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Ontario Society of Physical Activity  
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Number 11924 8771 RR0001

Thursday, September 2, 2021

Strategic Policy, Controlled Substances and Cannabis Branch  
Address Locator:0302I  
Health Canada  
Ottawa, Canada  
K1A 0K9

Dear Sir/Madame,

**Re: Proposed amendments to the Cannabis Regulations on flavours in inhaled cannabis extracts**

As a charitable organization committed to advancing optimal health for all, the Ontario Public Health Association appreciates the opportunity to provide feedback on Health Canada's proposed amendments to the Cannabis Regulations on flavours in inhaled cannabis extracts.

The recommended changes related to new restrictions on flavours in inhaled cannabis extracts, new rules on flavouring agents used to produce an inhaled cannabis extract and new restrictions on promoting or labelling an inhaled cannabis extract with a flavour are important for the prevention and protection of youth and young adults from vaping and cannabis related harms. **OPHA strongly supports the measures outlined in *Option 4: Comprehensive amendments to limit non-cannabis flavours as a way to address the significant rise in youth vaping.***

Outlined in the attached appendix are OPHA's more detailed responses to your department's consultation questions. We would be pleased to provide further information and/or discuss our feedback and recommendations in more depth. Please don't hesitate to contact me at [pwalsh@opha.on.ca](mailto:pwalsh@opha.on.ca) or by calling 416 786-6742.

We look forward to continuing to work in partnership with Health Canada to protect youth and young adults from vaping and cannabis related harms.

Thank you for your consideration of our responses.



Pegeen Walsh  
Executive Director  
Ontario Public Health Association

## Appendix

### **OPHA's Responses to Health Canada's Consultation Questions on Proposed Amendments to the Cannabis Regulations on Flavours in Inhaled Cannabis Extracts.**

***1. What do you think about the proposal to prohibit flavours, other than the flavour of cannabis, in inhaled cannabis extracts?***

**Prohibiting the use of flavours other than the flavour of cannabis is a necessary step to address the rise in youth vaping by limiting the appeal of cannabis vaping products to youth and young adults.** Tobacco research has shown that e-cigarette use is often initiated through flavoured products (Ambrose et al. 2015). Tobacco research also indicates that sweet flavours such as fruit or candy are associated with increased product appeal and decreased perception of harm (Fagan et al., 2017; Chen et al., 2018; Feirman et al., 2015; Huang et al., 2016; Hoffman et al., 2016). A reduced perception of harm associated with sweet flavours is of particular concern given that cannabis extracts often contain high concentrations of tetrahydrocannabinol (THC) (Chye et al. 2019).

***2. What do you think about the proposal to only permit the use of flavouring agents that are identical to a substance found in a cannabis plant?***

**OPHA supports the proposed amendments to only permit the use of flavouring agents that are identical to a substance found in a cannabis plant.** The vaping of cannabis is considered a lower risk alternative to smoking (LRCUGs), specifically for individuals who smoke cannabis. Adding flavours to extracts other than those found in a cannabis plant encourages use for the flavour alone or other novelty purposes, and entices youth and new users who might otherwise not use cannabis. As seen from tobacco research, flavoured products have the ability to ease consumers past the natural aversion for bitter tastes and smells (Hoffman et al., 2016). Efforts to disguise the taste of cannabis extracts to create a more palatable experience for consumers must not be promoted at the cost of unnecessary harms from vaping and cannabis consumption.

***3. Based on your knowledge and experience, would the proposed new rules for inhaled cannabis extracts appropriately reduce the appeal of these products to youth while enabling sufficient product diversity for adult consumers and individuals who access cannabis for medical purposes?***

**The proposed amendments will help to reduce the appeal of flavoured inhaled cannabis extracts and the influence of creative branding and marketing.** Allowing flavours other than the flavour of cannabis disproportionately targets youth who are susceptible to being enticed by sweet, fruit or candy-like products. Research shows that sweet flavours have been found to increase the intention to try vaping among youth that have never tried vaping or tobacco products

(Fagan et al., 2017; Chen et al., 2018; Feirman et al., 2015; Huang et al., 2016; Hoffman et al., 2016). Thus flavoured cannabis extracts may appeal to youth who would otherwise have little or no interest in initiating the use of cannabis. Compared to youth, adult's preference for sweet flavours is less strong indicating that adult consumers will be less impacted by the proposed amendments for inhaled cannabis extracts (Hoffman et al, 2016). In addition, countless cannabis strains naturally impart various flavours which will allow for variety and diversity for producers, consumers, and individuals who access cannabis for medical purposes.

**Overall, OPHA agrees that the proposed amendments will support the following objectives of the *Cannabis Act*: restrict youth access to cannabis; protect young people from promotion or enticements to use cannabis; and allow adults to possess and access regulated, quality controlled legal cannabis.**

#### ***4. What do you think about the proposed restrictions on promoting an inhaled cannabis extract with a flavour other than the flavour of cannabis?***

**OPHA supports the proposed restrictions on promoting extracts containing flavours other than cannabis.** In order to ensure continued consumer and public awareness of the health risks associated with cannabis special attention must be drawn to product branding and marketing.

