



Smoke-Free Ontario Act

How the Act Affects: Flavoured Tobacco Products

The Basics

The *Smoke-Free Ontario Act* (SFOA) sets out rules and restrictions on the sale, use and display of tobacco products in Ontario. Included in these restrictions are prohibitions respecting the sale of flavoured tobacco products.

Flavoured Cigarillos

It is against the law to sell, offer to sell, distribute and offer to distribute flavoured cigarillos.

A cigarillo is any:

1. Tobacco product that,
 - i. weighs less than 1.4 grams, not including the weight of any mouthpiece or tip,
 - ii. is in the form of a roll or tube, and
 - iii. has a wrapper that contains natural or reconstituted leaf tobacco.

2. Tobacco product that,
 - i. has cellulose acetate or other type of filter,
 - ii. is in the form of a roll or tube, and
 - iii. has a wrapper that contains natural or reconstituted leaf tobacco.

Cigarillos that are flavoured with menthol can still continue to be sold until January 1, 2017. After January 1, 2017, it will be against the law to sell menthol flavoured cigarillos. All unflavoured cigarillos can still be sold, but must be sold in packages of 20.

Flavoured Tobacco Products

As of January 1, 2016 it is against the law to sell, offer to sell, distribute and offer to distribute flavoured tobacco products.

A flavoured tobacco product refers to one or more artificial or natural ingredients contained in any of the parts of a tobacco product, as a part or an additive that imparts a distinguishing aroma or flavour other than tobacco, either before or during the use of the tobacco product.

Exemption

These rules do not apply to the following flavoured tobacco products:

- A flavoured cigar that,
 - i. Weighs more than 1.4 grams but less than 6 grams, not including the weight of any mouthpiece or tip;
 - ii. Has a wrapper fitted in spiral form;
 - iii. Has no tipping paper; and
 - iv. Contains something that gives it a flavour or aroma of wine, port, whiskey or rum.
- A flavoured cigar that,
 - i. Weighs 6 grams or more, not including the weight of the mouthpiece or tip;
 - ii. Has a wrapper fitted in spiral form; and
 - iii. Has no tipping paper.
- Flavoured pipe tobacco
- A flavoured cigarette that contains an additive that gives it the taste or smell of clove (**until January 1, 2017**).
- A flavoured tobacco product that contains an additive that gives it the taste or smell of menthol (**until January 1, 2017**).

As of January 1, 2017, clove and menthol flavoured tobacco products will be prohibited.

Please note that “mint” flavoured tobacco is not the same as menthol flavoured tobacco and is therefore prohibited for sale.

Waterpipe Tobacco and Pipe Tobacco

The exemption described above for “flavoured pipe tobacco” does not extend to flavoured shisha tobacco used in waterpipes or hookahs. **As a result, the sale of flavoured waterpipe tobacco is prohibited in Ontario as of January 1, 2016.** Waterpipe tobacco differs from pipe tobacco in its appearance, use and ingredient composition. Similar to Health Canada, Ontario views pipe tobacco and waterpipe tobacco as separate and distinct products and has regulated them as such.

Responsibilities of the Retailer

Tobacco retailers are responsible for making sure that laws with respect to the sale of flavoured tobacco products are followed. Tobacco retailers have a legal responsibility to ensure that they and their employees understand and comply with the requirements under the SFOA. It is very important for retailers to work with their local public health units to understand the law and be in compliance. For more information on the requirements for retailers, please refer to the “*Smoke-Free Ontario Act – How the Act Affects: Tobacco Retailers*”.

Enforcement

Local Public Health Units will carry out inspections and respond to complaints regarding the sale of flavoured tobacco products.

Penalties

Any individual convicted of selling flavoured tobacco could face a fine ranging from \$4,000 to \$100,000, depending on the number of previous convictions.

Any corporation convicted of selling flavoured tobacco could face a fine ranging from \$200,000 to \$600,000, depending on the number of previous convictions.

This fact sheet is intended as a quick reference only and should not be considered to be legal advice. For more information, please contact your local [Public Health Unit](#).

You may also obtain information by calling toll-free:

- **INFOline** 1-866-532-3161
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m.

For specific information on smoking laws regarding flavoured tobacco products, contact your local [Public Health Unit](#).

For more information on the *Smoke-Free Ontario Act*, please visit the Ontario Ministry of Health and Long-Term Care website: ontario.ca/smokefree