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# **The Promotion of Alcohol, Cannabis, Gambling, Tobacco and Vaping Products: A Comparative Analysis of the Potential of Legal Frameworks to Limit Exposure Among Minors**

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## **Land Acknowledgement**

We respectfully acknowledge that the offices of Canadian Centre on Substance Use and Addiction are located on the traditional, unceded and unsurrendered territory of the Algonquin Anishinaabe people, who have been present on this land and its stewards since time immemorial. We are humbled to have the opportunity to be present on these territories.

We acknowledge the Indigenous Peoples as traditional knowledge keepers, and that our greater society benefits from the sharing of Indigenous Peoples.

We strive for respectful partnerships with all Indigenous Peoples, as we look to do better and search for collective healing and true reconciliation.

## **Conflict of Interest**

The author has no conflict of interest to declare.



## Highlights

- In Canada, there are legal frameworks that restrict the commercial promotion of alcohol, cannabis, gambling, tobacco and vaping products to minors.
- Nevertheless, several studies point out that promotions deemed attractive to minors concerning these types of products are circulating in media outlets and places where minors are very active. This can influence their consumption and the risks associated with it. It is therefore important to identify the effectiveness of the frameworks regulating these promotions.
- A prospective analysis of federal legal frameworks suggests that their potential to limit youth exposure to such promotions may be located on a continuum, from least to greatest effectiveness.
- The potential of the gambling framework would be the least significant, as federal authorities have simply delegated responsibility for supervision to provincial authorities without imposing any minimum requirements or restrictions.
- The regulation of alcohol promotions would also be among the least effective frameworks. This is because the requirements and restrictions do not apply to most modern forms or channels of promotion distribution such as product placement or social media. In addition, the responsibility for monitoring the rules has been entrusted to the Canadian Radio-television and Telecommunications Commission, an organization that does not have a health protection mandate and that has largely delegated regulatory power to Ad Standards Canada, an advertising industry association that includes members of the alcohol industry.
- The frameworks around cannabis and tobacco and vaping products, which have broad similarities, have the greatest potential effectiveness. In all three cases, the monitoring of the rules around promotion is the responsibility of Health Canada, the department responsible for protecting the health of people living in Canada. In addition, all three frameworks severely restrict promotion in places and media accessible to minors, including product packaging, publicly accessible places (e.g. stores), and social media.
- Nevertheless, the analysis suggests that the potential of the framework around cannabis is less effective than for vaping products, which is also less potentially effective than the framework around tobacco. Indeed, the framework around cannabis, for example, allows products to be displayed outside of packaging or in non-neutral packaging for promotional purposes – practices that are not allowed by the other two frameworks. With respect to vaping products, there is no obligation to put a health risk warning on packages used for promotions only and there are no restrictions on promoting flavours other than dessert, candy or soft or energy drinks, unlike for tobacco.
- The analysis highlights several major strengths and limitations of the different frameworks. If they deem it a policy priority, federal and provincial authorities could



emulate the strengths of the most potentially effective frameworks on the less effective/weaker frameworks to limit the exposure of young people to attractive promotions.

- In addition, future studies should comparatively measure the actual exposure of young people to the promotion of different products and its potential effects on their consumption and associated risks and harms.

This document contains analyses of laws and regulations conducted for the sole purpose of understanding public health issues. The author is not a legal professional. These analyses should not be interpreted as legal advice and they have no legal effect.



## 1. Introduction

In Canada, the promotion of alcohol, cannabis, gambling, tobacco, and vaping products to minors is largely prohibited by federal and/or provincial legal frameworks. And even where there are no legal restrictions on promotions, the selling of these products to minors is illegal, and the codes of conduct regulating the organizations that sell them place restrictions on marketing and advertising initiatives targeting that particular demographic.

Nevertheless, research has shown that these products are being promoted in ways that appeal to minors in Canada, including through various media and in places where minors tend to spend a lot of time (Asquith, 2021a, 2021b; El-Toukhy et al., 2018; Fournier and Gagnon, 2023; Hammond et al., 2024; Kennedy et al., 2023; Narkar et al., 2019; Paradis et al., 2020; Rup et al., 2020; Sklar, 2011). Additional research also indicates that young people are in fact exposed to promotional messages about these products, and that such exposure is associated with increased consumption and/or frequency of consumption (Cho et al., 2019; El-Toukhy et al., 2018; D. Jernigan et al., 2017; Noël et al., 2024). Furthermore, young people may be exposed to promotional messages without even realizing it, such as through product placement — a form of marketing that involves inserting products and brands into the scripts of television programs and movies, without actually portraying those scenes as advertisements (Gottin, 2022).

Using a comparative approach, this article offers a prospective analysis of the potential of the existing federal legal frameworks to limit the exposure of young people to commercial promotional messages that may encourage them to consume the above-mentioned products. The goal of this study is to systematically investigate and identify the strengths and limitations of each type of legislation, thus allowing the most effective legal frameworks or provisions to be preserved, while those that are deemed less effective may be fine-tuned. The attainment of these goals may be supported by other studies that focus either on promotional strategies and practices or on the exposure of young people to such promotional messages.

## 2. Methodology

### 2.1 Information Extraction

The laws, regulations, and related documents (e.g. codes, interpretation guides, policy statements) consulted for this analysis were retrieved directly from the websites of the federal government or the agencies responsible for their enforcement, between March 2024 and February 2025. To be included in the analysis, the documents had to specifically address the promotion of alcohol, cannabis, gambling, tobacco or vaping products.

Therefore, texts that apply to all consumer products, such as the *Competition Act* (R.S.C., 1985, c. C-34), were not included. The documents that were selected are listed in Table 1 below.