In comparing e-cigarettes with vaping cannabis, Budney, Sargent & Lee (2015) warn of the vaping industry's product development and marketing practices which are similar to historical tactics of big tobacco. With a growing lobby petitioning against regulation of these devices, the industry's goal is to design products and use marketing strategies that will create a market of addicted regular users. By restricting and maintaining consistent prohibition on the branding and marketing of inhaled cannabis extracts with a flavour other than the flavour of cannabis, Health Canada will reduce the vaping industry's influence and growth of a "cool vaping culture" that attracts consumers and leads to repeated and chronic use. In addition, such prohibitions will ensure that the branding of such cannabis extracts does not diminish the harms of cannabis by giving the appearance that it is harmless, and restrict language which may imply a benefit to the user.

To help producers comply with any new legislation, **it will be important for the final regulations to have explicit guidance on what is prohibited, to ensure only factual descriptors are used as intended.** For example, guidance could state, "*Descriptions of any cannabis extract must be limited to the most simplified form, without the use of adjectives or less common synonyms other than the natural flavours of cannabis. Language which conveys a health or well-being benefit, or that describes a feeling is also prohibited such as "soothing" mint, or "relaxing" chamomile.*"

***5. The proposed amendments would restrict the use of strain names that indicate a flavour, other than the flavour of cannabis. What do you think about this proposal?***

**OPHA is in support of the proposed amendments to restrict the use of strain names that indicate a flavour other than cannabis.**

A recent report from Statistics Canada of 2020 consumer trends states that cannabis legalization has led to an increase in cannabis use, social acceptability, and a growing perception that cannabis is harmless. Since the legalization of cannabis edible products, unintentional ingestion of cannabis products has also increased (Stats Can, 2021). Researchers have found that cannabis extracts and concentrates that resemble food or market a food-like flavour pose a risk for unintentional ingestion (Abda-Santos, 2013; Goncus, 2016; Orenstein et al, 2018). Based on these trends, **we support the recommendation that strain names are stated plainly and not sensationalized in any way that may appeal to youth by an association with a non-cannabis fruit-, dessert- or candy-type product. Strain names that make associations with conventional foods, desserts, or snack items should be prohibited.** For example, “lavender cookie,” “orange creamsicle” or “raspberry licorice” would not be allowed, and only specific terms to describe the flavour such as “notes of lavender, orange, or raspberry” would be permitted.

***6. Based on your knowledge and experience, what do you consider to be the flavour(s) of cannabis? Name any flavour(s) that come to mind.***

Some known examples of flavours of cannabis include: cannabis (skunk, earthy), wood (pine, cedar), herbal (sage, lemongrass), floral (lavender), fruit (berry, citrus), and sweet (vanilla).

***7. The proposed amendments include a six-month transition period for licensed processors. Is this transition period sufficient?***

**Yes, OPHA believes that a six-month transition period for licensed processors is sufficient.**

***8. Are there any additional comments you would like to share on the proposed regulatory amendments for inhaled cannabis extracts?***

Support of simultaneous amendments to the Tobacco and Vaping Products Act:

In order to reduce the potential risk of combining flavoured e-cigarette products (with or without nicotine) with cannabis vape products (Budney et al 2015), **OPHA is also in support of Health Canada upholding the simultaneously proposed amendments to schedules 2 and 3 of the Tobacco and Vaping Products Act.**

Regulations to standardize vaping devices:

In a further effort to reduce appeal and enticements to youth and recreational consumers, **OPHA encourages Health Canada to consider regulation of vaping devices themselves to have a standard shape and colour(s).**

Public education and advocacy regarding risks of social exposure to vaping:

To support the comprehensive approach to help protect youth and young adults from inducements to use cannabis, **OPHA also recommends targeting parents and other adults to increase awareness of the influence of regular exposure to vaping on youth.** To further prevent youth initiation, Health Canada should undergo efforts to inform provincial stakeholders of the social implications of smoking and vaping in public.

A recent longitudinal study of Canadian youth and young adults found that social influences may be the most important predictors of youth initiation of vaping. Researchers found that the greatest predictors of initiation were “regularly seeing anyone use e-cigarettes,” and “seeing anyone use e-cigarettes very often or always” at baseline (Jayakumar et al, 2020).

**OPHA is strongly supportive of the proposed regulatory changes outlined in *Option 4: Comprehensive amendments to limit non-cannabis flavours.***

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***More about the Ontario Public Health Association:***

*OPHA is a member-based, not-for-profit charitable organization that has been advancing the public health agenda since 1949. OPHA provides leadership on issues affecting the public's health and strengthens the impact of those who are active in public and community health throughout Ontario. OPHA does this through a variety of means including influencing public policy, capacity building, research, and knowledge exchange. Our membership represents many disciplines from across multiple sectors. OPHA is also home to Nutrition Connections (formerly the Nutrition Resource Centre) which advances nutrition knowledge and collaboration*