

Ads pressure Ontario to butt out in retail locations

The Ontario Tobacco-Free Network (OTN) wants the province to check in-store tobacco marketing by either banning or hiding tobacco products.

The OTN network, which includes the Canadian Cancer

Society (Ontario division), the Heart and Stroke Foundation of Ontario and the Ontario Lung Association, launched a print and radio campaign and Web site (www.theotn.org) in February.

"It's sad that we need such a campaign. Ontario made a promise but is not clearly committed," says Cynthia Callard, executive director of Physicians for a Smoke-Free Canada.

In April, the Ontario legislature began debating Bill 164, which would ban countertop displays.

Tobacco advertising and sponsorship were banned in Canada in October 2003. That same year, the tobacco industry spent over \$88 million on retail displays and incentives. Tobacco companies have increased their contribution to retailers for the

promotion of tobacco products by 50% over the past 3 years; retailers now receive an average of \$880 annually.

This increase is due to the fact that retail outlets are one of the last venues in which tobacco companies can promote their product, says Chirstina Donà, spokesperson for Imperial Tobacco Canada. She argues that these displays do not influence people to smoke, but rather influence which brand they choose.

Saskatchewan, Manitoba and Nunavut have adopted the so-called "shower curtain" law (*CMAJ* 2005;172[5]:624), which restrict tobacco displays in various ways at stores that are accessible to children. Similar measures have been considered in Australia, Ireland and the UK. — *Christine Chéné*, Ottawa



Ontario Tobacco-Free Network

Part of the Ontario Tobacco-Free Network's campaign.

FEDERAL REGULATIONS

Ottawa to combine smart regulation and precaution

Ottawa's plan to modernize health and safety regulations has raised concerns that this may be an industry-driven step toward deregulation.

The Smart Regulation initiative, which the public service will present to the federal government for approval this winter, will guide federal health and safety regulations pertaining to everything from pharmaceuticals to agricultural seeds. Intended to modernize the regulatory system, it is also designed to "foster an economic climate that promotes innovation and investment." The initiative's guiding principles include effectiveness, cost-efficiency, timeliness, transparency, accountability and performance.

Critics, such as members of the Canadian Health Coalition (a public health system advocacy group) who hosted a May 9 conference where the regula-

tions were discussed, say they are step toward deregulation. They contend that public safety will be subservient to economic goals.

Ken Moore, a senior analyst with the Privy Council Office, acknowledged a "tension" between the "notion of precaution and public protection versus stimulating innovation and economic prosperity." He added: "We're very conscious of these tensions."

Within the "smart" regulation framework, the precautionary principle will be used as a risk management tool, Moore said. The principle "recognizes that the absence of full scientific certainty shall not be used as a reason for postponing decisions where there is a risk of serious or irreversible harm."

Consultations over the next few months will try to determine Canadians' "values and risk tolerance," Moore said.

But University of Victoria bioethicist Conrad Brunk told the conference these tensions are irreconcilable because they are based on "conflicting values." For example, "if the value is promotion of technological innovation, then this means cutting the regulatory requirements and facilitating this innovation."

While the Smart Regulation initiative emphasizes timeliness, the precautionary principle requires science to understand the risks, and this takes time. "The government should choose one guiding principle or another," said Brunk.

Precautionary values should be entrenched in the regulation, he added. These values have to be "reflected in specific language [or] it could very well be a deregulatory process."

"The whole process is driven by the innovation agenda," he added. — *Barbara Sibbald*, CMAJ