Table 1. Documents selected for analysis

Alcohol	Cannabis	Gambling	Tobacco and Vaping Products <sup>1</sup>
<i>Food and Drugs Act</i> (R.S.C., 1985, c. F-27)	<i>Cannabis Act</i> (S.C. 2018, c. 16)	<i>Criminal Code</i> (R.S.C., 1985, c. C-46)	<i>Tobacco and Vaping Products Act</i> (S.C. 1997, c. 13)
<i>Food and Drug Regulations</i> (C.R.C., c. 870)	<i>Cannabis Regulations</i> (SOR/2018-144)		<i>Promotion of Tobacco Products and Accessories Regulations</i> (Prohibited Terms) (SOR/2011)
Code for Broadcast Advertising of Alcoholic Beverages (CRTC, 1996)	Policy Statement on Cannabis Act Prohibitions Referring to Appeal to Young Persons (Health Canada, 2021)		<i>Tobacco Products Appearance, Packaging and Labelling Regulations</i> (SOR/2019-107)
Guide to Food Labelling and Advertising, Chapter 10: Alcoholic Beverages (Canadian Food Inspection Agency, undated)	Promotion of Cannabis: Prohibitions and Permissions in the Cannabis Act and Regulations (Health Canada, 2024)		<i>Vaping Products Labelling and Packaging Regulations</i> (SOR/2019-353)
			<i>Vaping Products Promotion Regulations</i> (SOR/2020-143)

## 2.2 Analysis

### 2.2.1 Content Analysis

The content of the documents was analyzed with the purpose of identifying the requirements and restrictions that may limit young people's exposure to promotions. To this end, two analytical grids were drawn up inductively. The process consisted in linking the requirements and restrictions contained in the codes, on the one hand, to the scientific and grey literature concerning their potential to control promotion to young people, on the other. Consequently, certain elements of the codes were excluded from the grid if there was no scientific or grey literature suggesting they have the potential to reduce young people's exposure to promotions. One example of this was the requirements for disclosing advertising

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<sup>1</sup>The promotion of tobacco and vaping products is governed by one federal law, although the two products are subject to different regulations. For this reason, they are grouped together in the same column, but are analyzed separately below. The promotion of vaping products containing cannabis is subject to the *Cannabis Act*.





expenditures in the tobacco industry. The inverse also applied. For example, none of the selected codes set requirements for or impose limits on the duration of sequence shots. They are therefore not included in any of the categories, despite the fact that certain written works suggest that those characteristics may appeal to young people. Furthermore, provisions in the codes that resemble rules set out in the general consumer product legislation – such as those concerning misleading representations – have not been included in this analysis.

The first grid, presented in Table 2 below, identifies the **mechanisms of governance** that apply to promotional activities. The term “mechanism of governance” refers to the arrangement of public and/or private partners who are collectively responsible for ensuring compliance with the legal framework, including those who are authorized to engage in commercial promotional activities.

The grid divides the mechanisms of governance into two categories: the organizations responsible for enforcing the rules and those engaged in commercial promotion. Two subcategories further characterize the organizations responsible for enforcing the rules: 1) whether they are public or private, and 2) whether their mandates involve economic development (or growth) or the protection of health. With regard to the public vs. private status of the organizations responsible, certain studies have examined so-called self-regulation strategies, i.e. situations where the government’s regulatory powers have been delegated to industries. These studies suggest that such strategies are generally not effective in limiting commercial promotions (Noel et al., 2016). Regarding the organizations’ mandates, strategies involving public regulatory bodies whose mandates include the protection of public health have been fairly successful in limiting promotional activities and/or young people’s exposure to them (Critchlow and Moodie, 2022; Fournier and Gagnon, 2023; Galkus et al., 2022). On the other hand, strategies involving public regulatory bodies that are focused on economic growth, such as departments of finance, tend to be less inclined to limit promotional activities that encourage consumption (Quesnel et al., 2003).

Two additional categories were used to analyze the commercial organizations that are authorized to engage in promotional activities, by distinguishing: 1) whether they are public or private; and 2) whether their primary purpose is profit generation or the protection of health. With regard to the former category, public monopolies that sell products containing alcohol tend to comply more closely with the requirements and restrictions governing their commercial activities than do private, for-profit companies (Room and Cisneros Örnberg, 2019; Stockwell et al., 2009; Warpenius et al., 2016). Regarding the latter, public organizations whose mandates prioritize profit generation appear to engage in more incentive-based and potentially youth-attractive promotional activities than those whose mandates prioritize the protection of public health (Fournier and Gagnon, 2023; Gagnon and Kamwa Ngne, 2024; Quesnel et al., 2003).



Table 2. Analysis of the mechanisms of governance

Type of Mechanism	Characteristics
Organization responsible for enforcing the rules	Public vs. private
	Mandate focused on economic development vs. protection of health
Organizations involved in commercial promotion	Public (government) monopoly vs. private company
	Mandate focused on protection of health vs. generation of revenue

The second grid refers to the requirements and restrictions that apply to promotional **content** and **communication channels**. These may specifically concern young people, or they may apply to the entire population or to general elements of promotional content and/or communication channels, thereby extending to young people. Their intersecting points — content on the vertical axis and communication channels on the horizontal axis — are displayed in Table 3 below. The intersections occur because the wording of the codes often relates the provisions pertaining to content to those pertaining to communication channels. For example, the *Cannabis Act* requires that the packaging of products available for sale be plain in appearance, but in the case of products that are displayed for promotional purposes only, they may either be displayed without packaging or in packaging that contravenes certain rules regarding appearance, but only in locations that are not accessible to minors.

The grid contains four categories under Content. The first of these, found on the vertical axis, concerns requirements and restrictions relating to incentive-type content of a general nature. In the applicable legislation, these requirements and restrictions may take the form of prohibitions against inducements to purchase or use the products, authorization to disseminate information about the price and availability of the products exclusively, or prohibitions against marketing content that is appealing to young people. The rationale for this category is based on an article demonstrating that advertisements providing exclusively “factual information” about alcoholic beverages are less appealing to young people than advertisements containing “contextual information,” such as associations between alcohol and parties or sports (Gallopel-Morvan et al., 2022).

The three other content categories in the grid pertain to the legislative provisions that apply to specific content-related characteristics that may appeal to young people. They were developed based on the Content Appealing to Youth (CAY) Index, which has been used in prior analyses of marketing initiatives for alcohol, cannabis, tobacco and vaping products. The CAY Index categorizes a set of characteristics that have been recognized in the scientific literature as being appealing to young people (Hoetger et al., 2022; Padon et al., 2018, 2025; Tan et al., 2022). Other research was also considered, so as to take into account certain provisions of the codes that are not included in the CAY Index, but that nevertheless limit the effectiveness of marketing initiatives (such as health warning requirements and



plain packaging requirements) or that relate to specific distribution channels for goods or sponsorships. Where this is the case, references are included in the text below.

