



COALITION QUÉBÉCOISE
POUR LE CONTRÔLE DU TABAC

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October 24, 2024

Sonia Johnson
Director General
Tobacco Control Directorate
Health Canada, Government of Canada
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Re: Complaint - Illegal online sale and delivery of vaping products

Ms. Johnson,

We are hereby lodging a complaint with respect to the sale of illegal vaping products in Canada as well as the sale and delivery of vaping products to Quebec where they are illegal.

First, allow us to remind you (and any potential reader of this letter) that the Tobacco and Vaping products Act TVPA explicitly bans “*confectionery, dessert, cannabis, soft drink and energy drink flavours*” in vaping products, as [listed in Schedule 3](#). The TVPA also bans lifestyle advertising of vaping products as well advertising that includes “*a testimonial or an endorsement*.”

In addition, [Quebec regulations](#) bans the sale of vaping products that contain a “*flavour or aroma other than that of tobacco*”, as well as devices “*in the form of a toy, a piece of jewelry, a food, an animal or a real or fictional person, or any other form, appearance or function that might be attractive to minors*”. The [Quebec law](#) also bans promotion via email in addition to lifestyle advertising and testimonials.

Unfortunately, it appears that legal vaping businesses continue to openly violate the federal law in addition to selling non-compliant products and sending illegal promotion to Quebecers.

The current regulatory framework that allows online and interprovincial sales not only undermines provincial efforts to curb industry inducements for non-smokers to vape, but also appears unmanageable for the relevant federal authorities such as Health Canada and the Canada Revenue Agency.

It appears that neither manufacturers nor federal authorities are doing their due diligence to ensure products include the tax stamp of the province where they are shipped, which is a violation of the [Harmonized vaping tax regime](#): “*A person may possess vaping products in a specified vaping province that are not stamped for that particular province if the vaping products are to be sold or offered for sale to consumers in another province. If the other province is a specified vaping province, the vaping products must be stamped for that province to indicate that the additional vaping duty for that province has been*”

paid." None of products ordered after October 1st and shipped to Quebec from other provinces had the Quebec marking on the tax stamp.

Given the challenges with policing online sales altogether, we believe that Health Canada should be moving towards a complete ban of online sale for vaping products as well. Similar provisions should also be in place for tobacco products.

Below are some examples of apparent violations.

While Health Canada considers the adoption of new measures to strengthen the rules on flavours, packaging, promotion and sales, we hope we can count on its inspectors to intervene in a way that effectively deters such behaviour.

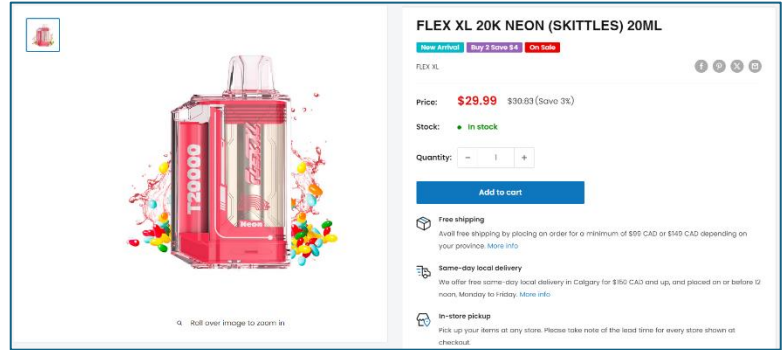
Regards,

[Signature removed for publication]

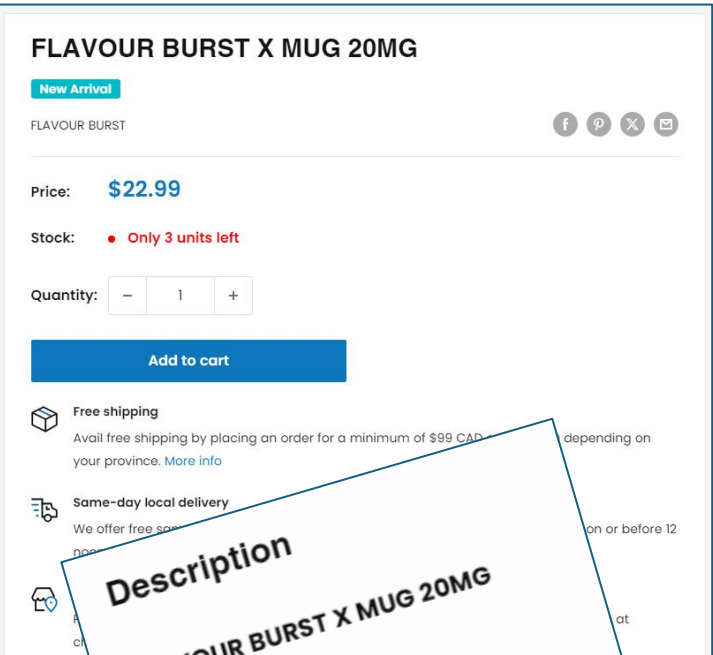
Flory Doucas
Codirector and Spokesperson

1) Examples of sale of vaping products with prohibited flavours:

a) Flex XL: "Neon (Skittles)"



b) Flavour Burst: "Mug" (Root Beer)



c) Flavour Burst: "Classic Cherry" (Classic Cola / Cherry)

FLAVOUR BURST X CLASSIC CHERRY FIZZ 20MG

New Arrival

FLAVOUR BURST

Price: **\$22.99**

Stock: **Only 3 units left**

Quantity: - 1 +

Add to cart

Free shipping
Avail free shipping by placing an order over \$50 in your province. [More info](#)

Same-day delivery
We offer free same-day delivery in select areas. Order by 12:00 noon, Monday-Friday.

