête québécoise sur le tabac, l'alcool, la drogue et le jeu chez les élèves du secondaire 2019 (ETADJES 2019), Institut de la Statistique du Québec, p. 42 à 45.
<https://statistique.quebec.ca/fr/fichier/enquete-quebecoise-tabac-alcool-droque-jeu-eleves-secondaire-2019.pdf>

- Over a period of only six years (from 2013 to 2019), the use of a tobacco product in the past 30 days dropped from 12.2% to 8.6%, a **drastic 30% decrease**.
- Young persons considered «current smokers» (those who have smoked at least 100 cigarettes in their lifetime and in the past 30 days) **make up only one-fifth of this cohort**, or 1.8% in total.
- Furthermore, between 2013 and 2019, the period encompassing the famous rapid rise of vaping, the proportion of current youth smokers **dropped by 38%, from 2.9% to 1.8%!**



MYTH # 2

"There is substantial evidence of an increased risk of conventional cigarette use among youth who use e-cigarettes."

FACT

Numerous studies conducted throughout the world have shown that the much-maligned gateway effect does not exist or is negligible at best.

"Less than 1% of U.S. teens who first vaped became established smokers."

— Shahab, L., Beard, and Brown, J. (2021)⁸

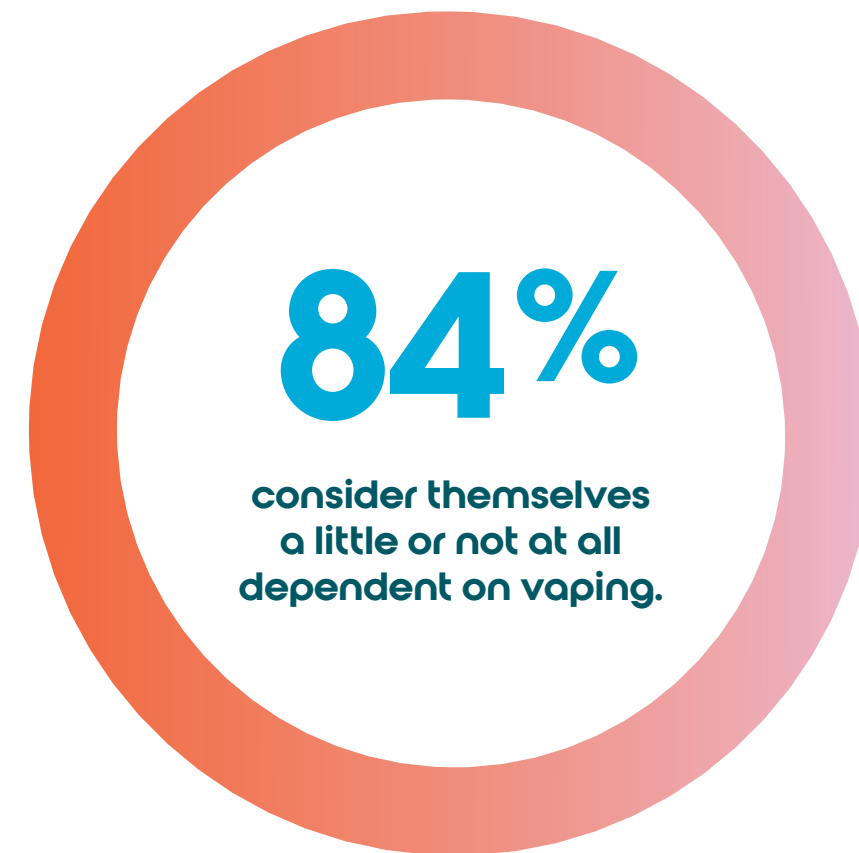
"Although trying e-cigarettes may cause an increase in smoking among some youth, the overall population-level effect appears to be negligible given the reduction in smoking initiation during the vaping boom."

