
Canada

**TOBACCO
INDUSTRY
INTERFERENCE
INDEX
2023**

Date of Finalization/ Publication:

June 2023

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Acknowledgements:

Physicians for a Smoke-Free Canada

Summary Findings

I INDUSTRY PARTICIPATION IN POLICY DEVELOPMENT

Although the Federal Department of Health (Health Canada) has a policy of “*not partnering with the tobacco industry on tobacco control programming*”, this policy does not extend across government. The *Federal Lobbyist Registry* reveals that the tobacco industry is currently engaging with at least 18 departments, agencies and institutions including Health Canada, the Canada Revenue Agency, Finance Canada, the Treasury Board, Canada Border Services, Public Safety Canada, Global Affairs Canada, Indigenous Services Canada, the House of Commons, the Senate of Canada, the Prime Minister’s Office, Privy Council Office, the Royal Canadian Mounted Police, and Justice Canada.

There are no restrictions on tobacco industry engagement with policy development. Health Canada regularly invites policy proposals from all parties including the tobacco industry and the Ministry has accepted industry recommendations for delayed implementation of regulations and policies on repeated occasions.

2 INDUSTRY CSR ACTIVITIES

In its reports to the FCTC Secretariat since 2010, Canada said it had “adopted administrative measures” which included Health Canada’s “policy of not partnering with the tobacco industry on tobacco control programming.” However, there has been no mention of policies of other departments or whether other partnerships with the industry would be acceptable to government. Some government departments and agencies have continued to partner with the tobacco industry and accept funding. There are no prohibitions in place to prevent these violations.

In 2020, the Government of Canada invested US\$130 million in Medicago—a vaccine developer based in Quebec that was jointly owned by Philip Morris International (1/3 equity) and Mitsubishi Tanabe Pharma (2/3 equity)¹. The government investment in Medicago supported the development of a COVID-19 vaccine and a new vaccine manufacturing plant in Quebec. Ironically, the Canadian government delegation to FCTC COP8 in 2018 sponsored a decision urging all 182 parties to adopt comprehensive government-wide guidelines to limit their engagement with the tobacco industry. To date, Canada has not approved or implemented such guidelines.

In March 2022, the WHO rejected an application by Medicago for the global distribution of its COVID-19 vaccine due to the involvement of Philip Morris. The vaccine’s majority owner Mitsubishi Tanabe Pharma (MTP) absorbed the tobacco company’s shares in December 2022. Medicago was subsequently dissolved by MTP in February 2023 and the production of the vaccine was halted. Philip Morris reports that it continues to hold liabilities to the Canadian government in relation

¹ Philip Morris and the Government of Canada collaborate on COVID-19 vaccine development: <https://blogs.bmj.com/tc/2020/11/21/philip-morris-and-the-government-of-canada-collaborate-on-covid-19-vaccine-development/>

to the vaccine collaboration². However the vaccine partnership between MTP, Philip Morris and the Government of Canada has been effectively dissolved.

3 BENEFITS TO THE INDUSTRY

Under pressure from the tobacco industry, the implementation of slide-and-shell packaging was postponed for two years following the implementation of standardized packaging on tobacco products in October 2019.

The development and implementation of government guidelines regarding tobacco industry interference have been repeatedly delayed since initially promised in 2016.

Several provincial governments have divested tobacco industry stocks from holdings and portfolios including pension funds, including the governments of Alberta, Quebec and Ontario³. However, the Canada Pension Fund continues to invest in tobacco company equities.

Canada's three major cigarette manufacturers have received creditor protection under the *Companies' Creditors Arrangement Act* following a class-action lawsuit resulting in a \$15 billion dollar ruling in favour of Quebec smokers in 2019. Settlement discussions between the tobacco companies and all registered litigants including provincial governments are currently underway.