**Table 3. Analysis of requirements and restrictions pertaining to promotional content and communication channels**

Communication Channels Content	Packaging	Media	Places accessible to the public	Sponsorships and merchandise
Incentive content (general provisions)	Restrictions on inducements to consume			
	Restrictions on appeal to young people			
Product appeal	Restrictions on promotional messages calling attention to flavours			
	Restrictions on messages touting comparative advantages (psychoactive ingredients, reduced risks, etc.)			
Consumption appeal	Restrictions on incentives to purchase (discounts, free gifts, cross-promotions, etc.)			
	Health warning requirements			
	Restrictions on messages touting well-being or health benefits			
Style appeal	Restrictions on depictions of or testimonials by people, characters, or animals			
	Restrictions on lifestyle-type promotional messages (associations with sports, leisure, creativity, attractiveness, friendship, improved social status, etc.)			
	Restrictions on the use of colours, scents, sounds, and textures			

The *product appeal* category refers to restrictions on the promotion of certain product characteristics, such as flavours, or on the highlighting of comparative advantages regarding potency or reduced harmfulness.

The *consumption appeal* category refers to restrictions on incentives to purchase products, such as temporary discounts or other financial or material benefits. It also includes health warning requirements and other countermeasures that reduce the appeal of marketing efforts geared to young people by highlighting the risks of consumption (Leos-Toro et al., 2021). The *consumption appeal* category also includes restrictions on claims about well-being or other health benefits that advertisers frequently link to consumption of the products in question.

The *style appeal* category mainly deals with restrictions on lifestyle marketing. This type of marketing portrays product consumption as an integral, or even necessary, element of various activities, behaviours, desires or interests, such as sports and leisure, creativity, attractiveness, friendship or improved social status. This category also takes into



consideration provisions limiting the use of specific marketing styles, such as depictions of or references to people, characters or animals, either through images or testimonials. It also encompasses provisions restricting the use of certain colours, scents, sounds, and textures.

With regard to the first of the four Communication Channel categories (*Packaging*), research suggests that plain packaging requirements may reduce the appeal of products to young people (Moodie et al., 2022; Simonavičius et al., 2024). The *Media* category includes print media as well as electronic (television and radio) and digital (email, websites, social media, and social networks) media. The presence of marketing initiatives in media productions consumed by young people has been linked to substance use by young people (Barker et al., 2018).<sup>2</sup> It has also been demonstrated that a significant proportion of young people remember advertisements they have been exposed to on the radio, on television, on the internet and on billboards (D.H. Jernigan et al., 2017). The inclusion of billboards justifies the addition of the third category (*Places accessible to the public*). This category also refers to other provisions, such as requirements that products displayed in stores not be visible from the street and bans on signage near storefronts. The inclusion of the *Merchandise and sponsorships* category is primarily justified by a study showing that the exposure of young people to sporting events sponsored by industries producing psychoactive products has been associated with substance use among young people (Brown, 2016). The possession of promotional merchandise featuring products containing alcohol has also been associated with riskier consumption practices of the substance in question (Critchlow et al., 2019).

### **2.2.2 Evaluation of the Potential of Legal Frameworks to Limit Young People's Exposure to Promotional Messages**

The potential of each category to limit young people's exposure to promotional messages has been assessed based on the existing governance mechanisms and on requirements and restrictions regarding content and communication channels. Drawing on published works on the control of tobacco marketing, the potential of each category is rated as Effective or mostly effective, Partial, or Nil or nearly nil (Saad et al., 2025). The criteria used in the ratings are described in Table 4 below. In the tables used throughout this analysis, these ratings are identified in green, yellow, or red (see below).

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<sup>2</sup>The analysis excludes requirements and restrictions on media content broadcast from foreign jurisdictions. Even in cases where they form part of the codes examined, effective enforcement appears to be dependent on international agreements that do not seem to exist.



Table 4. Criteria for evaluating the potential of legal frameworks to limit young people's exposure to promotional messages

Potential to limit exposure to promotional messages	Criteria
Effective or mostly effective	The legal framework only permits informational promotions of products or brands, and only to adults or soon-to-be adults.
Partial	The legal framework imposes significant requirements and restrictions, but also leaves some leeway for promotional initiatives that may appeal to young people.
Nil or nearly nil	The framework imposes no restrictions on promotional initiatives that appeal to young people, or it imposes restrictions with very limited scope.

## 3. Results

### 3.1 Alcohol

#### 3.1.1 Governance and Promotional Messages

Under the *Food and Drug Regulations* (F&DR) — which are governed by the *Food and Drugs Act* (F&DA) — alcohol is classified as a food product. The F&DA stipulates that it is prohibited to package or advertise any food “in a manner that is false, misleading, or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit, or safety” (F&DA, sec. 5(1)). However, it does not appear that this provision has been invoked to control the marketing of products containing alcohol.

In fact, at the federal level, the *Code for broadcast advertising of alcoholic beverages* (CBAAB) appears to be the principal instrument for controlling the content of alcohol advertisements in the media (CRTC, 1996). The CBAAB was drafted by the Canadian Radio-television and Telecommunications Commission (CRTC). The CRTC is an administrative tribunal administered through the Department of Canadian Heritage. Its mission is to “ensure that all Canadians have access to a world-class communications system.” Under its mission statement, the CRTC also specifies that it “does not regulate newspapers, magazines, or the quality and content of television and radio programming.”<sup>3</sup>

In 1996, the tribunal announced that it would no longer proactively exercise its pre-approval authority over advertisements, favouring instead self-regulation by the industry (Paradis et al., 2020). Since then, advertising compliance with the CBAAB has been assessed primarily

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<sup>3</sup>Link accessed on February 6, 2025: <https://crtc.gc.ca/eng/acrtc/acrtc.htm>



by the Ad Standards organization. Ad Standards is a private, non-profit organization whose membership comprises advertising groups and the companies that use their services. Its members include companies that produce alcoholic beverages.<sup>4</sup> For spirits, Ad Standards is guided by Spirits Canada's *Advertising and Marketing Code*.<sup>5</sup>

Ad Standards accepts complaints from the public about advertisements. After determining whether a complaint is admissible, Ad Standards forwards its assessment to the CRTC, which ultimately has the authority to impose sanctions under the CBAAB. Ad Standards produces reports on the complaints it receives, but these reports do not appear to contain information specifically about advertisements for alcoholic beverages.<sup>6</sup> No publications by the CRTC specifically regarding complaints about advertisements for alcoholic beverages have been identified, either.

The labelling of alcoholic beverages, which is an important component of packaging, is regulated by the Canadian Food Inspection Agency (CFIA). The CFIA is a public regulatory agency whose “highest priority” is “mitigating risks to food safety.”<sup>7</sup> The description of its mandate makes reference to “collaboration and partnership with industry.”

