



Last updated July 25, 2007

## FACT SHEET 1.1: RETAIL DISPLAY OF TOBACCO PRODUCTS

### What Is the Issue?

In Canada, advertising of tobacco products is largely prohibited with some notable exceptions, such as advertising by direct mail to adults and in publications with 85% adult readership. Therefore, the tobacco industry uses other methods, such as product display at point of sale, to communicate with current, former, and potential smokers (Slater et al. 2007). An example of this type of display is the “power wall,” consisting of rows of cigarette packages that form a backdrop to the cash register (NSRA 2005; OTRU 2005). According to Wakefield et al. (2006), the display of cigarette packages functions much like cigarette advertising in the minds of children, increasing their perception that cigarettes are easy to obtain and facilitating their recall of brand names.

The retail environment acts as an inducement to smoking not only by virtue of the physical availability of tobacco products but also by means of visual cues that signal, support, and normalize this availability. Recognizing the danger to public health posed by such visual cues, provincial governments have enacted legislation to ban or restrict the retail display of tobacco products. As shown in Table 1.1, a complete ban on visible tobacco products at point of sale is in effect in Nunavut, Prince Edward Island and Nova Scotia. Other provinces and territories have restrictions rather than complete bans. For example, New Brunswick does not allow countertop displays. A restriction on visible tobacco products for premises accessible by youth is in effect in Saskatchewan, Manitoba and the Northwest Territories. Federally, there has been a proposal to restrict the display of tobacco products at point of sale for premises accessible by youth (Health Canada 2006).

### Ontario

Effective May 31, 2008, Ontario, along with Québec, will extend current restrictions to a complete ban on the retail display of tobacco products. The relevant subsection of the *Smoke-Free Ontario Act* specifies that, “no person shall display or permit the display of tobacco products in any place where tobacco products are sold or offered for sale in any manner that will permit a consumer to view any tobacco product before purchasing the tobacco product.” (Some exemptions are made for tobacconists, duty-free retailers and manufacturers.) Ontario survey data show strong and increasing public support for retail display bans: in 2006, 83% of Ontario adults agreed that “tobacco products should be kept under the counter so that they are out of sight of children and young adults” (OTRU 2007).

### International Jurisdictions<sup>1</sup>

Internationally, Iceland (2001) and Thailand (2005) have completely banned the retail display of tobacco products. As of March 22, 2002, Ireland enacted measures similar to those in effect in Iceland but has not brought them into force. Other countries have restrictions but not outright bans. For example, through amendments to existing legislation, Singapore restricted the retail display of tobacco products in 1989. In New Zealand, the size and location of tobacco retail displays are restricted. In Australia, legislation restricting the display of tobacco products at retail is in effect in the Northern Territory (January 1, 2002), Victoria (January 1, 2002) and Queensland (December 31, 2005). The United Kingdom introduced regulations on retail displays in 2004; these are under judicial review following a challenge by the tobacco industry.

<sup>1</sup> For further information on international activity, see Health Canada (2006)

**Table 1.1: Retail Display of Tobacco Products, Provinces/Territories and Canada, July 2007**

Jurisdiction	Complete Ban	Restriction	Year	Comments
Nunavut*	Yes		2004	First Canadian jurisdiction to legislate total ban on visible tobacco products at point of sale
Prince Edward Island	Yes		2006	One black and white price sign of prescribed size allowed per till with no reference to brands
Nova Scotia	Yes		2007	Total ban inside and outside premises, effective Mar. 31, 2007
ONTARIO	Imminent	Yes	2006/2008	Restriction on countertop displays, power wall enhancements, material reflecting a particular brand and visible tobacco product accessories, including lighters and matches, as of May 31, 2006; total ban on all visible tobacco products, including power walls, effective May 31, 2008
Québec	Imminent	No	2008	Total ban on all visible tobacco products, including power walls, effective May 31, 2008; brand-related information on accessories, e.g., lighters and matches, banned since 1998
New Brunswick		Yes	1999	Countertop displays not allowed
Saskatchewan*		Yes	2002	No visible tobacco products, including accessories, if minors have access; no visible products from outside, regardless of access by minors
Manitoba*		Yes	2004	No visible tobacco products if minors have access; restriction on display of tobacco product accessories
Northwest Territories		Yes	2006	No visible tobacco products if minors have access, effective Mar. 2, 2006; restriction on display of tobacco product accessories
Newfoundland and Labrador	No	No		No legislative action on this issue to date
Alberta	No	No		<i>Smoke-Free Places Amendment Act</i> , including ban on retail displays, passed second reading June 13, 2007; on hold until fall session
British Columbia	No	No		<i>Tobacco Sales Amendment Act</i> (Royal Assent Mar. 29, 2007) includes restriction on retail display in premises accessible by minors; regulations not finalized and implementation date not set
Yukon	No	No		No legislative action on this issue to date
CANADA	No	No		<i>Tobacco Act</i> (1997) allows for regulations on “display of tobacco products and accessories at retail” and forbids self-service; Tobacco Reporting Regulations (2000) require tobacco manufacturers to disclose amount paid to retailers for displays; Health Canada (2006) issued proposal on restrictions for premises accessible by minors

*Notes:* Ordered by (1) degree of legislative action, (2) chronologically within degree, (3) if no ban or restriction, east to west then territory. Complete ban = no visible tobacco products permitted at point of sale; Year = implementation date

\*In response to a challenge by the tobacco industry, the Supreme Court of Canada unanimously upheld the constitutionality of the Saskatchewan legislation in January 2005. Upon announcement of the Supreme Court decision, Saskatchewan, Nunavut and Manitoba began to enforce their legislation.

## References

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