4 UNNECESSARY INTERACTION

Limitations on interactions with tobacco companies only extend to the Federal Department of Health staff and officials. There is no such limitation on interactions with the Public Health Agency of Canada or any other government department, agency, board or institution. Tobacco lobbyists report numerous and ongoing meetings with government officials in the *Federal Lobbyist Registry*.

The Federal Department of Health has a policy of “not partnering with the tobacco industry on tobacco control programming”. However, similar policies with respect to partnering with the industry on other matters or partnering by other government departments, agencies and institutions are not in place.

5 TRANSPARENCY

Restrictions on meetings/interactions with the tobacco industry are limited only to the Federal Department of Health and do not apply to any other ministry, agency or institution. The Federal Department of Health launched a website in 2019 that contains details of previous meetings with tobacco and vaping representatives.⁴

The Federal Department of Health has proposed new regulations to “improve the information collected by Health Canada from manufacturers and importers of

² Philip Morris International 2022 Annual Report https://www.pmi.com/resources/docs/default-source/investor_relation/pmi_2022_annualreport.pdf?sfvrsn=cb21d3b6_2

³ Canadian public pension investments in tobacco companies. Physicians for a Smoke-Free Canada May 2022 <https://www.smoke-free.ca/SUAP/2020/pension%20funds.pdf>

⁴ Health Canada Tobacco Control Directorate and tobacco and vaping industry meetings – accessed June 2023

<https://www.canada.ca/en/health-canada/services/health-concerns/tobacco/meeting-summaries-tobacco-vaping-industry.html>

tobacco products and to require that the Minister disclose certain information to the public”. However, no regulations have been approved to date.⁵

The *Lobbyist Registration Act* requires all tobacco company lobbyists to register including consulting lobbyists. However, there are no special restrictions on these lobbying activities other than the general restrictions contained within the Act. Tobacco-industry sponsored or affiliated organizations are not required to report their funding sources or commercial alliances.

6 CONFLICT OF INTEREST

In its reports to the FCTC Secretariat since 2010, Canada identifies only one measure in place which conforms to these recommendations: The banning of donations to political campaigns for electoral purposes. This prohibition applies to all corporations, trade unions and non-governmental organizations, not just to tobacco companies.

There are no policies to guide public office holders in accepting positions with tobacco companies other than those which apply to other industries.

7 PREVENTIVE MEASURES

The *Tobacco Reporting Regulations* require disclosure of some, but not all, tobacco industry activities. The Federal Department of Health launched a website in 2019 that discloses the attendees and minutes of meetings with the tobacco industry. However, this disclosure is limited only to meetings with the Federal Department of Health and no other government Ministries.

There is no code of conduct for public officials dealing with the tobacco industry which extends beyond the code that applies to other industries.

Through the *Tobacco Reporting Regulations*, the Federal Department of Health requires information on research and promotional activities, sales and sponsorship and provides some disclosure of this information. The Tobacco Reporting Regulations were amended in 2005 and 2019.

In 2020, the absence of government-wide guidelines for Article 5.3 facilitated the development of a US\$130 million Federal government collaboration with Medicago Inc—a Quebec-based vaccine developer that was owned by Philip Morris International (1/3 equity) and Mitsubishi Tanabe Pharma (2/3 equity).

⁵ Forward Regulatory Plan 2023-2025: Tobacco and Vaping Products Reporting Regulations, July 10, 2023
<https://www.canada.ca/en/health-canada/corporate/about-health-canada/legislation-guidelines/acts-regulations/forward-regulatory-plan/plan/ammendments-tobacco-reporting-regulations-bill-s-5.html>

8. RECOMMENDATIONS

1. We recommend that the Government of Canada adopt strong guidelines to fully comply with FCTC Article 5.3 that apply to the entire public service including the administrative, legislative and judicial branches of government and any related Boards, Agencies, Institutions and Crown Corporations.
2. We recommend that the Government of Canada work with subnational governments to ensure that they adopt strong guidelines to fully comply with FCTC Article 5.3.
3. We recommend that all government interactions with tobacco companies and their representatives and allies be publicly and fully reported in a timely manner—ideally within 30 days of each interaction.
4. We recommend that all branches of government—including the Canada Fund—avoid all partnerships and collaborations with tobacco companies including indirect corporate social marketing schemes to enhance the public image of the tobacco industry.
5. We recommend that tobacco companies and their representatives and allies be excluded from all policy development activities and consultations that apply to the production, marketing and export of tobacco products and nicotine vaping products.