In Canada, the sales ecosystem of alcoholic beverages is composed of both public and private retailers. The provincial authorities, which are responsible for regulating retail sales, have adopted models that vary in terms of the types of stores that are authorized to sell alcoholic beverages. Eight provinces (British Columbia, Prince Edward Island, Manitoba, New Brunswick, Nova Scotia, Ontario, Quebec, and Newfoundland and Labrador) employ a combination of public and private retailers. In two of the Prairie provinces — Alberta and Saskatchewan — there are no public retailers. All the provinces also allow privately owned restaurants and bars to sell alcohol, and some also allow casinos to do so.

### 3.1.2 Provisions Relating to Content and Communication Channels

With regard to **communication channels**, the CRTC only has authority over Canadian radio and television licensees, thereby excluding several other media outlets and types of media, such as foreign broadcasters and unlicensed social media and streaming platforms.<sup>8</sup> As its name suggests, the CBAAB applies only to radio and television advertising, thus excluding many contemporary forms of promotional messaging, such as product placement and the sponsorship of activities, events, and cultural, scientific, and sports venues.

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<sup>4</sup> Link accessed on May 10, 2025: <https://adstandards.ca/about/membership/member-logos/>

<sup>5</sup> Link accessed on August 12, 2025: <https://adstandards.ca/wp-content/uploads/Spiritueux-Canada-Code-de-la-publicite-et-du-marketing-responsables.pdf>

<sup>6</sup> Link accessed on February 6, 2025: <https://adstandards.ca/complaints/complaints-reporting/annual-ad-complaints-report/>

<sup>7</sup> Link accessed on March 14, 2025: <https://inspection.canada.ca/en/about-cfia/organizational-structure/mandate>

<sup>8</sup> Link accessed on January 21, 2025: <https://crtc.gc.ca/eng/television/publicit/codes.htm>





With regard to the **content** of advertisements broadcast by licensees, several provisions of the CBAAB have the potential to protect young people from promotional messaging about alcoholic beverages. One general clause concerns incentive marketing, stipulating that advertising messages must not “attempt to influence non-drinkers of any age to drink or to purchase . . .” (par. a). Another clause stipulates that these types of advertisements must not target minors or associate products “with youth or youth symbols” (par. b).

Additionally, the three categories that pertain to characteristics that appeal to young people are addressed by specific statements. With regard to *product appeal*, it is forbidden to “portray any such product (. . .) in an immoderate way” (par. h), to “exaggerate the importance or effect of any aspect of the product or its packaging” (par. i), or to “contain inducements to prefer an alcoholic beverage because of its higher alcohol content” (par. n). This category does permit favourable comparisons between alcohol products, but such products may not be compared to non-alcoholic foods or beverages (par. g). It is, however, not prohibited to suggest that certain products are healthier than others due to certain characteristics, such as fewer calories or the absence of sugar (Farkouh et al., 2024).

Several clauses impose restrictions on *consumption appeal*. A reading of the guidelines for interpreting the Code suggests that discounts or other incentives are not prohibited in general, but that in the case of contests, the purchase of alcohol cannot be a necessary condition for participation (par. a). The Code prohibits portrayals of alcoholic beverage consumption as “an escape from life’s problems” and suggestions that it should “take precedence over other activities” (par. e). It also forbids implications that consumption can lead to personal success, improved social status, or achievements in various circumstances (par. f) and forbids the portrayal of alcohol consumption in an immoderate way (par. h). However, the Code does not contain any health warning requirements and does not prohibit claims that consumption can lead to certain health benefits (Farkouh et al., 2024).

With regard to *style appeal*, although the term “lifestyle marketing” does not specifically appear in the text, the Code does prohibit certain practices that could easily be understood as falling under this category. For one thing, it is prohibited to portray alcoholic beverages in the context of, or in relation to, activities that appeal primarily to minors (par. c). The Code also prohibits the portrayal of alcoholic beverages as status symbols (par. e) or as a means of acquiring or enhancing social acceptance (par. f). In addition, the Code prohibits the portrayal of alcoholic beverages as essential to the enjoyment of an activity or an event (par. g). It is also prohibited for advertisements to portray minors (par. b), to contain endorsements by any person or character who is likely to be a role model for minors (par. d), to contain scenes in which any such product is consumed (par. q), or to convey the impression that the people portrayed are under the influence of alcohol (clause o) or in situations where the consumption of alcohol is particularly risky (paras. l, m, and p). The guidelines for interpreting the Code further stipulate that no children may be portrayed, nor may any clothing, objects or characters that are associated with children (par. b).



The CFIA's *Guide to Food Labelling and Advertising* (GFLA) sets out information requirements for labels (e.g., alcohol content); however, it does not set out any requirements or restrictions regarding other types of information. It does not contain any provisions regarding the remainder of the packaging and does not prescribe any warnings about the health risks of alcohol.

### **3.1.3 The Potential of the Legal Frameworks to Limit the Exposure of Young People**

Our analysis suggests that the potential of the federal regulations pertaining to alcohol to limit the exposure of young people to promotional messages is nil or nearly nil. This is mainly due to the exclusive jurisdiction of the CRTC over the radio and television broadcasting activities of Canadian licensees. Consequently, in Table 5 below, all categories of communication channel other than media are shown in red.

With regard to the *Media* category, neither the CBAAB nor the GFLA impose any health warning requirements or restrictions on the transmission of information other than that relating to product prices and availability. The codes contain no restrictions on the advertising of flavours that appeal to young people (e.g., fruity, sweet), nor on promotional messages that include incentives to buy. These content categories are therefore shown in red in the *Media* column.

Licensed radio and television programs, which fall under the CRTC's jurisdiction, do not tend to be frequently consumed by young people, who are more likely to watch movies and series on streaming platforms and who are very active on social media (Genêt, 2025). Moreover, the CRTC Code does not regulate product placement. It focuses instead on advertisements that appear during breaks in broadcast programs or films.<sup>9</sup> And although the CRTC is a public organization whose purpose is to benefit society, its mandate does not include the protection of health.

Furthermore, the CRTC has largely delegated the enforcement of its codes to a private association whose members include for-profit organizations in the alcohol industry, and the provincial alcohol distribution systems all include a significant proportion of private, for-profit retailers. Moreover, although the CBAAB contains general restrictions on incentive content and specific restrictions on characteristics that are appealing to young people, and although these restrictions have the potential to protect minors, many of them are limited in scope. For example, limitations governing the comparison of benefits between products only apply to other alcoholic beverages. For all of these reasons, most of the provisions have been

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<sup>9</sup>This information is not contained in the CRTC's Code. A CRTC information officer confirmed this information for the author.





deemed to provide only partial protection, and the associated content categories in the *Media* column are identified in yellow below.

