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May 6, 2022

Imperial Tobacco Company Limited  
3711 Saint-Antoine St West  
Montreal Quebec H4C 3P6

**RE: BC Ministry of Health Position on VUSE Canada's "Click and Collect" Program**  
**Dear Steve Lamont:**

We are writing in response to your communication of December 21, 2021, concerning Imperial Tobacco Company Limited's (ITCO) "Vuse Click and Collect" program distributed through Circle K®. We have reviewed your material and provide our response below.

It is the Ministry of Health's understanding that through the Click and Collect program, ITCO customers can purchase e-substances online and pick up the products at participating locations across Canada. According to the Vuse® Canada website, Circle K® participates in the Click and Collect program. Circle K® is a retailer operating from sales premises where minors are permitted access in British Columbia (BC), with specific requirements to follow BC's E-Substances Regulation (ESR).

When ITCO sells a restricted e-substance to a purchaser in BC and delivers the restricted e-substance to a sales premises in BC, ITCO is a "retailer" as defined in the ESR. Under section 7 of the ESR, the sale of flavoured restricted e-substances is limited to age-restricted sales premises (those that do not allow minors access). For the purposes of the ESR, including the aforementioned section 7, the definition of sell is: "sell" means to deal in, sell, offer for sale, distribute or provide...."). Sales premises that allow minors access (all-ages retailers) are only permitted to sell tobacco-flavoured restricted e-substances. Therefore, the Click and Collect program is not consistent with the regulations.

In summary, retailers who sell any product with a flavour other than tobacco at an all-ages sales premises are in contravention of the ESR. Such a retailer would be subject to enforcement action by Tobacco and Vapour Product Enforcement Officers and/or Environmental Health Officers. For more information on BC's approach to compliance and enforcement, please see the Provincial government's website pertaining to Tobacco and Vapour Product Enforcement.

Sincerely,

Bernard Achampong  
A/Assistant Deputy Minister