

McDonald, David S

From: Justice Minister
Sent: November-05-14 2:23 PM
To: LeBlanc-Murray, Nicole M
Subject: FW: Follow-up Bill 60

From: Luc Martial [mailto:lmartial@magma.ca]
Sent: Tuesday, November 04, 2014 2:49 AM
To: Justice Minister
Subject: Follow-up Bill 60



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November 4, 2014

Honourable Lena Metlege Diab (Liberal)
Halifax Armdale
Department of Justice
7th Floor, 1690 Hollis Street
Halifax, Nova Scotia
B3J 3J9

Dear Minister Diab,

Please find below correspondence that should hopefully find interest and value within your mandate as a member of the Legislative Assembly.

We share this information with you in support of good government and public trust.

We thank you for your time in this matter and look forward to hearing from you.

Respectfully,

Luc Martial
Vice President, Government Affairs

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LETTER TO MINISTER OF HEALTH



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November 4, 2014

Honourable Leo A. Glavine (Liberal)
Minister of Health
Department of Health and Wellness
17th Floor, Barrington Tower
1894 Barrington Street
Halifax, Nova Scotia
B3J 2A8

Dear Minister Glavine,

Further to our very recent correspondence (dated November 3rd) - we are writing to request and opportunity to meet with you and your staff – with regard to Bill No. 60, Smoke-free Places Act (amended) and Tobacco Access Act (amended).

Our interest is in sharing with you necessary key data and expert-based information/evidence of great and immediate relevance to the matter at hand – and in support of sound public policy. This information/evidence, from the most recent (2012) Health Canada’s Canadian Tobacco Use Monitoring Survey (CTUMS) unquestionably confirms that:

- The market for the flavoured cigar products we sell in Nova scotia – is legal age driven (94% in 2012). Our approximately 800,000 legal age customer-base in Canada, compares to the more than 4.3 million cigarette smokers in the country.

- While as with any other age-restricted products (e.g. alcohol) youth are unfortunately getting access to our tobacco products. That being said, the illegal youth access share of the market for flavoured cigar products has been steadily declining every year since 2010 (from 10% in 2010, to 8% in 2011 and 6% in 2012). Every year, fewer kids are thankfully finding access to our legitimate and legal products.
- Those kids who do unfortunately find access to our products - are overwhelmingly getting their illegal access (75%) from friends and family members – not the industry.

Minister Glavine, the only supportive evidence to the government’s current plans to ban flavours in tobacco products is an extremely limited interpretation of Health Canada’s Youth Smoking Survey (YSS) – recently published by the Propel Centre for Population Health Impact (University of Waterloo) and aggressively promoted by special interest groups. It is not that the report is a lie, but more so that the report findings do not provide the complete truth. The report’s findings greatly magnifies some of the data to the point of skewing the real picture about flavours in tobacco products and their relevance to youth smoking/uptake. It also suspiciously omits crucial data which clearly confirms that flavours in tobacco products do not entice kids into becoming smokers.

An honest and productive review of this Propel Centre report and its findings would necessarily need to question:

- The focus of the report (flavoured tobacco) – the lowest priority identified by the YSS
- The timing of the report – in time to support passage of Nova scotia Bill no. 60 (now leveraged in other provinces)
- The omitted crucial data in the report (1%) – for which no explanation has ever been given

It is worth reiterating that Health Canada’s Youth Smoking Survey (YSS) clearly shows that:

- Kids in Nova Scotia only “try” our flavoured tobacco products because they are already smoking traditional (non-flavoured) cigarettes
- Kids in Nova Scotia are smoking cigarettes because they are predominantly getting illegal access to these products from friends and family members – we are not the ones providing tobacco to minors
- Flavoured little cigars are definitively not the gateway to kids experimenting with tobacco and/or becoming smokers
- If a kid in Nova Scotia is not already smoking cigarettes - there is almost zero chance that he will find access or interest in our flavoured cigar products

It is also worth noting that the only data surveyed by Health Canada, with regard to flavours and youth interest, clearly show that among kids who are already smokers, the flavour of choice is by far “Menthol”. Neither the CTUMS or the YSS provide us with any information as to what other flavour(s) was “tried” by minors. Oddly enough, media rumours would suggest that your proposed ban would look to exempting this clearly identified flavour of choice from any regulations - while banning other flavours for which absolutely no data exists.

