



SMOKE-FREE ONTARIO ACT

June 2010

FREQUENTLY ASKED QUESTIONS FOR TOBACCO VENDORS

1. Why is the province prohibiting the sale of flavoured cigarillos?

The new amendments to the *Smoke-Free Ontario Act* and regulation:

- strengthen the restriction on selling or supplying tobacco products to young people and remove a product from the market that was inexpensive and appealing to youth,
- continue to minimize the promotion and display of tobacco products,
- support those who quit smoking to stay quit and encourage those who continue to smoke, to quit.

2. When do these changes come into effect?

Effective July 1, 2010, the new prohibitions on the sale of flavoured cigarillos and the new requirements for cigarillo packaging become law in Ontario.

3. Why does the province have a law that is similar or the same as the federal law?

The provincial law is the result of separate activity within the Ontario legislature, prior to the federal law. The two laws, while not identical, are complementary to each other and support effective and efficient enforcement.

4. What is a cigarillo?

Cigarillos are little cigars. They are wrapped in tobacco leaf or paper that contain tobacco product, may have a filter and in some cases can look like a cigarette. For a full description, refer to the definition found in the regulation to the *Smoke-Free Ontario Act*.

A blunt wrap is not considered a cigarillo.

5. Why is menthol flavouring still allowed?

Menthol is the most widely used flavouring in cigarettes. Most flavour additives such as chocolate, vanilla, and berry flavours are used to attract new smokers. Menthol is a flavour that is typically used by established and mature smokers.

6. Why do cigarillos have to be in packages of 20 or more?

The law requires cigarillos to be packaged in the same way that cigarettes are packaged in a minimum package of 20. The sale of individual cigarillos is prohibited as is the sale of individual cigarettes, which began in 1994. Cigarillos sold as singles are affordable and appealing to young people. Packages of 20 are more expensive and less affordable for young people, which is an important deterrent to continued use.

7. Does the new legislation include the little cigars that have only the flavoured tip or mouth piece?

Yes, these little cigars are prohibited if they weigh less than 1.4 grams, excluding the weight of the mouthpiece or tip.

8. What can tobacco retailers do with existing inventory after July 1, 2010?

All inventories of prohibited products must be removed from sale and distribution. Tobacco retailers may wish to consult with their suppliers.

9. Why don't you just get the manufacturers to stop making them?

Tobacco remains a legal substance. Ontario focuses its lawmaking efforts towards restricting the sale, promotion and use of tobacco products.

10. How do these new restrictions apply to Registered Tobacconists?

Registered tobacconists must comply with these new restrictions and prohibitions.

11. How much is the fine for continuing to sell single cigarillos or flavoured cigarillos after July 1, 2010?

Contravention of section 5 (packaging)

Part I ticket – \$300 plus victim fine surcharge and applicable court costs.

Part III fine – can range between \$2000 for an individual with no prior convictions and \$300,000 for a corporation with 3 or more convictions.

Contravention of section 6.1(flavouring)

Part I ticket – \$400 plus victim fine surcharge and applicable court costs.

Part III fine – can range between \$2000 for an individual with no prior convictions and \$300,000 for a corporation with 3 or more convictions.

12. Where can I find the *Smoke-Free Ontario Act* and Regulations?

Visit the Ontario Government Service Ontario e-laws website: <http://www.e-laws.gov.on.ca/index.html>

13. Where can I find more information on this?

Local public health units will carry out inspections and look into complaints relating to tobacco retailers in order to enforce the Act. Public Health Unit inspectors are permitted to routinely enter premises to ensure compliance with the Act or to enforce the Act. Visit the Ministry Health Promotion website at <http://www.mhp.gov.on.ca/en/> and click on Smoke-Free Ontario. Or call or visit your local Public Health Agency at www.healthunit.org or sfoa@healthunit.org

