

Submission to the Standing Senate Committee on Legal and Constitutional Affairs

Bill C-45: *Cannabis Act*

March 28, 2018

The Centre for Addiction and Mental Health (CAMH) has long advocated for reform of Canada's system of cannabis control.* In 2014, we released a [Cannabis Policy Framework](#)¹ recommending a public health approach to cannabis: we examined the evidence around the risks and harms associated with cannabis use and concluded that legalization, accompanied by strict health-focused regulation, is the most promising means of reducing those risks and harms. For these reasons we are pleased that the Government of Canada is moving ahead with an approach to cannabis legalization that has public health and safety at its core.

Bill C-45, along with [Health Canada's recently proposed cannabis regulations](#),² is an excellent start towards the Government's stated goal of implementing a public health approach. In this document we will focus on a single, but crucial, remaining area of concern: neither Bill C-45 nor the proposed regulations specify that cannabis advertising on television and radio and in newspapers and magazines will be prohibited. Licensed cannabis producers have indicated that they plan to advertise.³ **We recommend that Bill C-45 be amended – or that regulations be adopted – to clarify that these forms of advertising and promotion will be prohibited.**

In its [legislative background document for Bill C-45](#),⁴ the federal government outlined its intentions regarding the promotion of legal cannabis. That document states that “the proposed promotional restrictions are similar to the existing scheme for tobacco products, where promotional activities are prohibited except in limited circumstances” (p. 22, emphasis added). Such exceptions, the document continues, include “informational promotion in places where young persons are not permitted by law, such as signs in places where young persons cannot access, online where there is an appropriate age verification mechanism, and direct mailings addressed to an adult identified by name” (pp. 22-23). These regulations are consistent with the vision of the Task Force on Cannabis Legalization and Regulation, which recommended that marketing, promotion, and advertising be banned outside of retail locations – with limited in-store promotion such as those allowed by the *Tobacco Act* the only exception to this rule.^{5**} **These are strong, evidence-informed regulations.**

Licensed cannabis producers have been vocal in their opposition to these measures. In recently released [guidelines for self-regulated advertising](#) they propose to “advertise on television, radio, or on any websites or social media platforms where at least 70% of the audience is over 18 years of age or over a province's or territory's legal age for purchase.”⁶ They claim that in the absence of advertising and promotion,

* For the details of our prior recommendations to the federal government, please see the [Public Policy section of CAMH's website](#): www.camh.ca >>> About CAMH >>> Influencing public policy

** The Task Force's recommendation (see pp. 19-20 of their [report](#)): “Apply comprehensive restrictions to the advertising and promotion of cannabis and related merchandise by any means, including sponsorship, endorsements and branding, similar to the restrictions on promotion of tobacco products.”

consumers will be unable to learn about legal cannabis or distinguish it from black market products.⁷ There is a tendency in these arguments to conflate factual product information with marketing, to imply that providing the former is impossible without the latter, and even to misrepresent planned regulations and their likely effects.⁸

These industry claims are easily dismissed. First, in the system towards which Canada is progressing, there will be no mystery as to where legal cannabis can be obtained. Legal cannabis will be recognizable by the simple fact of where it is sold: in government-licensed stores and online channels. At the point of sale, under the Government's recently released regulations, producers will be able to provide all the factual product information consumers need. Limited branding will also be allowed.

Next, the link between exposure to advertising and consumption behaviour is well established. Exposure to alcohol marketing, for instance, is associated with earlier initiation of alcohol use, increased consumption and more alcohol-related harms (especially among young people), as well as normalization of alcohol use and unrealistic expectations about the effects of alcohol.⁹ The same is true of tobacco.¹⁰

Finally, one might argue that cannabis sales should not be held to a higher standard than alcohol, which is a riskier substance in terms of health outcomes. But the way alcohol is promoted in Canada is far from a public health approach, and we experience high levels of alcohol-related harm as a result.¹¹ With cannabis we have a chance to avoid these missteps, creating a market in which public health prevails to the largest extent possible.