**Table 5. The potential of the legal framework to limit young people's exposure to appealing promotional messages about alcohol**

Communication Channels Content	Packaging	Media	Places accessible to the public	Sponsorships and merchandise
Incentive content (general provisions)	Restrictions on inducements to consume	Restrictions on inducements to consume	Restrictions on inducements to consume	
	Restrictions on appeal to young people	Restrictions on appeal to young people	Restrictions on appeal to young people	
Product appeal	Restrictions on promotional messages calling attention to flavours			
	Restrictions on messages touting comparative advantages	Restrictions on messages touting comparative advantages	Restrictions on messages touting comparative advantages	
Consumption appeal	Restrictions on incentives to purchase (discounts, free gifts, cross-promotions, etc.)			
	Health warning requirements			
	Restrictions on messages touting well-being or health benefits	Restrictions on messages touting well-being or health benefits	Restrictions on messages touting well-being or health benefits	
Style appeal	Restrictions on lifestyle-type promotional messages	Restrictions on lifestyle-type promotional messages	Restrictions on lifestyle-type promotional messages	
	Restrictions on references to or depictions of people, characters, or animals	Restrictions on references to or depictions of people, characters, or animals	Restrictions on references to or depictions of people, characters, or animals	
	Restrictions on the use of colours,	Restrictions on the use of colours,	Restrictions on the use of colours, scents, sounds, and textures	



	scents, sounds, and textures	scents, sounds, and textures	
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## 3.2 Cannabis

### 3.2.1 Governance and Promotional Messages

The *Cannabis Act* (CA) recognizes the federal Department of Health as the agency responsible for enforcing the provisions within the Act that relate to promotions. The mandate of Health Canada (HC) is to help Canadians “maintain and improve their health. It ensures that high-quality health services are accessible, and works to reduce health risks.”<sup>10</sup>

The CA grants the provinces and territories the right to establish their own retail systems for the sale of cannabis, which all of them have elected to do. Some have established publicly owned monopolies (two Atlantic provinces and Quebec), others have established exclusively private systems (two Prairie provinces and one territory), and the rest have implemented systems comprising both public and private retailers. The mandate of Quebec’s public monopoly, however, contains a unique, not-for-profit element: It must attract consumers who currently purchase the products through illicit networks, without concomitantly promoting the use of cannabis (Gagnon, 2021).

### 3.2.2 Provisions Relating to Content and Marketing Channels

The *Cannabis Act* (CA) sets out numerous requirements and restrictions relating to promotional **content** and **communication channels**. Several of these have the potential to impose limits on promotional messages that could encourage young people to consume cannabis. First and foremost, the CA prohibits all types of promotional activities, and it specifically states that any promotional messages that could appeal to young people are prohibited (sec. 17.1). Another section of the Act also prohibits the display of any package or label of cannabis in a manner that may result in it being seen by a young person (sec. 29).

The CA also contains several provisions that address three categories of content that may be appealing to young people and that apply to all communication channels. With regard to *product appeal*, the *Cannabis Regulations* prohibit any promotional messages suggesting that a cannabis “extract” contains any of the flavours recognized as being appealing to young people (sec. 104.11).

*Consumption appeal* is restricted by a provision in the *Cannabis Act* prohibiting offers that serve as an inducement to purchase, such as the right to participate in a game, draw, lottery or contest (sec. 24.1). In this regard, a recent policy statement guiding the interpretation of

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<sup>10</sup>Link accessed on May 31, 2024: <https://www.canada.ca/en/health-canada.html>



the CA suggests that promotions offering temporary discounts should be considered as such an incentive (Health Canada, 2024). The Regulations prohibit promotional messages that create the impression that consuming the product would have health or cosmetic benefits (sec. 104.12).

With respect to *style appeal*, the CA prohibits promotional messages related to lifestyle, specifying that it is prohibited to associate a cannabis product with “a way of life such as one that includes glamour, recreation, excitement, vitality, risk, or daring” (sec. 17.1 e). It also prohibits promotional messages featuring depictions of a “person, character, or animal, whether real or fictional” (sec. 17.1 d). Testimonials and endorsements are also prohibited (sec. 17.1 c). The policy statement on the *Cannabis Act* specifies that neither products nor their packaging may take the form of toys, sports equipment or candies.<sup>11</sup> The same document stipulates that the use of stylistic elements such as bright colours, LED lights, or sounds suggestive of children’s toys is also prohibited.

However, exceptions to these general restrictions allow for informational advertising about cannabis products and brands. The CA defines informational promotion as “a promotion by which factual information is provided” about cannabis-related products or services.<sup>12</sup> These exceptions are described in terms of the communication channels to which they apply.

With regard to *Packaging*, the *Cannabis Regulations* require that packaging be opaque or translucent at the time of sale (sec. 108). It must also be uniform in colour, it must not have any lustre, and it must not be fluorescent in colour, among other restrictions (secs. 113.1 and 113.2). The Regulations also require that a health warning chosen from a list of predefined messages be affixed to the packaging (sec. 123). However, these requirements do not apply to products that are displayed solely for promotional purposes, thus allowing products to be displayed without packaging or in packaging that does not fully comply with the requirements (sec. 25). However, the policy statement on the CA stipulates that the packaging of products displayed solely for promotional purposes must not be appealing to young people.

The CA does authorize communications about the price and availability of cannabis products, but only at points of sale (secs. 17.1 and 17.4). It further specifies that brand-preference promotions may only be conducted in places where minors are not permitted by law (sec. 17.2). It also permits informational promotions of products or brands through various media, provided these are conducted via personal communications directly to adults or through a means of communication for which “reasonable steps” have been taken “to

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<sup>11</sup>Link accessed on January 17, 2025: <https://www.canada.ca/en/health-canada/services/cannabis-regulations-licensed-producers/prohibitions-referring-appeal-young-persons.html>

<sup>12</sup>In the French version of the CA, “promotion de marque” (“brand-preference advertising” in English) is defined as the promotion of a product by means of its brand characteristics. It thus seems appropriate to interpret the law as permitting only the dissemination of factual information about the brand.



ensure that the promotion cannot be accessed by a young person” (sec. 17.2). The CA also stipulates that only companies holding a commercial licence for the production, processing or sale of cannabis may engage in promotional activities, thereby prohibiting any promotional activities by third parties (secs. 17.2 and 23.1).

