

# Canadian Alcohol Policy Evaluation (CAPE) Community of Practice Event 5

CAPE Community of Practice Event 2# Alcohol Warning Labels: Informing Canadian Consumers, March 16, 2016

## Highlights and Takeaway questions from March 16<sup>th</sup> presentation:

Alcohol, Health Labels, Manufacturers' Duty to Inform, and Canadian Law Robert Solomon Distinguished University Professor, The Faculty of Law, Western University and Senior Legal Research Affiliate, CISUR

### Part I: Government Mandated Alcohol Labels: The Constitution and the Canadian Charter

- x The federal, provincial, and territorial government has constitutional authority to require alcohol manufacturers and suppliers to include health information and warnings on their products and they could although via slightly different mechanisms.
- x Alcohol manufacturers themselves would have to comply with this legislation this would be a justifiable infringement on their freedom of expression under the Canadian Charter of Rights and Freedoms given the annual toll of deaths and social costs that alcohol generates
- x Provided it was made clear that the health information and warning labels were expressions of the government, alcohol manufacturers and suppliers would have no viable claim under section 2(b) of the Charter

### Part II: Potential Civil Liability for Failing to Inform Consumers of the Risks of Alcohol Use

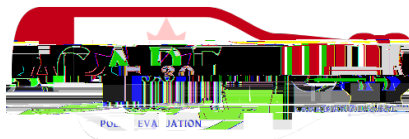
- x Manufacturers are expected to be experts in their field and undertake research or at least keep current with the existing scientific, academic and industry literature. The duty to inform is ongoing and consumers must be informed of new risks of which the manufacturer is, or ought to be, aware.

sued for failing to inform consumers of some risks. Proving causation poses the greatest challenge for consumers who sue the industry for the risks inherent in their products.

- x While the alcohol industry should be held liable to the public. The prospect of civil liability should encourage regulation of the industry.

### Takeaway questions

- o How can provincial, territorial and federal governments avoid duplication of effort?
- o Would enactment of a Federal Alcohol Act under the Cannabis and Tobacco Acts?
- o How could community groups get involved at the municipal level?
- o What role can clinicians or public health medicine play in reducing the health risks of alcohol?



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**REGISTER FOR THE FOLLOWING ROUNDTABLE SESSION ON ALCOHOL WARNING LABELS AND LEGAL ISSUES: 12:30PM EST**

### CAPE CoP Event #2 Webinar Links

- x [View the event recording \(English only\)](#)
- x [Download presentation slide deck](#)
- x [Provide feedback on the event / Donnez votre avis sur l'événement](#)
- x [Sign up for the community of practice / Rejoindre la Communauté Pratique de l'ÉPCA](#)
- x [Give input on CAPB.0 / Partagez vos commentaires sur l'ÉPCA 3.0](#)

All of these resources and more are available on [The Community of Practice tab](#) on the CAPE website

Question or comments? Please email [CAPECoPCoord@uvic.ca](mailto:CAPECoPCoord@uvic.ca)

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