— Levy, D., Warner, K., Cummings, KM., et al, (2019)⁹

⁸ <https://tobaccocontrol.bmj.com/content/30/2/212>
⁹ <https://tobaccocontrol.bmj.com/content/28/6/629>

"We argue that the evidence that vaping serves as a gateway to smoking is not convincing. Smoking more often precedes vaping than vice versa, regular vaping by non-smokers is rare, and the association is more plausibly explained by a shared responsibility model."

— Mendelsohn, C.P., Hall, W. (2020)¹⁰



According to the Quebec study ETADJES, the vast majority of high school students who have vaped in the past 30 days¹¹, which is 84%, **consider themselves a little or not at all dependent on vaping**, which denotes purely occasional use without real consequences for most.

¹⁰ https://www.researchgate.net/publication/339695843_Does_the_gateway_theory_justify_a_ban_on_nicotine_vaping_in_Australia
¹¹ *Idem*, p. 34

MYTH # 3

"Children and youth are especially susceptible to the harmful effects of nicotine, including addiction."

FACT

Young people should never consume nicotine, let alone cannabis or alcohol¹², whose flavours are in no way regulated¹³.

That said, this drug is less addictive when vaped and poses little health risk when it does not encourage smoking¹⁴.

¹² "The prevalence of use of alcohol in the past 12 months by students in grades 7 to 12 remains at 44% (approximately 880,000), unchanged from 2016-17... Cannabis (...) has the highest prevalence of use after alcohol (...) Past-12-month use of cannabis by both males and females was 18%, unchanged from the previous cycle." Summary of results for the Canadian Student Tobacco, Alcohol and Drugs Survey 2018-19, from the Government of Canada website, <https://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey/2018-2019-summary.html>

¹³ According to the 2018-2019 ECTADE study, nearly one-third (29.6%) of young high school students in Canada in grades 9, 10, 11 have consumed heavily alcoholic and sugar-sweetened beverages in the past 12 months. Source: <https://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey/2018-2019-detailed-tables.html>

¹⁴ <https://www.canada.ca/en/health-canada/services/canadian-student-tobacco-alcohol-drugs-survey/2018-2019-detailed-tables.html>

Consider the paradox: **Perceived as dangerous when included in cigarette smoke**, nicotine is so harmless in a nicotine patch that it can be purchased over the counter, without a prescription!

Therefore, it is the **delivery system of nicotine** in the body that determines its dangerousness, not the nicotine itself.

A study from Penn State University College of Medicine¹⁵ published in 2017 concluded that **vapers become less addicted to nicotine than smokers do**. They wait longer to vape after waking up, are less likely to have strong cravings or to say they find it difficult to abstain in restricted areas.



Nicotine, nevertheless, **can be fatal** if swallowed, injected, or even when in contact with the skin in certain doses if handled improperly.

Legal and regulated access to nicotine and vaping flavours is **therefore essential** to ensure that all products in circulation are controlled and safe.

¹⁵ <https://doi.org/10.1016/j.jpmed.2017.04.001>

MYTH # 4

"Vaping products are harmful. They emit an aerosol that contains potentially harmful chemicals."

FACT

Vaping is a much less risky alternative for the five million Canadian smokers who expose themselves daily to 7,000 dangerous chemicals, including 65 carcinogens.

Cigarette smoke contains benzene, which is used in pesticides and gasoline, formaldehyde, which in liquid form is used to preserve corpses, and vinyl chloride, which is used to make plastics.

Let us not forget cadmium, a heavy metal used in batteries and why not, arsenic from the pesticides used in tobacco growing.

A vaper does run some risk when inhaling vapour and the chemical compounds that accompany it, including those from flavours, but it is nothing like the **smoke from burning tobacco**.

According to several studies¹⁶, vaping is up to

95%

less risky than smoking!

¹⁶ Several groups and studies have come to this conclusion over several years. In 2015 and 2018, Public Health England (PHE) put forward this figure based on a comprehensive review of the scientific literature. Meanwhile, the UK's Royal College of Physicians (RCP) estimated in 2016 that the potential damage to health from e-cigarettes should not exceed 5% of that from tobacco. In addition, in 2014, an expert panel led by Dr. D.J. Nutt of Imperial College of London came to the same conclusion. Sources: PHE: [E-cigarettes around 95% less harmful than tobacco estimates landmark review](#), 19 August 2015.

