



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

**CAPE Community of Practice Event #2 - Alcohol Warning Labels: Informing Canadian Consumers, Mar 16/22**

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

**Alcohol, Health Labels, Manufacturers' Duty to Inform, and Canadian Law**, by *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**

- 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 do so, although via slightly different mechanisms.
- Alcohol manufacturers themselves would have to comply with this legislation and 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.
- 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**

- 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.
- Canadian alcohol manufacturers and suppliers have a duty to warn consumers of the wide range of injuries and illnesses associated with both the moderate and heavy consumption of alcohol. They have long been in breach of their duty to inform consumers of the many serious harms associated with their products.
- It is only a matter of time before alcohol manufacturers and suppliers (including the provincial liquor boards) are sued for failing to inform consumers of some of the more serious and direct risks of alcohol consumption. Proving causation poses the greatest challenge to suing the alcohol industry for failing to inform consumers of the risks inherent in their products.
- While the alcohol industry should be held accountable through litigation, it is merely one means of protecting the public. The prospect of civil liability should not deflect attention from the need for far stricter and effective regulation of the industry.

#### **Takeaway questions:**

- How can provincial, territorial, and federal governments all move forward on alcohol labelling without duplication of effort?
- Would enactment of a Federal Alcohol Act facilitate the implementation of warning labels like those mandated under the Cannabis and Tobacco Acts?
- How could community groups get involved in moving alcohol labelling legislation forward at a grass roots or municipal level?
- What role can clinicians or public health/medical associations play in supporting legislation warning of the health risks of alcohol?



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→ [REGISTER](#) FOR THE FOLLOW-UP ROUNDTABLE SESSION ON ALCOHOL WARNING LABELS AND LEGAL ISSUES – MARCH 30, 12:30PM EST

### CAPE CoP Event #2 Webinar Links

- [View the event recording \(English only\)](#)
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Question or comments? Please email us at: [CAPECoPCoord@uvic.ca](mailto:CAPECoPCoord@uvic.ca)

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Questions or comments? Feel free to contact us at: [CAPECoPCoord@uvic.ca](mailto:CAPECoPCoord@uvic.ca)



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