Canada

Tobacco Industry Interference Index 2023

Results and Findings

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INDICATOR 1: Level of Industry Participation in Policy-Development						
1. The government ⁶ accepts, supports or endorses any offer for assistance by or in collaboration with the tobacco industry or any entity or person working to further its interests. ⁷ in setting or implementing public health policies in relation to tobacco control ⁸ (Rec 3.4)			2			
<p>The Federal Department of Health has a policy of “<i>not partnering with the tobacco industry on tobacco control programming</i>,” but similar policies with respect to partnering with the industry on other matters or industry partnering by other government departments are not in place.</p> <p>The <i>Federal Lobbyist Registry</i> reveals that the tobacco industry is currently engaging with at least 18 departments, agencies and institutions including Health Canada, the Canada Revenue Agency, Finance Canada, the Treasury Board, Canada Border Services, Public Safety Canada, Global Affairs Canada, Indigenous Services Canada, the House of Commons, the Senate of Canada, the Prime Minister’s Office, Privy Council Office, the Royal Canadian Mounted Police, and Justice Canada.</p>						
2. The government accepts, supports or endorses <u>policies or legislation drafted</u> by or in collaboration with the tobacco industry. (Rec 3.4)			2			
<p>No restrictions. In its policy consultations, the Federal Department of Health regularly invites policy proposals from all parties including the tobacco industry. The Ministry has accepted industry recommendations for delayed implementation of regulations on repeated occasions.</p> <p>However, Health Canada reports that it not using policies or legislation drafted by on in consultation with the tobacco industry, though there may be some specific amendments that arise as part of a public consultation process.</p> <p>The tobacco industry was recently successful in postponing the implementation of slide-and-shell packaging on cigarettes for a two-year period.</p>						
3. The government allows/invites the tobacco industry to sit in government interagency/ multi-sectoral committee/ advisory group body that sets public health policy. (Rec 4.8) Never 5 Yes		1				

⁶ The term “government” refers to any public official whether or not acting within the scope of authority as long as cloaked with such authority or holding out to another as having such authority

⁷ The term, “tobacco industry” includes those representing its interests or working to further its interests, including the State-owned tobacco industry.

⁸ “Offer of assistance” may include draft legislation, technical input, recommendations, oversees study tour

	0	1	2	3	4	5
There are no known infractions of this recommendation. There are no known prohibitions in place to prevent these infractions.						
4. The government nominates or allows representatives from the tobacco industry (including State-owned) in the delegation to the COP or other subsidiary bodies or accepts their sponsorship for delegates. (i.e. COP 4 & 5, INB 4 5, WG) ⁹ (Rec 4.9 & 8.3) For non-COP year, follow the previous score of COP year. For non-Parties, apply a score of '0'		1				
There are no known infractions of this recommendation ¹⁰ .						
INDICATOR 2: Industry CSR activities						
5. A. Government agencies or their officials endorse, support, form partnerships with or participates in activities of the tobacco industry described as “socially responsible” or “sustainable”. For example, environmental programs. (Rec 6.2) B. The government (its agencies and officials) receives CSR contributions ¹¹ (monetary or otherwise, including CSR contributions) from the tobacco industry or those working to further its interests during the pandemic. (Rec 6.4) <i>NOTE: exclude enforcement activities as this is covered in another question</i>				3		
<p>In October 2020, the Government of Canada invested US\$130 million in Medicago—a vaccine developer based in Quebec that was jointly owned by Philip Morris International (1/3 equity) and Mitsubishi Tanabe Pharma (2/3 equity)¹². The government investment in Medicago supported the development of a COVID-19 vaccine and a new vaccine manufacturing plant in Quebec. When the Canadian government made the investment, the CEO of Medicago was the former VP of government relations for PMI. The Medicago partnership with the Canadian government was announced by Philip Morris in a global news release immediately following a news release by the Canadian Prime Minister that conspicuously excluded any mention of PMI. The partnership was denounced by tobacco control leaders and organizations around the world. To date, this is the only known COVID-19 vaccine collaboration by a national government (and FCTC signatory) and a transnational tobacco company. Ironically, the Canadian government delegation to FCTC COP8 in 2018 sponsored a decision urging all 182 parties to adopt comprehensive government-wide guidelines to limit their engagement with the tobacco industry. To date, Canada has not approved or implemented such guidelines.</p> <p>UPDATE: In December 2022, Mitsubishi Tanabe Pharma (MTP) absorbed PMI’s holdings in Medicago², following a March 2022 decision by the WHO to reject an application by</p>						