<https://www.gov.uk/government/news/e-cigarettes-around-95-less-harmful-than-tobacco-estimates-landmark-review>, RCP: <https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction>, Nutt: <https://www.karger.com/Article/FullText/360220>.

MYTH # 5

"A recent study found that, in addition to appeal, sweet tastes increase the reinforcing effects of nicotine in e-cigarettes..."

FACT

This statement on the alleged properties of sweetness should be taken with a grain of salt because it comes from a study conducted with ... 16 vapers !

Health Canada states without ambiguity or context that the sweet taste in vaping products would not only increase its appeal, but also **increase the effects of addiction and withdrawal caused by nicotine.**

02

The impact of flavours and nicotine

10 MYTHS AND FACTS ABOUT VAPING

2.THE IMPACT OF FLAVOURS AND NICOTINE

To support this alleged new link between flavours and nicotine, **the government agency** cites a study¹⁷ without specifying that it involved only ... 16 vapers!

A sample size this small is unrepresentative of the population overall and **is not statistically valid**.

By putting forward such bogus arguments, Health Canada loses credibility and gives the impression of wanting to distort the truth at all costs to justify banning flavours despite the major socio-economic impacts, which are dutifully listed in the impact analysis.¹⁸

¹⁷ Sweet taste potentiates the reinforcing effects of e-cigarettes, European Neuropsychopharmacology, 2018
<https://pubmed.ncbi.nlm.nih.gov/30093174/>

¹⁸ Health Canada estimates that the losses to retailers and the Canadian vaping industry from the flavour ban will be approximately \$570 million over 30 years. The agency also acknowledges that there is a risk that consumers will obtain the banned flavours illegally and that the same regulation could encourage vapers to smoke, both of which would result in additional costs to taxpayers in the health care system and lost tax revenue
Source: <https://www.gazette.gc.ca/rp-pr/p1/2021/2021-06-19/html/reg2-eng.html>

MYTH # 6

"Flavours are an important reason for vaping among young people and among adults."

FACT

Flavours are not the main reason why young people and adults start vaping.

According to a recent survey (March 2021) by Statistics Canada¹⁹, the most common reasons cited by Canadians aged 15 and over for vaping are to **quit smoking** (27%), **curiosity** (20%) and **pleasure** (20%).



Among 15–19-year-olds, the main reasons are curiosity (29%), pleasure (29%) and stress reduction (21%).

The same is true in the United States. According to a major study²⁰ conducted by the Centers for Disease Control and Prevention (CDC), curiosity takes the cake. A majority of 56% of students chose the statement "I was curious about them" above all others.

Flavour came in third with only 22%, behind family or friends using them (24%). Other similar reasons are "They are less harmful than tobacco", or "I can use them discreetly at home or at school."

MYTH # 7

"The availability of high-nicotine concentration vaping products in the Canadian market since 2018 is one of the key factors that has contributed to the rapid rise in youth vaping."

FACT

Allowing a sufficient nicotine concentration (+- 35mg/ml) to meet the varied needs of Canadian adult smokers is essential to maximizing their chances of quitting.

In June of 2021, **Health Canada** adopted in June 2021 a regulation to limit the concentration of nicotine allowed to 20 mg/mL.

A few months earlier, New Zealand had proposed **to set this concentration to 50 mg/mL²¹** for nicotine salt products. Ironically, it was by giving in to the demands of health groups²² that the New Zealand authorities adopted this position!

Indeed, if regulations make vaping less satisfying for smokers, this will be reflected in their success rate in switching from smoking to vaping and even encourage dual use of vaping and smoking.

This approach reflects a harm reduction philosophy to which Health Canada pays lip service.

