



April 2015

## ABOUT VAPORIZERS & E-JUICE

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### What is the current situation?

The vaping market in Canada has evolved over the last several years – from standard disposable E-cigarettes, to now include vape tanks and liquids (with/without nicotine).

In Canada, most e-cigarettes users are smokers aiming to cut back on cigarettes (or quit them altogether) and searching for alternative nicotine free and nicotine delivery products. Consequently, thousands of vape shops have opened up across the country in the last several years – all offering e-cigarette/liquids consumers a nicotine alternative.

Through its established VAPUR® brand, Casa Cubana has decided to introduce a range of nicotine delivering liquids specifically designed for the Convenience & Gas Channel.

### Are liquids with nicotine **legal** in Canada?

Health Canada has long stated that all products containing nicotine are regulated under Canada's Food and Drugs Act (FDA) – effectively requiring subsequent approval or certification before being sold in Canada. But everyone knows that tobacco products, as one example, although containing much larger amounts of nicotine than typical E-juices found in our marketplace – are not regulated under the FDA.

Despite some general public positioning and subsequent Cease and Desist letters since issued to shop owners across the country, Health Canada has yet to seize any product or stop any retail outlet from selling any branded E-Juices (with nicotine) in Canada over the last 3 years.

Because the nicotine ingredient in VAPUR® liquids is dispensed in/at such low levels – it is the longstanding position of the E-Juice industry in Canada that this type of product is effectively exempted from regulation (as a drug) under Canada's Food and Drugs Act.

Because the VAPUR® liquids (with or without nicotine) are not marketed as health products (i.e. for medicinal use) or sold as healthier alternatives to smoking or as smoking cessation devices – the product is also not regulated as a Natural Health Product under the Federal Government's Natural Products Regulations.

**Consequently, it remains the industry's position that no specific government approval or certification (at this time) is required for selling these (low-level nicotine) products in Canada.**



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### **Are Casa Cubana clients doing anything illegal by distributing VAPUR® liquids with nicotine?**

Casa Cubana takes its commitments and responsibilities to its commercial partners quite seriously. We are confident that if ever challenged in any way, our activities and products would be well argued and defended.

That being said, Governments and government inspectors have the authority to interpret legislation (or review their interpretations) whenever and however they see fit – and on any consumer product.

Know that Casa Cubana stands 100% behind the quality and legality of all of our products.

### **Are electronic cigarettes containing nicotine still illegal in Canada?**

Electronic cigarettes containing nicotine remain a political and regulatory grey area in Canada. While the devices do not make any health claims and deliver (exempted) low-levels of nicotine to consumers – existing Canadian laws should arguably not impact these products.

Despite the arguable legal status of these products, Health Canada remains steadfast in its position that they do require market authorization before being imported and sold in Canada. Their enforcement activities to date have led to the continued refusal of imported product into Canada (refusal at Customs). Because no E-cigarette product is actually manufactured in Canada, these products are consequently seldom found in the marketplace.

### **Does Casa Cubana **guarantee** its products?**

We stand behind everything that we sell. Period.



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**Should any issue ever arise as to the quality or legality of any of our VAPUR® products or for more information regarding the content of this document, please do not hesitate in contacting us.**

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