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# Vaping Product Packaging Requirement

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# Disclaimer

The material in this presentation has been prepared by Pacific Smoke International Inc, and is intended for use by owners, and decision makers of vaping product retail stores located in the province of British Columbia, to provide guidance on the regulations pertaining to vaping products packaging and labelling requirements, current as at the date of release of this presentation. The information is being provided in summary form, to be used as an aid when discussing with a Pacific Smoke International representative and does not purport to be complete.

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# BC Regulatory Status on Packaging Standards

- As of September 15<sup>th</sup>, BC's *E-Substances Regulation* governing vaping product packaging requirements became effective.
- Provincial labelling and packaging requirements complements new federal labelling and packaging regulations under VPLPR.
- Retailers are required to comply with the federal government's Vaping Products Labelling and Packaging Regulations which came into force July 1, 2020.
- Provincial E-Substances Regulation has been designed to work in tandem with federal Regulations.
- Retailers will only be able to sell restricted e-substances that are labelled and packaged following BC and federal legislation.



# Important Dates

Retailers must comply on restrictions on nicotine concentration level, volumetric restrictions, nicotine free e-substances, compliant labelling and packaging and submission on notification requirements.

15 Sep. 2020

Progressive enforcement model/approach will be taken.

31 Dec. 2020



# Federal Requirements in BC

1. Requirements from the following federal regulations must be present on the label in a manner prescribed by these regulations:

- *Vaping Products Labelling and Packaging Regulations*
- *Consumer Packaging and Labelling Regulations*
- **Note:** information required under these regulations must comply with font-related requirements from these regulations.
- **Note:** requirements with regards to the usage of tags, leaflets, interior package, immediate package, and exterior package continue to apply under these regulations.

2. Requirements under *Tobacco and Vaping Products Act* must be met. This includes ensuring that prohibited indications are not present on the package and label.

# BC E-Substance Regulations

## Packaging standards under Section 8

**Provincial Labelling and Packaging Requirements** • The E-Substances Regulation ensures that retailers can only sell restricted e-substances if the e-substances displays:

- The total volume of the e-substance in the vapour product. **Ex. 30mL or 3 x 2mL (Pods).**
- Concentration of non-therapeutic nicotine **Ex. 20mg/mL**
- A warning that nicotine is highly addictive.
- The hazard warning symbol.
- No images or additional text: e-substances must be packaged in a plain manner. Ex. Characters, Animals, Cartoons, Text ex. Endorsements, testimonials

In addition, one or more of the following is required:

- the name and contact information of the manufacturer,
- the brand name and product name; Ex. 12 monkeys, Product name or flavour name is Kanzi.
- the type of product.

# Labelling and Packaging Checklist

	BC Regulations	Federal Regulations
Total Volume of the e-substance	✓	✓
Concentration of non-therapeutic nicotine	✓	✓
Health Warning Statement: that nicotine is highly addictive	✓	✓
Hazard warning symbol Toxicity and Poison Statement	✓	✓
No Image or additional text: e-substances must be packaged in plain manner.	✓	✓
The Name and Contact information of the manufacturer	✓	✓
Brand Name and Product Name	✓	✓
Type of Product	✓	✓





## Recommendations and Requirements for BC

- For information that is required only by BC's *E-Substances Regulation*, the following are strongly recommended or required:
  1. Font type:
    - Standard sans-serif that is clear and easily legible; and not decorated.
  2. Font size:
    - Refer to the font size requirements in *Consumer Packaging and Labelling Regulations*.
    - Avoid sizes larger than necessary to prevent overcrowding of labels.
  3. Font colour:
    - Use black font against white background.

# Summary

- BC packaging requirements matches VPLPR requirements
- PSI Products are compliant to VPLPR therefore it is compliant to BC regulations.
- There is no Plain Packaging Regulations

# BC Government Letter



## Letter to Retailers of Vapour Products in British Columbia

In response to questions raised by retailers of vapour products, this letter aims to provide further clarity on the Province's approach to requirements under Section 8 of the E-substances Regulation (ESR) which outlines packaging requirements.

Together, action taken by the Governments of Canada and British Columbia will have a positive effect in reducing vaping product use amongst young people.

The Province expects retailers to make every effort to comply with new vaping related regulations and where warranted, enforcement officers will use enforcement authorities authorized under the ESR and amendments to the Tobacco and Vapour Products Control Act (TVPCA) and Health Hazards Regulation under the *Public Health Act*. Retailer education materials are available on the Province's website (<https://www2.gov.bc.ca/gov/content/health/keeping-bc-healthy-safe/tobacco-vapour>).


On June 1, 2020, Health Canada provided a letter to industry that outlined its planned approach to enforcing the new labelling requirements of the *Vaping Products Labelling and Packaging Regulations* (VPLPR) enacted under the *Tobacco and Vaping Products Act* (TVPA) and the *Canada Consumer Product Safety Act* (CCPSA) that came into force on July 1, 2020. The letter is available on Health Canada's website ([https://assets.ctfassets.net/0wutcyjgrsv/5CtLsaOo6GwlvXPsiOfIRa/2972c186036cfca457129c484b16a50f/Health\\_Canada\\_s\\_Letter\\_to\\_the\\_Tobacco\\_and\\_Vaping\\_Product\\_Industry.pdf](https://assets.ctfassets.net/0wutcyjgrsv/5CtLsaOo6GwlvXPsiOfIRa/2972c186036cfca457129c484b16a50f/Health_Canada_s_Letter_to_the_Tobacco_and_Vaping_Product_Industry.pdf)).

Health Canada's letter acknowledges that the COVID-19 pandemic is having an impact on normal operations of Canadian businesses. According to Health Canada, "the unprecedented circumstances associated with the COVID-19 pandemic and the impact it is having on the ability of businesses to comply with the new VPLPR labelling requirements will be taken into account by Health Canada when addressing non-compliance with these new regulations". The letter subsequently outlines Health Canada's approach to compliance and enforcement of Part 1 of the VPLPR labelling requirements.

Enforcement officers employed by regional health authorities enforce the Province's vaping regulations following a progressive enforcement model. Health authority enforcement officers will take the first steps in a progressive enforcement model and support retailer education, public education, stakeholder relations, inspections, and surveillance until December 31, 2020 regarding Section 8 requirements under the ESR, in alignment with Health Canada's planned approach.

New product reporting requirements in the ESR, indicate that many retailers are meeting compliance requirements with respect to packaging. The Province will continue to monitor implementation of the new regulations.

Questions or comments may be directed to [vaping.info@gov.bc.ca](mailto:vaping.info@gov.bc.ca)



## Key Takeaway from the Letter- What this means?

- Health authorities enforcement officers will provide retail education, public education, stakeholder relations, inspections and surveillance until the end of the year. No fines. Provide guidance and warning.
- Retailers in B.C. must make its best efforts to comply with the regulations. Meaning can't sell anything higher than 20mg/mL, bottle sizes greater than 30mL, refillable vaping products greater than 2mL, nicotine free e-substances.
- Regarding section 8, requirements under ESR, in alignment with Health Canada's VPLPR.
- New product reporting requirements in the ESR, indicate that many retailers are meeting compliance requirements with respect to packaging. The province will continue to monitor implementation of the new regulation. (broader terms, VPLPR labels are compliant to the ESR).

# Compliant Bottles



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