The agency is thus inconsistent in addressing, on the one hand, the potential benefits of vaping among smokers while limiting, on the other hand, the scope of the latter by regulation.

²¹ Smokefree Environments and Regulated Products Act 1990 – Proposals for regulations, 2021. https://consult.health.govt.nz/tobacco-control/vaping-regulations-consultation/supporting_documents/smokefreeenvironmentsregulatedproductsact1990proposalsregulationspublicconsultationdocument_21Dec2020.pdf

²² "The European Union provides a useful example of what not to do: the EU Tobacco Products Directive specifies, for example, a maximum concentration limit for nicotine liquids of 20mg/ml and specifies maximum tank sizes of 2ml and maximum refill container volumes of 10ml (Article 20.3)⁶⁵. These serve no purpose at all, but make vaping more difficult or less acceptable. Indeed, the strength limit may cause serious harm by making it harder for smokers to get through the early stages of switching, encouraging dual-use with smoking, rendering the products too weak for more dependent smokers, and by constraining innovation?" — ASH New Zealand, A Surge Strategy for Smokefree Aotearoa 2025, 2019. <https://d3n8a8pro7vnmx.cloudfront.net/ashnz/pages/81/attachments/original/1570154436/SurgeSmokefree2025Report.pdf?1570154436>

03

**Expected
benefits
of regulation**

MYTH # 8

"Further restricting the promotion of flavours, limiting flavouring ingredients and prescribing sensory attributes standards in vaping products are expected to contribute to making these products less appealing to youth, which would help address the rapid rise in youth vaping."

FACT

One of the first studies ever done on the banning of flavours showed that the measure could actually be "a threat to public health !"

Abigail S. Friedman, PhD, a professor at Yale University in Connecticut, recently published a study²³ on the impact of San Francisco's 2018 tobacco and vaping flavor ban.

She found that youth targeted by this measure were twice as likely to smoke compared to those in similar jurisdictions without a flavour ban.

Her conclusion is unequivocal: "Even if well-intentioned, legislation that increases youth smoking could pose a threat to public health," Friedman said.

²³ [A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California. Abigail Friedman, PhD. https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248](https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248)

MYTH # 9

"The proposal would not align with measures in the United States, as there are currently no restrictions on flavours in vaping products at the federal level."

FACT

The ban on flavors is an experimental measure. Very few, if any, jurisdictions in the world can definitely prove its effectiveness.

- True, Denmark has adopted the measure, but it is scheduled to come into effect in 2022.

- Nova Scotia and Prince Edward Island have just adopted it in their respective small and relatively isolated markets.

- Flavours were banned in Hungary in 2020, however, the country maintains a high smoking rate with 33% of Hungarians self-reporting as smokers and the government has full control over the sale and regulation of tobacco.

- In New York and New Jersey, the ban on flavours has led to the emergence of a significant black and gray markets²⁴ aimed at exploiting the smallest loopholes in the regulations.

Several countries such as Thailand, India, or Taiwan prohibit vaping (with or without nicotine). This does not prevent the demand from growing beyond what any state can control²⁵, and it undermines public security (crime, repression and uncontrolled products).

²⁴ [Vape Bans Are Creating a Thriving Illicit Market, Alex Norcia, 8 juillet 2020.](https://filtermag.org/vape-bans-illicit-market/)

²⁵ [E-cigarette usage in Thailand going up despite continued ban, The Phuket News, 7 septembre 2019.](https://www.thephuketnews.com/e-cigarette-usage-in-thailand-going-up-despite-continued-ban-72749.php)

MYTH # 10

"Canada's public health achievements in tobacco control risk being eroded if young persons who experiment with vaping develop a dependence on nicotine, particularly those who would not otherwise have tried smoking."

FACT

Anti-smoking efforts will be on the losing end of a policy that punishes smokers by taking away 99% of the flavours available for vaping.

Health Canada recognizes on its website that vaping is an effective alternative to quit smoking:

"While evidence is still emerging, some evidence suggests that using e-cigarettes is linked to improved rates of success.²⁶"

A study published in the New England Journal of Medicine of February 2019 considers that vaping is **more effective for quitting smoking** than nicotine replacement therapies (NRT)²⁷.