Consequently, the government of Nova Scotia is operating with less than all of the facts - and if these facts were publicly acknowledged by your Office, it would be unquestionably revealed that the proposed ban on our

flavoured cigar products is unjustified, unwarranted and would prove completely ineffective in addressing the real issue of youth smoking and uptake in the province – this being “ACCESS”.

If enacted, the proposed law would largely come to shift current illegal youth access to our products (as well as legal-age access) to one of the big three tobacco companies in Canada. Quite arguably, your proposed ban on our products would essentially come to simply expropriate our legitimate and longstanding investments in a legal-age market to the financial advantage of one of the big cigarette companies operating in Nova Scotia – **whose products are (according to Health Canada) by far the tobacco product of choice among kids, in terms of interest and smoking uptake.**

As a longstanding tobacco control expert on this file, one that has essentially sat at every side of the policy table on such matters, I can tell you that I have all too often witnessed very questionable and disappointing behaviour from the health community and sometimes government on this file. That the excuse was always that the “end justifies the means” never sat well with me – as it required that I leave to the side my professional integrity.

This current issue is more than just about smoking and tobacco, it’s about public accountability in government and productive tobacco control policies in Nova Scotia. It’s about being honest with the people of Nova Scotia and being respectful of every Nova Scotian’s declared legal rights to liberty and equality.

Minister Glavine, Health Canada’s longstanding monitoring activities and research findings clearly tells us that the issue regarding youth uptake is one of “ACCESS”. The government must preserve its integrity above all on this file and ensure that only justified action materializes. While we can certainly appreciate that the matter of lost legitimate revenues, destroyed legitimate businesses and lost jobs in the province is immaterial to your immediate mandate – we nonetheless wish to bring these again to your attention. This, will be the cost of enacting the proposed health legislation that will serve no other purpose.

REQUEST:

We would once again respectfully request an opportunity to meet with you on this file – prior to passage of the Bill into law and subsequent Proclamation of the Act (and or introduction of any specific regulations).

We make this request:

- On the basis of our legitimacy to this file as a prominent private sector stakeholder who has always worked productively with the government of Nova Scotia - and who will be directly and severely impacted by the law;
- On behalf of our provincially licenced retail partners whom too many have since given up hope that their government could ever be honest and fair with them;
- On behalf of our legal-age customers in Nova Scotia who should have the same right to consume flavoured tobacco products (as others have to consume flavoured alcohol products); and
- On the basis of the unique, wide-ranging and expert-based professional experience we can bring to the table in the area of tobacco control – that no other stakeholder can.

If the opportunity to meet with you and your staff is not forthcoming, we would of course appreciate receiving the rationale as to why the most relevant and largest stakeholder to the file was not invited to speak with you and address our concerns.

We thank you for your time in this matter and look forward to your response.

Respectfully,

Luc Martial
Vice President, Government Affairs

Cell: (819) 743-9140

Established in 1998 and headquartered in Montreal, Casa Cubana is a longstanding, reputable commercial entity fully licenced and bonded for business throughout Canada. Our longstanding activities in Nova Scotia further well reflect our successful commitment to working productively with our commercial partners in the province and the provincial government itself towards accountable, safe and responsible business practices. Our company imports and distributes quality Cuban and flavoured cigar products (flavoured and unflavoured), as well as various accessories, disposable lighters, coffees and other non-tobacco related products.

Casa Cubana's reach extends throughout the country with a sales force servicing approximately 10,000+ direct accounts – to include wholesalers, retail chains, independent retailers, gas bars, grocery stores and the duty-free channel.

Mr. Martial is also a longstanding tobacco control expert in Canada, having worked at Health Canada in the Offices of Research, Surveillance & Evaluation and Policy & Planning within the Tobacco Control Program. His unique experience in tobacco control further includes postings with the Non-Smokers' Rights Association of Canada, the Canadian Council on Smoking and Health, and the National Clearinghouse on Tobacco and Health.

Mr. Martial's specific professional background in tobacco control include:

1991 -1995 Non-Smokers' Rights Association of Canada

- Policy Analyst and government lobbyist

1995 -1997 Canadian Council on Smoking and Health

- Data Specialist
- Public Affairs Coordinator

1997 – 1998 National Clearinghouse on Tobacco and Health

- Director

1998 – 1999 Canadian Council for Tobacco Control

- Executive Director

1999 – 2001 Health Canada – Tobacco Control Programme

- Evaluator - Office of Research Surveillance and Evaluation
- Policy Analyst - Office of Policy and Planning

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