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Plain Packaging Cannot Have Two Completely Different Meanings

Imperial Tobacco Canada calls for a consistent approach to tobacco and cannabis packaging and product standards

MONTREAL – June 28, 2018 – Following the recent publication of proposed regulations regarding the packaging of tobacco and cannabis products, Imperial Tobacco Canada Limited is questioning why the planned regime for cannabis differs significantly from that proposed for tobacco, despite the government claiming both are “plain packaging.” The company is calling on the federal government to implement the same packaging standards for tobacco as introduced for cannabis.

“Health Canada continues to call its packaging regime for cannabis plain when it is remarkably different from what is being proposed for tobacco,” says Eric Gagnon, Head of Corporate and Regulatory Affairs at Imperial Tobacco Canada. “The regulatory framework released to media yesterday gives cannabis companies far more packaging freedom than that of the tobacco industry,”

As detailed in the diagram attached, despite the government calling its framework for cannabis plain packaging, cannabis companies will be allowed to use their logos, choose their packaging format as well as add colour and so on. In the plain packaging regime proposed for tobacco, none of this is allowed.

Also, on June 18 the government’s representative in the Senate, Peter Harder, defended the government’s decision to reject a Senate amendment to prohibit branding on cannabis swag, stating that it “raises freedom of expression issues under the Charter.”

“The government seems to recognize that banning trademarks and logos are a violation of the Charter. All we are asking for is the same treatment – to sell a legal product under the same Charter right to use our logo – a right that is currently, and unfairly, only being given to the cannabis industry,” states Gagnon.

Further, Health Canada has suggested allowing limited branding on cannabis packaging so that legal and illegal products can be more easily distinguished, but yet it has rejected the same argument for tobacco, despite a thriving illegal tobacco market.

“The illegal tobacco problem in Canada is poised to get much worse if the government makes it impossible for consumers, retailers and law enforcement officials to differentiate between a legal and an illegal product, which will be the case under the proposed Tobacco Products Regulations (Plain and

Standardized Appearance for both packaging and products) published by Health Canada last Friday,” added Gagnon.

“There cannot be two definitions of plain packaging, as such, we expect the same rights and protections for tobacco. This will protect Charter rights and help contain the growing black market,” concluded Gagnon.

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