



## How Other Countries Regulate Flavored Tobacco Products

In 2009, the U.S. Food and Drug Administration, under authority granted by the [Family Smoking Prevention and Tobacco Control Act](#), prohibited the manufacturing, marketing, and sale of cigarettes containing “characterizing flavors,” such as vanilla, chocolate, cherry, and coffee. This prohibition extends to flavored cigarettes and flavored cigarette “component parts,” such as their tobacco, filter or paper. However, the prohibition exempts the flavors of menthol and tobacco and does not apply to non-cigarette tobacco products, such as electronic cigarettes, cigars, smokeless tobacco, hookah tobacco, and their flavored component parts. Other countries have enacted more robust regulations regarding flavored tobacco products. Below is a summary of select flavored tobacco restrictions from around the world.



**European Union.** In 2014, the European Union (representing 28 member states) passed a new [Tobacco Products Directive](#) that includes:

- A ban on flavorings (other than menthol) in cigarettes and RYO tobacco as of May 20, 2016
- A ban on flavor capsules in tobacco products as of May 20, 2016
- A ban on menthol cigarettes and RYO tobacco as of May 20, 2020

**Australia.** A number of states and territories (including Australian Capital Territory, New South Wales, Victoria, and South Australia) have [legislation](#) that delegates authority to their Health Ministers to prohibit tobacco products or classes of tobacco products that have a distinctive fruity, sweet, or confectionery-like character and/or that might encourage a minor to smoke (or where the smoke may do so).

**Brazil.** In 2012, Brazil became the first country to adopt a ban of all tobacco product flavors and additives, including menthol. The regulation, which was challenged at state and federal levels, is still in litigation and has not yet taken effect.

**Canada.** In July 2010, [Bill C-32](#) prohibited the sale of all flavored cigarettes, blunt wraps and little cigars, but exempted menthol cigarettes and flavors in all other categories of tobacco products, including water pipe tobacco (also known as shisha or hookah), smokeless tobacco and bidis. Amendments to national legislation will extend the flavors ban to cigars weighing 6g or less, with exemptions for menthol, and with some other exemptions.

- On May 31, 2015, the Canadian province of Nova Scotia became the first jurisdiction in the world to implement a [ban](#) on menthol cigarettes, as well as all other menthol tobacco products.

- In Alberta, the flavors ban took effect June 1, 2015, though the ban on menthol tobacco products takes effect September 30, 2015.
- In New Brunswick, the ban on flavors, including menthol, takes effect January 1, 2016.
- In Ontario, Bill 45 received Royal Assent on May 28, 2015. The ban on flavors, including menthol, will take effect on a date to be fixed by proclamation.
- In Quebec, Bill 44 received first reading on May 5, 2015, and second reading on September 23, 2015. The bill has all party support. The ban on flavorings will come into force at the retail level nine months after the bill is adopted.

**Chile.** Chile's bill banning the sale of menthol tobacco products passed the Senate and still needs the consent of the other house and the president's signature. The Comptroller General initially rejected the legislation on the ground that the Ministry of Health did not meet its burden in showing that nicotine *directly* increases levels of addiction, harm, etc. (Under the 2013 amendments (Law 20660) to Chile's primary tobacco control law (Law 19419), the Ministry of Health has the authority to prohibit additives "when such additives and substances increase levels of addiction, harm or risk in the consumers" It was under this authority that the Ministry banned menthol, and could presumably ban other additives in the future. The pending bill makes it clear that the link between the additive/substance and the increase in level of addictiveness/ toxicity need not be direct, but could be indirect. If the bill passes, the Ministry could turn around and ban menthol again.

**Ethiopia.** Ethiopia's Tobacco Control Directive No. 28/2015, effective September 21, 2015, bans the sale, distribution, wholesale of (1) any flavored tobacco product (including menthol); and (2) any tobacco product containing any content or ingredient used to create an impression that a tobacco product has health benefits or reduced health hazards (e.g., vitamins, fruits and vegetables, etc.). See [Article 10](#).

**France.** A provision in the Public Health Code establishes a maximum limit of vanilla that can be added to cigarettes. See [Art. D3511-6](#).

**Germany.** The Federal Office of Consumer Protection and Food Safety denied a tobacco company's request to sell a cigarette that contained a menthol capsule that releases a burst of flavor whenever the smoker crushes the capsule during smoking. The tobacco company appealed, but the decision was upheld. Read [more details](#).

**Moldova.** In July 2015, Moldova passed a law that bans additives with characteristic flavors, as well as other additives such as vitamins, caffeine, etc. The law will also ban menthol cigarettes once fully implemented by May 2020. See [Article 10](#).

**Turkey.** In 2015, Turkey became the first country to implement a ban on menthol as an additive at any level in cigarettes and hand-rolled tobacco. Turkey's law will also ban menthol derivatives, including mint. The [ban](#) takes effect January 1, 2019, at the manufacturer level, and May 20, 2020, at the retail level. Read an English translation of the [Council decision](#) of the Tobacco and Alcohol Market Regulation Agency (March 11, 2015), published in the official gazette April 1, 2015.