⁹ Please annex a list since 2009 so that the respondent can quantify the frequency, <http://www.who.int/fctc/cop/en/>

¹⁰ <https://fctc.who.int/publications/m/item/cop-9-div-1-list-of-participants>

¹¹ Political, social financial, educations, community, technical expertise or training to counter smuggling or any other forms of contributions

¹² Philip Morris and the Government of Canada collaborate on COVID-19 vaccine development: <https://blogs.bmj.com/tc/2020/11/21/philip-morris-and-the-government-of-canada-collaborate-on-covid-19-vaccine-development/>

	0	1	2	3	4	5
the vaccine producer for the global distribution of its COVID-19 vaccine ¹³ . Medicago was subsequently dissolved by MTP in February 2023 and the production of the vaccine was halted ¹⁴ . Philip Morris reports that it continues to hold liabilities to the Canadian government in relation to the vaccine collaboration ² . However the vaccine partnership between MTP, Philip Morris and the Government of Canada has been effectively dissolved.						
INDICATOR 3: Benefits to the Tobacco Industry						
6. The government accommodates requests from the tobacco industry for a longer time frame for implementation or postponement of tobacco control law. (e.g. 180 days is common for PHW, Tax increase can be implemented within 1 month) (Rec 7.1)					4	
<p>It is not uncommon for Canadian governments to postpone the implementation of tobacco control laws when under pressure from the tobacco industry or its allies.</p> <p>The implementation of slide-and-shell packaging was postponed for two years following the implementation of standardized packaging on tobacco products. Slide-and-shell packaging was vigorously opposed by the tobacco industry in favour of flip-top packaging that dissect the health warnings when opened. However, most plain packaging requirements other than the slide and shell format were implemented in October 2019. The slide-and-shell packaging was delayed until October 2021 under pressure from the tobacco industry¹⁵.</p> <p>The implementation of government-wide guidelines for the implementation of Article 5.3 of the FCTC have been delayed repeatedly following a written commitment from the federal health minister pledging to initiate the development of guidelines in 2016. In October 2018, the Canadian government delegation urged 182 countries to develop such guidelines at the 8th Conference of the Parties for the FCTC. However the Canadian government has not followed this directive to date. Recently, the federal health minister pledged once again to initiate the development of cross government guidelines in a June 2023 letter to NGOs.</p>						
7. The government gives privileges, incentives, tax exemptions or benefits to the tobacco industry (Rec 7.3)				3		
<p>A general Federal tax exemption is provided for advertising and promotion expenses for Canadian businesses and this exemption also applies to tobacco industry advertising and promotion.</p> <p>A federal tobacco farming transition program was established in 2006 to help farmers switch to other crops but the program did not significantly impact domestic tobacco</p>						

¹³ WHO rejects Medicago COVID-19 vaccine over Canadian company's ties to tobacco industry – Globe & Mail, March 24, 2023 <https://www.theglobeandmail.com/canada/article-who-medicago-covid-19-vaccine/>

