
SMOKE FREE ONTARIO ACT as of May 31, 2006

Fact Sheet – Point-of-Sale Displays

Ministry of Health Promotion

Le ministère de la Promotion de la santé

This fact sheet provides basic information only. It must not take the place of medical advice, diagnosis or treatment. Always talk to a health care professional about any concerns you have, and before you make any changes to your diet, lifestyle or treatment.

As of May 31, 2006, the *Smoke-Free Ontario Act* will prohibit the promotion of tobacco products through product association, product enhancement or promotional materials (e.g., decorative panels, promotional lighting). Cigarettes will be displayed in individual packages only, as opposed to cartons. In addition, the countertop display of tobacco products and the handling of these products by the customer before buying them will be banned at that time. All displays of tobacco products will be banned two years later, on May 31, 2008.

Evidence

- Point-of-sale displays of merchandise have become tobacco companies' most important marketing tools. According to the Canadian Cancer Society, tobacco companies spent approximately \$88M in 2003 on payments to Canadian retailers.
- In-store advertising materials may increase smokers' daily consumption, reduce smokers' resolve to quit, and encourage former smokers to resume smoking.
- A recent study showed that the more children and youth were exposed to point-of-sale advertising and promotions, the more likely they were to smoke.

Experiences in other jurisdictions

Canada – Tobacco Act

- The federal law bans self-service displays of tobacco. To date, the federal government has not exercised the authority granted in the legislation to pass regulations regarding the display of tobacco products.

Canadian provinces

- Saskatchewan, Manitoba, New Brunswick, Nova Scotia, and Nunavut have some level of

prohibitions of the retail display of tobacco products. Quebec recently passed legislation that will ban the display of tobacco products starting May 31, 2008.

- In 2001, Saskatchewan became the first Canadian jurisdiction to ban the visible display of tobacco products in retail outlets accessible to minors. This ban was in effect from October 2002 to March 2004. The Saskatchewan Court of Appeal struck down the section of the Act as being unconstitutional in March 2004. On January 19, 2005, the Supreme Court of Canada upheld the Saskatchewan law to ban displays of tobacco and found that the law was not in conflict with the federal *Tobacco Act*. Manitoba and Nunavut were waiting for the outcome of this decision before putting their own sections of legislation into force on this same issue.
- Manitoba has passed legislation that bans the display of tobacco products in retail stores that are accessible to people 18 years old or younger; this provision has been enforced since August 15, 2005.
- Nunavut has passed legislation that bans the advertisement and display of tobacco products in retail stores except under circumstances that may be prescribed in regulations.
- New Brunswick and Nova Scotia ban countertop displays of tobacco products.

Internationally

- Iceland bans point-of-sale displays of tobacco products under its *Tobacco Control Act*.
- Ireland bans self-service sales of tobacco products and restricts the display of tobacco to one package or picture of each tobacco product for sale. This provision has not been implemented, as it is pending legal challenge by tobacco companies.



- Australia, in some of its states, regulates the size of tobacco displays, where the displays can be located, as well as the lighting and use of other devices that may draw attention to the displays.
- New Zealand limits the number and size of displays that are allowed for tobacco products.
- Point of sale regulations were introduced in March 2004 in the United Kingdom but are currently subject to a judicial review, following a legal challenge by the tobacco industry.

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