In addition, the CA prohibits sponsorships and does not permit any trademarks or names of persons linked to the cannabis industry to appear on promotional materials for an event or activity or in the name of a sports, scientific, cultural or health facility (secs. 21 and 22). It does, however, permit the display of trademarks on merchandise, provided that it is not appealing to young people and is not associated with a “way of life” that includes glamour, recreation, excitement or risk (sec. 17.6).

### **3.2.3 The Potential of the Legal Frameworks to Limit the Exposure of Young People**

When it comes to promotional messages involving *Merchandise and sponsorships* in places accessible to the public, the potential for protecting young people appears to be effective or mostly effective. The combination of requirements and restrictions on communication channels and content have ensured that the only places where informational promotions are permitted are those that are off-limits to young people, and that brand identification elements can only be found on merchandise that is not associated with young people or their main interests and pursuits.

With regard to *Packaging and Media*, the protective potential of these provisions can be described as partial. One of the gaps in protection is the authorization to display products without packaging or in packaging that does not meet all plain packaging requirements when the products are not intended for sale. This could result in displays of unpackaged edible products in shapes and colours that appeal to young people, or in displays of stylized packaging that appeals to young people. Furthermore, the requirement of a “reasonable” age verification mechanism is complicated by the lack of a clear definition of what is considered reasonable. The criteria for determining what is appealing to young people and what makes protections relating to websites and social media porous are also ambiguous, thus potentially allowing products to be displayed without packaging or in stylized packaging, among other possibilities.

A review of the governance mechanism does, however, suggest that it has the potential to strengthen or counterbalance — in the case of packaging and media — the aforementioned gaps. After all, Health Canada is a public agency whose mandate is to protect public health. With regard to the groups who conduct promotional activities, the potential for protection varies depending on the region or province: Although in Canada, the promotional operators are mostly private and for-profit, there are a few cases of public retail monopolies in the Atlantic region and Quebec, as a result of regulatory decisions by the provincial authorities.

Consequently, the categories in the *Packaging and Media* columns were considered to provide partial protection for young people (and are therefore identified in yellow in Table 6),



while those in the other two columns were considered to provide effective control (and are identified in green).

**Table 6. The potential of the legal framework to limit young people's exposure to appealing promotional messages about cannabis**

Communication Channels Content	Packaging	Media	Places accessible to the public	Sponsorships and merchandise
Incentive content (general provisions)	Restrictions on inducements to consume		Restrictions on inducements to consume	
	Restrictions on appeal to young people		Restrictions on appeal to young people	
Product appeal	Restrictions on promotional messages calling attention to flavours		Restrictions on promotional messages calling attention to flavours	
	Restrictions on messages touting comparative advantages		Restrictions on messages touting comparative advantages	
Consumption appeal	Restrictions on incentives to purchase (discounts, free gifts, cross-promotions, etc.)		Restrictions on incentives to purchase (discounts, free gifts, cross-promotions, etc.)	
	Health warning requirements.		Health warning requirements.	
	Restrictions on messages touting well-being or health benefits		Restrictions on messages touting well-being or health benefits	
Style appeal	Restrictions on lifestyle-type promotional messages		Restrictions on lifestyle-type promotional messages	
	Restrictions on references to or depictions of people, characters, or animals		Restrictions on references to or depictions of people, characters, or animals	
	Restrictions on the use of colours, scents, sounds, and textures		Restrictions on the use of colours, scents, sounds, and textures	

## 3.3 Tobacco and Vaping Products

### 3.3.1 Governance and Promotional Messages

The *Tobacco and Vaping Products Act* (TVPA) entrusts Health Canada with the responsibility to ensure that the rules governing the commercial promotion of tobacco products and



vaping liquids are followed. The department's Tobacco Control Directorate (TCD) is specifically responsible for this task. One of the TCD's objectives is to "protect Canadians from inducements to use tobacco products as well as youth and people who do not use tobacco from inducements to use vaping products."<sup>13</sup> One unique aspect of this industry is that all commercial operators are private and for-profit, which distinguishes it from the three other types of products considered in this comparative analysis, all of which include public (government) operators in some capacity.

The TVPA and its regulations set out numerous requirements and restrictions regarding communication channels and content. It includes one section on the promotion of tobacco products and another on vaping products. These are described below.

### 3.3.2 Provisions Relating to Content and Communication Channels

#### 3.3.2.1 Tobacco Products

The TVPA imposes a general ban on the promotion of **tobacco products**, including through packaging (secs. 19 and 22.1). For *Packaging* specifically, the restrictions are in the form of multiple requirements for plain packaging. In fact, the *Tobacco Products Appearance, Packaging and Labelling Regulations* specify that all products must be in "plain and standardized" packaging (sec. 5.1). Among other requirements, packaging must be "drab brown," matte, odourless, and soundless, and may not refer to promotions "by a means of electronic communication" (secs. 10.1, 17.1, and 20.1). The same regulations also require that packaging feature a health warning consisting of text and/or an image, covering a large portion of the packaging (secs. 87.1 and 90.2). In addition, the TVPA specifies that packaging may not suggest that the products within have a flavour that is one of several flavours recognized as being appealing to young people, such as sweet or fruity flavours (sec. 23.1).

The TVPA also prohibits all types of promotions that may be appealing to young people (sec. 22.3). However, exceptions to these general restrictions allow for informational advertising about products and brands. These exceptions are described in terms of the applicable communication channels.

Informational promotions in the *Media* and in *Places accessible to the public* are permitted in publications that are "addressed and sent to an adult who is identified by name" and on signs in places "where young persons are not permitted by law" (sec. 22). The TVPA permits the display of tobacco products and accessories, as well as information about their price and availability, at points of sale (secs. 11 and 30.1). However, it also specifies that it is prohibited to display a product at a point of sale if it is not in plain, standardized packaging (sec. 30.3). These rules apply to both physical retail stores and transactional websites, the

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<sup>13</sup>Link accessed on October 1, 2024: <https://www.canada.ca/en/health-canada/services/health-concerns/tobacco/about-tobacco-control/health-canada-tobacco-control-programme.html>





latter also being considered points of sale. The Act prohibits incentives to purchase or trade tobacco products, such as gifts, bonuses, rebates or the right to participate in a contest; it also prohibits the provision of a tobacco product, accessory or service free of charge. The terms “light” and “mild” are prohibited by the *Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms)*. The Regulations also prohibit promotions in the form of testimonials or endorsements by real or fictional persons, characters or animals (secs. 21.1 and 21.2).

