

Canadian Scene

Letter to the Editor

(The following letter was sent to us by a reader in response to a request by John Turner of Richmond Hill, Ontario which appeared in our winter issue (Volume 20, Number 3) for assistance in having a municipal no-smoking by-law enforced)

Dear Editor

John Turner's letter about by-law enforcement in Richmond Hill gave voice to a problem that seems to be very wide-spread. Certainly, it's a problem in Belleville, Ontario, near where my wife and I live.

Belleville's smoking by-law was enacted in 1987, yet very few of the establishments to which it applies know anything about it. For example, the by-law specifies no smoking in retail shops and requires that no-smoking signs be prominently posted, yet very few retail shops in Belleville are complying or know anything about it.

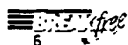
I recently paid a visit to the law library at Queen's University in Kingston to try and find out if municipalities have a legal duty to enforce a by-law. I was able to find a number of examples where municipalities and other public bodies were forced by court action to enforce a by-law or a particular provision of a by-law. The vehicle most often used was a court injunction. None of the examples was a smoking by-law, however, since such by-laws are often made "for the health, safety and welfare" of the municipality's inhabitants, it seems reasonable that a court would issue an order that the by-law be properly enforced.

Another tactic that might be tried is to go to the police station (if the police are involved with the by-law's enforcement) or to the by-law enforcement officer, and lay a charge against a particular violator. We did this in one case where both the owner and an employee were working in a store in violation of the by-law. Or at least we tried to. At first the police couldn't find their copy of the by-law. When they finally did (after about 20 minutes), they were terribly reluctant to lay the charge. After some more discussion, however, they finally agreed to visit the establishment and give them a warning. After about a week, when we checked, no one was smoking and the required signs were up! ☺

Bill Broderick
Shannonville, Ontario

Tobacco Sales to Young Persons Act

The *Tobacco Sales to Young Persons Act* (TSYPA) was proclaimed to be effective on February 8, 1994. Under the Act it will be illegal to sell or provide tobacco products, including through vending machines, to persons under age 18. The law also prohibits vending machines in public places. To obtain a copy of the Act please contact the National Clearinghouse on Tobacco or Health at 1-800-267-8234 or 567-3850. ☺



Smoking and Health Campaign in Northern Ontario a Huge Success

"Speak and Win" is the slogan of a contest conducted jointly by the Porcupine Health Unit, Hearst High School, and the École Secondaire de Hearst, for Addictions Week last November. At the same time, a major step forward was taken by the Hearst Board of Education which proclaimed its new Smoking Policy that will eliminate smoking from all school properties starting in September 1994. This sends a strong message to both the students and the community of Hearst about the seriousness of tobacco use and its related health problems, especially as they pertain to youth.

In conjunction with the teachers of both high schools, the public health units challenged the students to create short 15-30 second audio health messages on smoking. These were then to be used as public service announcements on the schools' public address systems and on the local radio station, CINN, to promote Addictions Week. The students were encouraged to become more aware of cigarette advertising, how they might be influenced by it, and how they could counteract these influences. Working on this project stimulated discussion between the students and encouraged independent decision-making in regards to this addictive behaviour.

There were more than 80 entries submitted. In addition to local radio play in Hearst, the winning messages were turned into advertisements for radio promotions in Timmins that would reach most of the Cochrane District. ☺

House of Commons Standing Committee to Study Plain Packaging

Health Minister Diane Marleau has asked the House of Commons Standing Committee on Health to study plain tobacco packaging as part of the government's anti-smuggling initiative announced on February 8. Hearings began April 12 and continue into mid- to late May. A number of national organizations, including the Canadian Council on Smoking and Health, are scheduled to appear as witnesses. The Committee's report will be instrumental in shaping public policy in the area of tobacco package modification.

Plain tobacco packaging in Canada would be a world precedent, and public support is crucial to achieve this important reform. Please write to Roger Simmons, Chair, Standing Committee on Health, to communicate your support for plain tobacco packaging in reducing tobacco addiction, care of the Committees Directorate, 180 Wellington Street, 6th Floor, House of Commons, Ottawa, K1A 0A6. Fax: (613) 992-7974. ☺

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