The NEW ENGLAND
JOURNAL of MEDICINE

In addition, a review of the scientific literature on vaping²⁸ conducted independently in 2015 by Public Health England (PHE) concludes that vaping is associated with better success rates for quitting smoking.

The secret of this success derives entirely from the pleasure of flavour. Removing flavours is therefore tantamount to depriving Canadian public health and smokers themselves of a winning alternative.

²⁶ [idem](#).

²⁷ A Randomized Trial of E-Cigarettes versus Nicotine-Replacement Therapy, Peter Hajek, Ph.D. and al, Février 2019. <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>

²⁸ PHE publishes independent expert e-cigarettes evidence review. <https://www.gov.uk/government/news/phe-publishes-independent-expert-e-cigarettes-evidence-review>

Conclusion

In the past few years, smoking reduction efforts in Canada have stalled. At close to 5 million strong, the cohort of smokers in the country remains high.

The most recent measures to restrict supply, such as plain packaging and tax increases on cigarettes, **have not significantly contributed to the decline in smoking rates.**

Vaping, on the other hand, represents the best opportunity for progress in quite some time.

The reason is simple: Rather than trying to apply constraints to smokers, vaping represents an appealing practice that is, above all, less harmful to their health than smoking is.

This explains why the ban on flavours means the end of vaping as a tool to quit smoking.

"**Striking a balance**" is not about depriving five million Canadian smokers of [a proven alternative to smoking](#) by limiting them to two flavour choices.

"Striking a balance" is about:

- **Allowing the legal sale of a healthy variety of flavours**
- **Tolerating nicotine levels that mimic those of tobacco**
- **Authorizing the promotion of vaping as an alternative to smoking**

RECENT QUOTES

" The statement is very direct. It's basically saying, 'We're Health Canada, and we're going to do something that kills Canadians.' "

- David Sweanor, Industry Expert and Chair of the Advisory Board for the Centre for Health, Law, Policy, and Ethics at the University of Ottawa, June 24, 2021.

<https://filtermag.org/health-canada-vaping-smoking/>

" All smokers that I have as a patient (...) who have managed to stop smoking after multiple attempts and often thanks to the electronic cigarette, tell me that if tobacco is the only flavour, then they would prefer to start smoking again because they do not want to have anything to do with that smell and taste. They want fruit flavours to forget that smell. "

- Dr. Martin Juneau, Cardiologist and Director of Prevention at the Montreal Heart Institute, in an interview with Patrick Lagacé on 98.5 FM, February 17 2021.

https://www.985fm.ca/audio/372508/martin-juneau?fbclid=IwAR1sXIJ64JJdy6dL8kv_7XfaRJVAc6t1x1hHpXEgEi9JMju7mXfrxi4IhnE

" More people probably stop smoking for at least six months using nicotine e-cigarettes than using nicotine replacement therapy (3 studies, 1498 people), or nicotine-free e-cigarettes (4 studies, 1057 people). "

Source : Can electronic cigarettes help people stop smoking, and do they have any unwanted effects when used for this purpose? Cochrane, April 29, 2021.

https://www.cochrane.org/CD010216/TOBACCO_can-electronic-cigarettes-help-people-stop-smoking-and-do-they-have-any-unwanted-effects-when-used

" Think about youth preferences: some kids who vape choose e-cigarettes over combustible tobacco products because of the flavors," she said. "For these individuals as well as would-be vapers with similar preferences, banning flavors may remove their primary motivation for choosing vaping over smoking, pushing some of them back toward conventional cigarettes. "

Abigail Friedman, PhD., Ban on flavoured vaping may have led teens to cigarettes, study suggests, Yale News, May 25, 2021.

<https://news.yale.edu/2021/05/25/ban-flavored-vaping-may-have-led-teens-cigarettes-study-suggests>



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**10 myths and facts
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