*Sponsorships and promotional merchandise* are also subject to specific restrictions. For example, the TVPA prohibits the promotion of brands or manufacturers through any association with a person, entity, event, activity or permanent facility; the same applies to any related promotional merchandise (secs. 24.1 and 24.2). However, it does permit informational promotional messages on merchandise. This authorization is nevertheless conditional upon the goods not being associated with young people or potentially appealing to young people (secs. 27, 28.1, and 28.2).

### 3.3.2.1 Vaping Products

The TVPA does not contain any provisions imposing general restrictions on promotions for vaping products. However, it does prohibit vaping product and brand promotions that could appeal to young people (sec. 30.1). Additionally, the *Vaping Products Promotion Regulations* prohibit any advertising conducted in a manner that allows the advertisement to be seen or heard by young persons (sec. 2.1).

Several other requirements and restrictions apply to the three categories of characteristics that may appeal to young people; these apply to all categories of communication channels. With regard to *product appeal*, the Act prohibits benefit comparisons that refer to tobacco or that could discourage tobacco cessation or encourage the resumed use of tobacco products (secs. 30.43 and 30.44).

With regard to *consumption appeal*, the Act prohibits several forms of purchase incentives, such as considerations, discounts, or the right to participate in a contest or draw (secs. 30.5 and 30.6). The Act also requires that all advertising be accompanied by a health warning (sec. 30.7).

As for *style appeal*, it is forbidden to promote vaping products by means of lifestyle advertising (sec. 30.2). There is also a ban on promotional messaging in the form of testimonials, endorsements or depictions of a person, character or animal, whether real or fictional (sec. 30.21). It is prohibited to sell or promote products that may be appealing to young people due to their appearance, shape, or other sensory attributes or functions (sec. 30.41).

There are a number of requirements and restrictions in place regarding one category of communication channel. The Act prohibits the promotion or sale of products in packaging that could lead consumers to believe they contain an ingredient or flavour that is appealing



to young people, specifically flavours such as confectioneries, desserts, soft drinks and energy drinks (secs. 30.46, 30.47, and 30.48).

Other provisions in the *Vaping Products Promotion Regulations* permit promotional messaging — that is in compliance with the content rules outlined above — at a point of sale or on a sign that is not visible to young people at a point of sale. However, should an advertisement be visible to young people at a point of sale, it is permitted provided that there is only one sign, that it states only the price and availability of the products, that it does not contain any visual or audio effects likely to attract attention, and that it is printed in black letters on a white background (secs. 2.1, 6.1, 6.2, 7.1 and 7.33). If a promotional message at a point of sale only provides information about the price and availability of products, the Regulations specify that it is not mandatory to display the health warning that is otherwise required (sec. 9).

The Act prohibits the distribution of *Merchandise* that is associated with young people or that may be appealing to young people, or that is associated with a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring (sec. 30.5). It also prohibits *Sponsorships* that associate a brand element with a person, entity, event, activity or permanent facility, particularly through the use of materials or names (secs. 30.3 and 30.4).

### **3.3.3 The Potential of the Legal Frameworks to Limit the Exposure of Young People**

#### **3.3.3.1 Tobacco Products**

The potential for protecting young people from exposure to promotional messages can be described as effective or mostly effective for all categories, as shown in Table 7. The requirements and restrictions concerning promotional communication channels and content are very comprehensive and include numerous provisions that are both general and explicitly youth-specific. While a few potential loopholes regarding promotional messages geared to young people do exist, they appear to be restricted. For example, the display of products at physical or online points of sale is permitted, and no control mechanism is required to prevent young people from seeing them. However, this loophole is largely offset by the requirement that all tobacco products be in plain packaging, as well as by numerous restrictions on content that may appeal to young people (e.g., lifestyle-type promotions).

Furthermore, the fact that Health Canada — a public agency whose mandate includes the protection of health — is responsible for monitoring compliance with the rules governing promotional messages seems to offer a potential for protection that may largely offset the fact that private, for-profit companies are allowed to promote their products.





Table 7. The potential of the legal framework to limit young people's exposure to appealing promotional messages about tobacco

Communication Channels Content	Packaging	Media	Places accessible to the public	Sponsorships and merchandise
Incentive content	Restrictions on inducements to consume			
	Restrictions on appeal to young people			
Product appeal	Restrictions on promotional messages calling attention to flavours			
	Restrictions on messages touting comparative advantages			
Consumption appeal	Restrictions on incentives to purchase (discounts, free gifts, cross-promotions, etc.)			
	Health warning requirements			
	Restrictions on messages touting well-being or health benefits			
Style appeal	Restrictions on lifestyle-type promotional messages			
	Restrictions on references to or depictions of people, characters, or animals			
	Restrictions on the use of colours, scents, sounds, and textures			

### 3.3.3.1 Vaping Products

In the *Places accessible to the public* and *Sponsorships and merchandise* categories, the potential of the legal frameworks to protect young people from exposure to promotional messages about vaping products can be described as effective or mostly effective. The requirements and restrictions in these categories are extensive and far-reaching, prohibiting any promotions that could be seen by young people, with the exception of at points of sale, thus applying to most public places that are accessible to young people. In the case of points of sale, the requirements and restrictions governing promotions greatly limit the potential to attract young people by only permitting black and white informational signs about price and availability, should they be viewable by young people.

For the categories of *Packaging* and *Media*, the potential can be described as effective or mostly effective for several of the content subcategories, and partial for others. The explicit restrictions on promoting flavours such as confectioneries, candies and energy drinks are stringent, yet they also appear to permit, by omission, the promotion of other flavours known to be appealing to young people, such as fruits, vanilla and other sweet flavours. This partial restriction allows products to be displayed in packaging at points of sale, both in retail stores and on transactional websites. Moreover, the display of warnings is not required if the promotional message at a point of sale provides only information about the price and



availability of products. Therefore, these elements of the above-mentioned categories appear in yellow in Table 8.

The governance mechanism has the potential to counterbalance the private, for-profit distribution networks that promote vaping products, at least partially, given that the responsibility for enforcing the regulations governing promotional messaging lies with Health Canada, a public entity whose mandate is to protect health.