¹⁴ Overseas Consolidated Subsidiary, Medicago to Cease Operations – Mitsubishi Chemical Group Corporation, February 3, 2023 https://www.mcgc.com/english/news_release/pdf/01468/01708.pdf

¹⁵ No logos: Tobacco firms under tight timeline to adopt plain packaging, CBC News, June 25, 2018 <https://www.cbc.ca/news/politics/plain-packaging-tobacco-1.4721232>

production¹⁶. In fact, tobacco production doubled in the years following the initial implementation of the program in 2008¹⁷. While the number of tobacco production licenses was reduced, the overall production of tobacco was not affected due to the lack of controls and government oversight in the transition program as identified by Canada's Auditor General¹⁸.

Domestic tobacco leaf production has declined significantly since 2010¹⁹. However much of this decline can be attributed to Imperial Tobacco Canada's (ITCAN's) decision to move the manufacturing of its Canadian brands to Mexico in 2015 and to subsequently source raw tobacco leaf from other countries²⁰.

Several provincial governments have divested tobacco industry stocks from holdings and portfolios including pension funds, including the governments of Alberta, Quebec and Ontario²¹. However, the Canada Pension Fund continues to invest in tobacco company equities.

British American Tobacco's Canadian subsidiary, Imperial Tobacco Canada (ITCAN) has obtained an order from the Ontario Superior Court of Justice granting it protection under the Companies' Creditors Arrangement Act (CCAA). This order has the effect of staying all current tobacco litigation in Canada against ITCAN and other Group companies. The order has been extended on several occasions and remains in force.²²

Philip Morris International's Canadian subsidiary, Rothmans, Benson & Hedges (RBH) has obtained an order from the Ontario Superior Court of Justice granting it protection under the Companies' Creditors Arrangement Act (CCAA).²³ JTI-McDonald Corp. has obtained a similar order.²⁴

International travelers are allowed to bring 200 cigarettes, 50 cigars, and 200 grams (7 ounces) of manufactured tobacco into Canada for trips of 48 hours or greater.

INDICATOR 4: Forms of Unnecessary Interaction

¹⁶ Backgrounder: The Tobacco Transition Program, Physicians for a Smoke-Free Canada, 2011

https://www.smoke-free.ca/pdf_1/2011/Backgrounder%20-%20The%20Tobacco%20Transition%20Program.pdf

¹⁸ A-G's report slams waste in \$284-million federal tobacco program, Toronto Star, November 22, 2011

https://www.thestar.com/news/canada/2011/11/22/ags_report_slams_waste_in_284million_federal_tobacco_program.html

¹⁹ Tobacco Agriculture and Trade Country Profile: Canada, World Health Organization, 2023

https://cdn.who.int/media/docs/default-source/country-profiles/tobacco/tobacco-agriculture-trade-country-profiles/tobacco-agriculture-trade-can-2022-country-profile.pdf?sfvrsn=f315802c_3&download=true

²⁰ Volume 1 - Application Record of ITCAN and ITCO.pdf (fticonsulting.com)

<http://cfcanada.fticonsulting.com/ImperialTobacco/docs/Volume%201%20-%20Application%20Record%20of%20ITCAN%20and%20ITCO.pdf>

²¹ Canadian public pension investments in tobacco companies, Physicians for a Smoke-Free Canada, May 2022

<https://www.smoke-free.ca/SUAP/2020/pension%20funds.pdf>

²² Seeking a grand settlement, Tobacco Reporter, March 13, 2019 <https://tobaccoreporter.com/2019/03/13/seeking-a-grand-settlement/>

²³ Creditor protection granted, Tobacco Reporter, March 25, 2019 <https://tobaccoreporter.com/2019/03/25/creditor-protection-granted-2/>

²⁴ CCAA Records: JTI-Macdonald Corp., Ontario Superior Court of Justice, March 8, 2019

