



The Tobacco and Vaping Products Act (TVPA)

General Prohibitions on the Manufacture, Sale and Promotion of Vaping Products

The following prohibitions under the TVPA have been implemented to protect young persons and non-users of tobacco from inducements to use vaping products and the possible exposure to nicotine and dependence on nicotine which could result from the use of vaping products:

- **Prohibits** the manufacture and sale of vaping products with ingredients listed in Schedule 2 of the TVPA, i.e. amino acids, caffeine, colouring agents, essential fatty acids, glucuronolactone, probiotics, taurine, vitamins, mineral nutrients. (Sections 7.21 and 7.22)
- **Prohibits** the promotion of a vaping product through a testimonial or an endorsement, however displayed or communicated, including by means of the packaging. The depiction of a person, character or animal, whether real or fictional, is considered to be a testimonial for, or an endorsement of, the product. (Section 30.21)
- **Prohibits** the use of a vaping product-related brand element or a vaping product manufacturer's name in the promotional material related to a person, entity, event, activity or permanent facility or in a manner that associates the brand element or name with a person, entity, event, activity or permanent facility. (Section 30.3)
- **Prohibits** the display of a vaping product-related brand element or a vaping product manufacturer's name on a permanent facility used for sports or cultural events or activities. (Section 30.4)
- **Prohibits** the promotion of vaping products, including by means of the packaging:
 - In a manner that is false or misleading with respect to the characteristics, health effects or health hazards of the product or its emissions. This includes product labels with inaccurate information about the nicotine content. (Paragraph 30.42(1)(a))
 - In a manner that could cause a person to believe that health benefits may be derived from the use of the product (i.e. by making health benefit claims on the product's package) or by comparing the health effects arising from the use of the product with those arising from the use of a tobacco product. (Section 30.43)

- If there are reasonable grounds to believe that the promotion could discourage tobacco cessation or encourage the resumed use of tobacco products. (Section 30.44)

Prohibits the furnishing or promotion of a vaping product if a tobacco product-related brand element is displayed on the vaping product, on its package or in its advertising. (Section 30.71)

As a regulated party, it is your responsibility to ensure that you understand how the law applies to you, and to ensure your products, activities, and processes comply with the TVPA and its regulations and all other applicable laws in Canada.

Failure to comply with the requirements of the applicable legislation may result in further compliance and enforcement actions. Offences related to these sections may result in fines up to \$500,000 or imprisonment for up to two years, or both.

Provincial Legislation and Municipal By-Laws

In addition to federal legislation, and depending on the location of your business, there may be applicable provincial laws and municipal bylaws which further restrict the sale and promotion of vaping products.

For more information, please contact Health Canada:

By email: tcp.questions-plt@hc-sc.gc.ca

By phone: 1-866-318-1116 (toll free)

The TVPA may be consulted at:

<https://laws-lois.justice.gc.ca/eng/acts/t-11.5/FullText.html>