We recommend that the Committee amend Bill C-45 – or that the Government of Canada develop and implement regulations – to clarify that cannabis advertising on television and radio, and in newspapers and magazines, will be prohibited. As proposed by the Task Force on Cannabis Legalization and Regulation, regulation-consistent promotion at the point of sale should be the only exception. We are confident that this was the Government's original intent, and that it will welcome the opportunity to address this issue.

We commend the federal government for its commitment to applying a public health approach to cannabis legalization. By definition, a public health approach to cannabis sales will place health considerations ahead of profits. Under legalization, cannabis production will occur in a commercial, for-profit context, but the industry and its activities must be tightly regulated in order to avoid undue increases in use. **Controls on advertising and promotion are crucial, and in fact necessary, elements of a public health approach to cannabis.**¹²

For more information, please contact:

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camh The Centre for Addiction and Mental Health (CAMH) is Canada's largest mental health and addiction teaching hospital and one of the world's leading research centres in this field. CAMH is committed to playing a leading role in transforming society's understanding of mental illness and substance use and building a better health care system. To help achieve these goals, CAMH communicates evidence-informed policy advice to stakeholders and policymakers.

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- ¹ Centre for Addiction and Mental Health (2014), *Cannabis Policy Framework*, available at http://www.camh.ca/en/hospital/about_camh/influencing_public_policy/Documents/CAMHCannabisPolicyFramework.pdf.
- ² Health Canada (2018), Proposed approach to the regulation of cannabis: summary of comments received during the public consultation, retrieved from <https://www.canada.ca/en/health-canada/services/publications/drugs-health-products/summary-comments-public-consultation-regulation-cannabis.html>.
- ³ Coalition for Responsible Cannabis Branding (2017), Adult use cannabis advertising and marketing self-regulatory guidelines for Licensed Producers, retrieved from <https://www.medicalcannabiscouncil.ca/blog/>.
- ⁴ Government of Canada (2017), Legislative Background: *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts* (Bill C-45), available at <http://www.justice.gc.ca/eng/cj-tp/marijuana/c45/c45.pdf>.
- ⁵ Task Force on Cannabis Legalization and Regulation (2016), A framework for the legalization and regulation of cannabis in Canada: The final report of the Task Force on Cannabis Legalization and Regulation, retrieved from <https://www.canada.ca/en/services/health/marijuana-cannabis/task-force-cannabis-legalization-regulation.html>.
- ⁶ Coalition for Responsible Cannabis Branding (2017), page 3.
- ⁷ CBC News (2017), Cannabis industry opposes call for plain packaging and bans on advertising, retrieved from <http://www.cbc.ca/news/politics/marijuana-promote-brand-legislation-1.3982988>.
- ⁸ Global News (2017), Cannabis producers skeptical of whether Ontario's plan can compete with black market, retrieved from <https://globalnews.ca/news/3850463/cannabis-producers-ontario-compete-black-market/>.
- ⁹ Anderson, De Bruijn, Angus et al. (2009), Impact of alcohol advertising and media exposure on adolescent alcohol use: a systematic review of longitudinal studies, *Alcohol and Alcoholism* 44, 229-243.
- ¹⁰ Lovato, Watts & Stead (2011), Impact of tobacco advertising and promotion on increasing adolescent smoking behaviours, *Cochrane Database of Systematic Reviews* 10, CD003439.
- ¹¹ Canadian Public Health Association (2011), Too high a cost: a public health approach to alcohol policy in Canada, retrieved from https://www.cpha.ca/sites/default/files/assets/positions/position-paper-alcohol_e.pdf.
- ¹² Room, Fischer, Hall et al. (2010), *Cannabis policy: Moving beyond stalemate*, Oxford: Oxford University Press; Anderson, Braddick, Conrod et al. (2016), *The new governance of addictive substances and behaviours*, Oxford: Oxford University Press; Caulkins, Kilmer & Kleiman (2016), *Marijuana legalization: What everyone needs to know* (2nd edition), Oxford: Oxford University Press.