

## **Federal Vaping Enforcement Amendments Are Overdue. Government Must Now Act**

*Health Canada data confirms widespread non-compliance in specialty shops*

**Montreal, February 17, 2026** – Imperial Tobacco Canada (Imperial) supports the recent adoption of the Regulations Amending the Contraventions Regulations (Tobacco and Vaping Products Act), noting that they are necessary but long overdue in addressing Canada’s out of control illicit vapour market.

Health Canada’s compliance data released last week confirm the scale of the problem. Nearly 50 percent of inspected specialty shops were found selling illegal or non-compliant products. In comparison, only approximately one percent of inspected convenience retail stores were in violation.

For years, Imperial has repeatedly warned that inconsistent enforcement, especially in specialty stores and online was allowing illegal and non-compliant products to proliferate.

“The data confirms what responsible retailers have been raising for some time,” said Eric Gagnon, Vice President, Corporate and Regulatory Affairs at Imperial. “There has been a clear enforcement gap in the specialty store channel. These amendments acknowledge that the system is not working.”

Imperial is pleased to see the new changes increase fines for certain TVPA-related offences, levels unchanged since 1999, and modernize offence descriptions to explicitly include vaping products.

Additional offences are now designated as contraventions, allowing inspectors to issue on-the-spot fines, ranging from \$100 to \$2,000, rather than launch lengthy investigations. The question is if that is going far enough, as unfortunately for many illegal operators \$2,000 fines may not be a meaningful deterrent and could be seen as merely a cost of doing business.

Other EU countries like France take a much stronger approach by imposing fines that really deter illegal behaviors and that can go up to €200,000.

“We welcome these new regulatory amendments as a critical move in the right direction, but unfortunately they don’t go far enough,” Gagnon said. “What is needed now is sustained inspections and visible enforcement, and ideally significantly higher fines for offenders.”

### **A disparity that raises important policy questions**

By contrast, licensed convenience retailers operate with the highest standards when it comes to age-verification requirements and product compliance inspections. Health

Canada's own data shows that compliance rates in the convenience retail channel are nearly perfect.

This overwhelming compliance rate also highlights inconsistencies in how different products are treated. ZONNIC, a 4mg nicotine pouch authorized by Health Canada as a nicotine replacement therapy to help adults quit smoking, was previously available in the same convenience stores behind the counter and under strict ID controls. Its removal by a federal ministerial order restricted access to this regulated cessation product for adult smokers. This created a massive illicit nicotine pouch market, with flavoured products, often with high nicotine content, being widely available through illegal channels, and sold without age verification.

"If government data shows that the convenience retail store channel is nearly 100% compliant, policymakers should reassess decisions that limit access to regulated cessation products in those environments," said Gagnon.

Imperial is fully committed to working hand-in-hand with governments, enforcement agencies, retailers, and public health stakeholders to combat illicit trade, protect youth and discuss policies grounded in evidence.

#### **About Imperial Tobacco Canada**

Imperial Tobacco Canada is the leading tobacco and nicotine company in Canada, part of the global BAT group. Our mission at BAT is to [create A Better Tomorrow™](#) by promoting a Smokeless World. We envision a future where smokeless products replace cigarettes, encouraging smokers to make a Switch to Better.

Imperial is committed to advancing THR through transparency, innovation, and collaboration. One such initiative is Omni™, a platform developed by our parent company BAT, to support education and stakeholder engagement around THR. [Omni™](#) serves as a dynamic resource for those working toward a smoke-free future.

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