<https://ised-isde.canada.ca/site/office-superintendent-bankruptcy/en/ccaa-records-list/ccaa-records-jti-macdonald-corp>

	0	1	2	3	4	5
<p>8. Top level government officials (such as President/ Prime Minister or Minister²⁵) meet with/ foster relations with the tobacco companies such as attending social functions and other events sponsored or organized by the tobacco companies or those furthering its interests. (Rec 2.1)</p>				3		
<p>Limitations on interactions with tobacco companies only extend to the Federal Department of Health staff and officials. There is no such limitation on interactions with the Public Health Agency of Canada or any other government department, agency, board or institution.</p> <p>The government reports that “generally in Canada the primary channels of communication between governments and the tobacco industry are limited to technical discussions in regard to both health and tax-related regulations and (ii) litigation related responses.”</p> <p>Without stronger disclosure and reporting requirements for other federal government departments and other levels of government, it is not possible to conclude that this is generally the case.</p> <p>Tobacco lobbyists report numerous and ongoing meetings with government officials in the <i>Federal Lobbyist Registry</i>.</p>						
<p>9. The government accepts assistance/ offers of assistance from the tobacco industry on enforcement such as conducting raids on tobacco smuggling or enforcing smoke free policies or no sales to minors. (including monetary contribution for these activities) (Rec 4.3)</p>	0					
<p>There is no available evidence on this issue.</p>						
<p>10. The government accepts, supports, endorses, or enters into partnerships or non-binding agreements with the tobacco industry or any entity working to further its interests. (Rec 3.1) NOTE: This must <u>not</u> involve CSR, enforcement activity, or tobacco control policy development since these are already covered in the previous questions.</p>				3		
<p>The Federal Department of Health has a policy of “not partnering with the tobacco industry on tobacco control programming”. However, similar policies with respect to partnering with the industry on other matters or partnering by other government departments, agencies and institutions are not in place.</p> <p>The importance of this is illustrated in the Canadian government’s 2020 investment of US\$130 million in a Canadian vaccine company (Medicago Inc.) that was partially held (1/3 equity) by Philip Morris International was a disturbing collaboration that contradicted Canada’s efforts to urge other countries to strictly adhere to Article 5.3. This blatant contradiction of Article 5.3 was denounced by tobacco control organizations around the</p>						

²⁵ Includes immediate members of the families of the high-level officials

	0	1	2	3	4	5
world ²⁶ . PMI was removed as an investor in December 2022 following the WHO's refusal to distribute the resulting vaccine in March 2022.						
INDICATOR 5: Transparency						
11. The government does not publicly disclose meetings/ interactions with the tobacco industry in cases where such interactions are strictly necessary for regulation. (Rec 2.2)				3		
<p>Restrictions on meetings/interactions with the tobacco industry are limited only to the Federal Department of Health and do not apply to any other ministry, agency or institution including Finance, Trade, Agriculture and Economic Development or the House of Commons.</p> <p>The Federal Department of Health launched a website in 2019 that contains details of previous meetings with tobacco and vaping representatives Here is an example of the disclosure of a meeting with the tobacco lobby: Health Canada and the Canadian Tobacco Manufacturers' Council meeting providing date, subject matter, attendees and outcome: https://www.canada.ca/en/health-canada/services/health-concerns/tobacco/meeting-summaries-tobacco-vaping-industry/august-18-2022-canadian-tobacco-manufacturers-council.html</p> <p>The meetings that are currently listed on the site are limited to previous calendar years. There does not seem to be a requirement for the reports to be updated within a specific time frame (e.g. within 30 days of meeting).</p> <p>The Federal Department of Health has proposed new reporting regulations to “improve the information collected by Health Canada from manufacturers and importers of tobacco products and to require that the Minister disclose certain information to the public”. However, no regulations have been approved to date.</p>						
12. The government requires rules for the disclosure or registration of tobacco industry entities, affiliated organizations, and individuals acting on their behalf including lobbyists (Rec 5.3)				2		
<p>The <i>Lobbyist Registration Act</i> requires all tobacco company lobbyists to register including consulting lobbyists. However, there are no special restrictions on these lobbying activities other than the general restrictions contained within the Act. Tobacco-industry sponsored or affiliated organizations are not required to report their funding sources or commercial alliances.</p> <p>No measures have been adopted in Canada to formally or informally impose a different style of interaction between government (legislative, executive or judiciary) and the tobacco industry than exists with any other citizen or business.</p>						