**Table 8. The potential of the legal framework to limit young people's exposure to appealing promotional messages about vaping products**

Communication Channels Content	Packaging	Media	Places accessible to the public	Sponsorships and merchandise
Incentive content	Restrictions on inducements to consume		Restrictions on inducements to consume	
	Restrictions on appeal to young people		Restrictions on appeal to young people	
Product appeal	Restrictions on promotional messages calling attention to flavours		Restrictions on promotional messages calling attention to flavours	
	Restrictions on messages touting comparative advantages		Restrictions on messages touting comparative advantages	
Consumption appeal	Restrictions on incentives to purchase (discounts, free gifts, cross-promotions, etc.)		Restrictions on incentives to purchase (discounts, free gifts, cross-promotions, etc.)	
	Health warning requirements		Health warning requirements	
	Restrictions on messages touting well-being or health benefits		Restrictions on messages touting well-being or health benefits	
Style appeal	Restrictions on lifestyle-type promotional messages		Restrictions on lifestyle-type promotional messages	
	Restrictions on references to or depictions of people, characters, or animals		Restrictions on references to or depictions of people, characters, or animals	
	Restrictions on the use of colours, scents, sounds, and textures		Restrictions on the use of colours, scents, sounds, and textures	

### 3.4 Gambling

At the federal level, the *Criminal Code* regulates the promotion of gambling. The Code prohibits any promotion of gambling, authorizes and regulates certain activities (pari-mutuel betting, private betting, etc.), and empowers the provinces and territories to authorize and



regulate the promotion of certain other gambling activities (secs. 201 to 207). The *Criminal Code* does not contain any restrictive provisions regarding the promotion of gambling activities that may be authorized by the provinces or territories. No other federal legislation deals with this type of activity.

## 4. Analysis

### 4.1 The Potential of the Legal Frameworks to Limit the Exposure of Young People: A Comparison

Following our analyses of the frameworks governing each type of product, we have rated the potential effectiveness of each framework to limit the exposure of young people to commercial promotions on a continuum. The regulation of tobacco marketing sits at the high end of the continuum. This is consistent with other working hypotheses. Gambling sits at the opposite end of the continuum, where the potential is lowest, given that the federal legal framework does not set any requirements or restrictions on commercial promotions that may be authorized by the provinces or territories.

The framework regulating the promotion of vaping products sits fairly close to that of tobacco; however, it contains certain loopholes that do not exist in the case of tobacco. One such loophole pertains to the promotion of certain flavours that are appealing to young people. The restrictions on vaping products target only flavours that resemble dessert items, candies, soft drinks and energy drinks, whereas for tobacco products, the restrictions apply to any type of display or packaging that could lead consumers to believe the products contain flavours that are appealing to young people, such as sweet flavours or menthol. A second loophole concerns the lack of health warning requirements on displays of vaping products at points of sale when the promotional messages provide only information about the price and availability of the products. In contrast, health warnings are mandatory for all tobacco products (tobacco product packaging must always feature a health warning, even if the product is not for sale).

The framework for cannabis sits further away from tobacco on the continuum, as it contains even more numerous – and more significant – loopholes than that which applies to vaping liquids. One significant gap concerns the authorization to display products for promotional purposes either without packaging or in packaging that differs from that required for products that are for sale (i.e., plain packaging with health warnings). This is meant to be interpreted alongside a vaguely worded requirement for “reasonable steps” to control young people’s access to digital promotions – thus allowing the products themselves or their packaging to be used as promotional vehicles that may be appealing to young people in these circumstances, whether on transactional websites or social media platforms. The requirement that such promotions not be appealing to young people may partially compensate for these regulatory gaps; however, it is somewhat open to interpretation.



The federal framework for the promotion of alcohol sits near the other end of the continuum. For one thing, its potential to protect young people from promotional messages about alcohol is very limited, as it only applies to radio and television advertisements by Canadian licensees. Moreover, unlike in the cases of cannabis, tobacco, and vaping products, the responsibility for monitoring compliance with the rules has not been entrusted to a public agency whose mandate is to protect public health. Instead, it has been entrusted to an administrative tribunal whose mandate is to ensure Canadians' access to telecommunications services. Furthermore, this tribunal has largely delegated its authority in this area to an industry association whose members include players in the alcohol industry, effectively creating a system of self-regulation.

This comparative analysis is intended to be forward-looking. For example, it could serve as a reference for federal or provincial authorities wishing to address the shortcomings of the existing frameworks on the basis of the strengths identified, should they deem it appropriate to limit the exposure of minors to promotional messages encouraging them to consume the substances/activities in question. It could also serve as a basis for research on the actual exposure of young people to such promotional messages, with a view to challenging, confirming, or qualifying such exposure. Similarly, other studies on the concerned industries' actual compliance with the frameworks when it comes to their promotional strategies and practices could shed light on the strengths and limitations of the rules and regulations in question. Still other studies could measure the effects of these frameworks on consumption itself, as well as the associated risks. These issues should all be monitored diligently, given the public health and safety concerns associated with them.

## **4.2 Limitations and Interpretations**

The analysis presented in this article was conducted by a single author. Although it was carried out in the context of and in parallel with discussions with colleagues possessing expertise in the promotion of one or other of the products in question, the interpretative biases inherent in a single-author work cannot be completely eliminated. A second limitation concerns the wording of the laws and regulations themselves, which sometimes contain ambiguities that make them difficult to interpret with precision. These ambiguities are often the subject of legal debates and judgements that reflect different, and even divergent, interpretations. One example of this is the Supreme Court of Canada's debate on the definition of what constitutes tobacco advertising that may be appealing to young people.<sup>14</sup> Moreover, many of the legislative and regulatory provisions have not yet been interpreted by the courts.

Another limitation concerns the classification of the legal frameworks' potential as effective or mostly effective, partial, or nil or nearly nil. These classifications were inspired by analyses of the regulation of tobacco promotion. In hindsight, while the classification system allows

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<sup>14</sup>Link accessed on May 16, 2025: <https://www.canlii.org/en/ca/scc/doc/2007/2007scc30/2007scc30.html>



for interesting analyses, it may be useful to divide the “partial” category into smaller units, so as to shed light on certain subtle differences. As it stands, the use of that particular qualifier results in certain conflation that may or may not be appropriate. For example, under the *Media* heading, the potential of several of the content categories for alcohol appears considerably weaker than the potential of the same categories for cannabis.

Furthermore, by its very objective, this analysis of the federal frameworks excluded provincial and municipal laws and regulations that may also influence the promotion of any of the substances examined (Gagnon et al., 2022; Gottin, 2022). Finally, it is widely recognized that the effectiveness of any law depends largely on the resources devoted to its enforcement, an issue not addressed in this analysis.



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