In-store pickup
Pick up your order at a nearby store. [View locations](#)

Roll over image to zoom in

Description
FLAVOUR BURST X CLASSIC CHERRY FIZZ 20MG

Flavour Profile:

- **Classic Cola**
- Cherry

Examples of lifestyle in advertising sent by email

VAPEVINE
CANADA'S FAVORITE VAPE SHOP

Hey [REDACTED], just saying thanks for choosing VapeVine.ca!

Thank You For Your Trust!

It looks like you got your hands on a great pick. We couldn't have made a better choice ourselves!

VAPEVINE

**All Your
Favourite Brands
In One Place**

Get 10% OFF your first
order with code
WELC10KW3.

Shop 10% Off




2) Examples of testimonials in advertising sent by email


Best-Reviewed Vapes Inside


VAPEVINE <hello@vapevine.ca>
To [REDACTED]

If there are problems with how this message is displayed, click here to view it in a web browser.

We're passing by to remind you of your welcome discount! Feeling iffy? Check out what our community has to say about their purchases.

 *The absolute best customer service, prices are great and very knowledgeable and amazing staff. I've been shopping here for a couple of years now and they never fail to impress.*
-Dillon B.

No matter the time of day the staff is always so happy and helpful with any questions on products I may have. Great place for any purchases! Highly recommended! Thanks again guys! 
-Jessica J.

 *Excellent customer service, amazing assortment of flavours, devices, mods. Very helpful staff and very fast turnaround. I placed an order and within the hour I was notified my order was in the hands of Canada post and got my tracking number. Great job!*
-Devon R.

Shop VapeVine

3) Examples of flavoured vaping products sold to Quebec where they are illegal

a) VUSE: "Berry Watermelon", "Strawberry Kiwi"




4) Examples of vaping products sold to Quebec where their format is illegal

Geek Bar Pulse: [Interactive screens](#)



5) Examples of online advertising explicitly mentioning delivery to Quebec:

a) Flavour Beast – Beast Mode Max: “Weekend Watermelon Iced”



Flavour Beast - Beast Mode Max 18K Disposable Vape: Weekend Watermelon Iced (20mL)

\$43.49 ☆☆☆☆☆
No reviews

Earn 860 loyalty Points with purchase.

Nicotine Strength *

20mg/mL Nic Salt (PROV)

* Required Fields

Quantity - 1 + **ADD TO CART**

The **Weekend Watermelon Iced** flavour **Beast Mode Max Disposable Vape** by **Flavour Beast** has 20mL of e-liquid and a 850mAh rechargeable battery, an LED screen, and features 3 different power modes. Enjoy **18000 puffs** of vapor with a single mesh coil at 11W with **standard mode**, **15000 puffs** with dual coils at 17W with **beast mode**, or **12000 puffs** with dual coils at 23W with **max mode**.

This product is currently available in the following provinces and/or territories: Ontario, Quebec

b) NVZN Elux Cyberover: “Mango Peach Ice”



NVZN Elux Cyberover 18K Disposable Vape: Mango Peach Ice (18mL)

\$39.99 ☆☆☆☆☆
No reviews

Earn 780 loyalty Points with purchase.

This product is out of stock online.
Availability may vary in store.

The **Mango Peach Ice** flavour **Elux Cyberover 18K disposable vape** by **NVZN Concepts** delivers up to **18000 puffs** of vapor with **18mL** of e-liquid, a **600mAh rechargeable battery**, **multiple firing modes**, and a **digital display**.

This product is currently available in the following provinces and/or territories: Ontario, Quebec

c) SLTH Vision: “Blood Orange Ice”



STLTH Vision Disposable Vape: Blood Orange Ice (20mL)

\$33.49 ☆☆☆☆☆
No reviews

Earn 660 loyalty Points with purchase. ⓘ

NEXT DAY DELIVERY NOW AVAILABLE IN THE MONTEAL AREA! [VIEW ELIGIBLE REGIONS](#)

This product is out of stock online.
Availability may vary in store.

Flavour Notes:

- Blood Orange
- Ice

This product is currently available in the following provinces and/or territories: Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nunavut, Ontario, Prince Edward Island, Quebec, Saskatchewan, Yukon Territory

d) Kraze HD Mega: “Pineapple Apple Mango Ice”



Kraze HD Mega 20K Disposable Vape: Pineapple Apple Mango Ice (20mL)

\$43.49 ☆☆☆☆☆
No reviews

Earn 860 loyalty Points with purchase. ⓘ

WE HAVE A SALE FOR OUR 180 REWARDS MEMBERS TODAY [SIGN UP NOW](#)

Nicotine Strength *

20mg/mL Nic Salt (FED) 20mg/mL Nic Salt (PROV)

* Required Fields

Quantity: **ADD TO CART**

The Pineapple Apple Mango Ice flavour Kraze HD Mega 20K delivers up to **20000 puffs** of vapor with **20mL** of e-liquid, and features **adjustable airflow**, a **1.77" OLED screen**, and **boost mode**.

This product is currently available in the following provinces and/or territories: Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Northwest Territories, Nunavut, Ontario, Prince Edward Island, Quebec, Saskatchewan, Yukon Territory