²⁶ Organizational sign-on letter: Urge Canadian government to terminate conflictual agreement with Medicago, Corporate Accountability, November 2020
<https://actionnetwork.org/petitions/organizational-sign-on-letter-canadian-government-terminate-conflictual-agreement-with-medicago/>

	0	1	2	3	4	5
<p>The <i>Lobbyist Registration Act</i> requires some disclosure of financing (regarding receipt of government funding), but does not require lobbyists to declare whether they have received funding from tobacco companies. Since the FCTC came into force, there have been at least four opportunities to include such a provision when amendments to this Act were before Parliament.</p>						
INDICATOR 6: Conflict of Interest						
13. The government does not prohibit contributions from the tobacco industry or any entity working to further its interests to political parties, candidates, or campaigns or to require full disclosure of such contributions. (Rec 4.11) / Never 5 Yes		1				
<p>In its reports to the FCTC Secretariat since 2010, Canada identifies only one measure in place which conforms to these recommendations: The banning of donations to political campaigns for electoral purposes. This prohibition applies to all corporations, trade unions and non-governmental organizations, not just to tobacco companies.</p> <p>There are several other measures which were not identified in these reports that are in place to reduce conflicts of interest between government and any commercial interest. These include the federal <i>Conflict of Interest Act</i>, Treasury Board policies on Conflict of Interest and Post-Employment, and the Departmental Code of Conduct which significantly limits the acceptance of gifts, hospitality or any benefits. These are intended to apply a high standard of protection against conflicts of interest. Although these policies were adopted or revised after the FCTC came into force, there is no acknowledgement of the potential benefit of having even more stringent measures in place for tobacco than for any other commercial sectors.</p>						
14. Retired senior government officials form part of the tobacco industry (former Prime Minister, Minister, Attorney General) (Rec 4.4)			2			
<p>There are no policies to guide public office holders in accepting positions with tobacco companies other than those which apply to other industries.</p> <p>Prime Ministers, Senators, Cabinet Ministers, Members of Parliament, senior government advisors and officials from the health ministry have moved from the tobacco industry to federal government lobbying roles or vice-versa. Even after the ratification of the FCTC, a tobacco control regulator was able to move sequentially from Health Canada to Imperial Tobacco to the Public Health Agency of Canada.</p>						
15. <u>Current government officials</u> and relatives hold positions in the tobacco business including consultancy positions. (Rec 4.5, 4.8, 4.10)		1				
<p>There are no known infractions of this provision and there are no measures which extend beyond those which apply to other industries.</p>						
INDICATOR 7: Preventive Measures						
16. The government has put in place a procedure for disclosing the records of the interaction (such as agenda, attendees, minutes and outcome) with the tobacco industry and its representatives. (Rec 5.1)				3		

