



1206383

September 17, 2021

Dave Greason
Director of Marketing and Merchandising
Circle K® Western Canada Division
400, 229 - 33rd St NE
Calgary Alberta T2A 4Y6

RE: BC Ministry of Health Position on “Click and Collect” Program

Dear Dave Greason:

The British Columbia Ministry of Health (the Ministry) has recently been alerted to the “Click and Collect” program offered by Vuse® Canada. In this letter, the Ministry would like to provide information on our position regarding the compliance of this program as it relates to the restrictions under B.C.’s E-Substances Regulation (ESR).

Through the Click and Collect program, Vuse® customers can purchase e-substances through Vuse® Canada’s webpage and may pickup the product at participating locations across Canada. According to Vuse® Canada’s website, Circle K® participates in the Click and Collect program, providing this service to purchasers in BC. As per the ESR, Circle K® is qualified as an all-ages retailer as their retail locations are accessible to minors.

Under section 7 of the ESR, the sale and/or distribution of flavoured vapour products is restricted to locations that are age-restricted (those that do not allow minors to access). Locations that allow minors access (all-ages retailers) are only permitted to sell or distribute tobacco-flavoured e-substances. This restriction extends to purchase programs such as the Click and Collect program offered by Vuse® Canada, if distributed through all-ages retailers. Products must comply with all requirements under the ESR. As per sections 10 and 12 of the ESR, a product and sales report must also be submitted for the products sold through purchase programs such as the Click and Collect program.

...2

The Ministry would like to assert that if an all-ages retailer were to sell or distribute any product with a flavour other than tobacco, then they would be 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.

Sincerely,

Trish Sterloff
Executive Director
Health Protection Branch