



## Synopsis of in-house examination of compliance of recently introduced flavoured cigar brands with the federal *Tobacco Act*

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Nine months following the ban of flavoured cigarillos and cigarettes, Health Canada has yet to disclose any of the information related to its monitoring efforts and the status of compliance. In the absence of such information, the **Coalition québécoise pour le contrôle du tabac**, a Québec-based NGO comprised of some 400 health groups and institutions, municipalities and schools, undertook an in-house study to verify the weight compliance of 10 (ten) recently introduced cigar products. (Full report is available in French: [http://www.cqct.qc.ca/Documents\\_docs/DOCU\\_2011/PROJ\\_11\\_04\\_1\\_2\\_EtudeConformiteCigares\\_FINAL.pdf](http://www.cqct.qc.ca/Documents_docs/DOCU_2011/PROJ_11_04_1_2_EtudeConformiteCigares_FINAL.pdf))



### Methodology

The weight of products from five brands labeled as cigars (“Bullseye Extra”, “Colts”, “HoneyT”, “M by Colts” and “Prime Time Plus”) was examined. Brands were selected based on their high resemblance to banned products (similar names, branding and appearance) and their concurrent widespread availability across stores located in the Greater Montreal Area (GMA). A total of ten brand-flavour combinations were examined, with products purchased in two flavours for each of the five brands: *cherry* and *peach* flavours for “Bullseye Extra”, “HoneyT” and “Prime Time Plus” brands, *café latte* and *white* for “M by Colts” and flavours *sweets* and *mild rum and wine* for the “Colts” brand.

Two (2) packs for each of the brand-flavour combination were purchased at five (5) different locations spread across the GMA. Outlets were located in high-traffic areas and varied in nature: four (4) outlets from two (2) different convenience-store chains (Beau-soir and Couche-Tard) and one (1) tobacconist. Outlets were selected based on their proximity to subway stations or major access ramps to highways. Given that tobacco products likely dry up with time, thereby losing mass, the study consciously focused on products sold in high-traffic areas. Products in such areas likely have a shorter store-life. The study likely overestimates the weight of similar products found in stores across Quebec, which would include outlets in high- and low-traffic areas.

For each brand-flavour combination, a weighed sample was comprised of four (4) randomly selected cigars from each of the two (2) packs that were bought at each of the five (5) different locations. Forty (40) cigars from each of the ten (10) brand-flavour combinations were weighed, for a total of four hundred (400) cigar-labeled products. Products were bought between 21<sup>st</sup> and 24<sup>th</sup> of March, 2011 and weighed a maximum of eleven (11) days after their purchase date; products were immediately weighed once packages were opened. Products were meticulously weighed using an “Adam Equipment” portable scale (model CQT-202 with a draft shield). Products with mouthpieces or tips were weighed without them, but were weighed with any paper used to link the tip to the cigar.



Canada's *Tobacco Act* defines cigars as products that weigh more than 1.4 gram. Products weighing 1.4 gram or less are considered to be little cigars (cigarillos) or cigarettes and cannot be flavoured.<sup>1</sup> Compliance by brand-flavour combination was established by dividing the number of cigars weighing more than 1.4 gram out of 40, the total number of cigars weighed per brand-flavour combination. Health Canada uses a similar approach to evaluate compliance with the *Cigarette Ignition Propensity Regulations*<sup>2</sup>.

## Results

Of the 400 products that were labeled as « cigars », only 205 (51%) weighed more than the required 1.4 gram.

Brand	Manufacturer/ Distributor	No. of cigarillos weighing ≤ 1,4 g	No. of cigarillos weighing > 1.4 g	% Compliance	Minimum weight
BullseyeExtra-Cerise	CasaCubana	21	19	47,5%	1,27
BullseyeExtra-Pêche	CasaCubana	22	18	45,0%	1,25
Colts Sweets	GTS	28	12	30,0%	1,17
Colts-Mild-Rhum&vin	GTS	27	13	32,5%	1,07
HoneyT-Cerise	GVA	11	29	72,5%	1,28
HoneyT-Pêche	GVA	4	36	90,0%	1,37
M by Colts-Blanc	GTS	24	16	40,0%	1,09
M by Colts-Latte	GTS	21	19	47,5%	1,14
PrimeTime Plus-Cerise	CasaCubana	13	27	67,5%	1,26
PrimeTime Plus-Pêche	CasaCubana	24	16	40,0%	1,28
<b>TOTAL</b>		<b>195</b>	<b>205</b>	<b>51,3%</b>	

Close to half of the products that were analyzed (49%) should have been labeled as “little cigars” or cigarillos. The sale of flavoured cigarillos is illegal in Canada. By applying the requirement standards used by Health Canada to establish compliance with the *Cigarette Ignition Propensity Regulations*, none of the cigar brands complied with the flavouring law; only one of the brand-flavour combination has at least 75% of its sample weigh more than 1.4 g. Indeed, only “Honey T” peach-flavoured products are compliant with the measures brought in by the Harper Government. Nine of the other cigar-flavour combinations were labeled as cigars but had less than 75% of their samples weighing 1.4 g or less and thus are illegal. Brands manufactured/imported by the Scandinavian Tobacco Group (STG/GTS) were the least compliant, with the sweets-flavoured “Colts” reaching only 30%.

While not a substitute to a scientific study, our study documents in detailed and objective manner serious and widespread violations to Canada's *Tobacco Act*. This outright lack of compliance with the letter of the law is compounded by cigar manufacturers' infringements to the spirit of the law, as they advertised<sup>3</sup> allegedly modified products to sidestep the new restrictions. This study reiterates the importance for government to anticipate delinquent tobacco industry behavior when writing laws. Moreover, it demonstrates the pressing need for more vigilant monitoring of compliance and unequivocal, quick responses to correct any compliance issue, whether it is with the spirit or the letter of the tobacco laws.

<sup>1</sup> An Act to amend the *Tobacco Act*, Assented to 8th October, 2009.

[http://www.parl.gc.ca/HousePublications/Publication.aspx?Pub=Bill&Doc=C-32\\_4&Language=&Mode=1&Parl=40&Ses=2&File=30](http://www.parl.gc.ca/HousePublications/Publication.aspx?Pub=Bill&Doc=C-32_4&Language=&Mode=1&Parl=40&Ses=2&File=30)

<sup>2</sup> Health Canada, Laboratory Analysis of Cigarette for Ignition Propensity. Laboratory Analysis of Cigarette for Ignition Propensity, October 2005-March 2010. <http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/legislation/reg/ignition-allumage/analys-eng.php>

<sup>3</sup> For example, this advert in YCM magazine, July-August 2010 : [http://cqct.qc.ca/images/2011/PUB\\_10\\_07\\_00\\_YCM\\_July\\_August\\_P57.jpg](http://cqct.qc.ca/images/2011/PUB_10_07_00_YCM_July_August_P57.jpg)