	0	1	2	3	4	5
<p>The <i>Tobacco Reporting Regulations</i> require disclosure of some, but not all, tobacco industry activities.</p> <p>The Federal Department of Health recently launched a website in 2019 that discloses the attendees and minutes of meetings with the tobacco industry. However, this disclosure is limited only to meetings with the Federal Department of Health and no other government Ministries.</p>						
<p>17. The government has formulated, adopted or implemented a code of conduct for public officials, prescribing the standards with which they should comply in their dealings with the tobacco industry. (Rec 4.2); <i>1 for whole of government code; 2 for Yes but partial if only MOH</i></p>					4	
<p>There is no code of conduct for public officials dealing with the tobacco industry which extends beyond the code that applies to other industries.</p> <p>There are several other measures that are in place to reduce conflicts of interest between government and any commercial interest. These include the federal <i>Conflict of Interest Act</i>, Treasury Board policies on Conflict of Interest and Post-Employment, and the Departmental Code of Conduct which significantly limits the acceptance of gifts, hospitality or any benefits.</p> <p>Although these policies were adopted or revised after the FCTC came into force, there is no acknowledgement of the potential benefit of having even more stringent measures in place for tobacco than for any other commercial sectors.</p>						
<p>18. The government requires the tobacco industry to periodically submit information on tobacco production, manufacture, market share, marketing expenditures, revenues and any other activity, including lobbying, philanthropy, political contributions and all other activities. (5.2)</p>				3		
<p>Through the <i>Tobacco Reporting Regulations</i>, the Federal Department of Health requires information on research and promotional activities, sales and sponsorship and provides some disclosure of this information. The Tobacco Reporting Regulations were amended in 2005 and 2019. The latest changes address recommendations of the Standing Joint Committee for the Scrutiny of Regulations and update requirements to make them more relevant to the current environment and to eliminate redundant requirements.²⁷</p> <p>There are no requirements for lobbying and philanthropy which extend beyond those in place for other industries.</p> <p>Information on lobbying activities and political contributions are reported as requirements of the <i>Lobbyist Registration Act</i> and the <i>Elections Act</i> with requirements for reporting and public disclosure.</p>						

²⁷ Tobacco Reporting Regulations for Canadian Manufacturers and Importers, Health Canada, January 11, 2023

	0	1	2	3	4	5
19. The government has a program / system/ plan to consistently ²⁸ raise awareness within its departments on policies relating to FCTC Article 5.3 Guidelines. (Rec 1.1, 1.2)						5
<p>In 2020, the absence of government-wide guidelines for Article 5.3 facilitated the development of a US\$130 million Federal government collaboration with Medicago Inc—a Quebec-based vaccine developer that was owned by Philip Morris International (1/3 equity) and Mitsubishi Tanabe Pharma (2/3 equity).</p> <p>During the 8th Conference of the Parties of the Framework Convention for Tobacco Control in 2018, the Canadian government delegation sponsored a motion urging all 182 Parties to develop comprehensive government-wide guidelines for the implementation of Article 5.3²⁹. To date, Canada has not adopted this directive.</p>						
20. The government has put in place a policy to disallow the acceptance of all forms of contributions/ gifts from the tobacco industry (monetary or otherwise) including offers of assistance, policy drafts, or study visit invitations given or offered to the government, its agencies, officials and their relatives. (3.4)			2			
There are no measures which extend beyond those required for other industries.						
TOTAL SCORE					48	

²⁸ For purposes of this question, “consistently” means: a. Each time the FCTC is discussed, 5.3 is explained. AND b. Whenever the opportunity arises such when the tobacco industry intervention is discovered or reported.

²⁹ FCTC/COP8(12) Maximizing transparency of delegations from Parties and observers to the Conference of the Parties, its subsidiary bodies and other WHO FCTC meetings, October 2018
[https://fctc.who.int/publications/m/item/fctc-cop8\(12\)-maximizing-transparency-of-delegations-from-parties-and-observers-to-the-conference-of-the-parties-its-subsidiary-bodies-and-other-who-fctc-meetings#:~:text=FCTC%2FCOP8\(12\)%20Maximizing,and%20other%20WHO%20FCTC%20meetings](https://fctc.who.int/publications/m/item/fctc-cop8(12)-maximizing-transparency-of-delegations-from-parties-and-observers-to-the-conference-of-the-parties-its-subsidiary-bodies-and-other-who-fctc-meetings#:~:text=FCTC%2FCOP8(12)%20Maximizing,and%20other%20WHO%20FCTC%20meetings)