

HE-C3-1

Corporate Services Department
Legislative Services Division
Office of the City Clerk

City of Mississauga
300 City Centre Drive
MISSISSAUGA ON L5B 3C1



Leading today for tomorrow

FAX: 905-615-4181
www.mississauga.ca

January 31, 2011

Carol Reid, Regional Clerk
Region of Peel
10 Peel Centre Drive
Brampton, ON L6T 4B9

REFERRAL TO _____
RECOMMENDED _____
DIRECTION REQUIRED _____
RECEIPT RECOMMENDED

Dear Ms. Reid:

Re: Ontario Korean Businessmen's Association - Tobacco Acts infringe our fundamental right to freedom of expression

This is to advise that Council, at its meeting on January 19, 2011, considered the above-noted matter and passed the following Resolution:

Resolution 0021-2011

That the letter dated December 10, 2010 from the Ontario Korean Businessmen's Association be referred to the Region of Peel.

For your reference, a copy of the letter is enclosed herewith.

Yours truly,

Jessica Reid
Legislative Coordinator
Legislative Services Division
Phone: 905-615-3200 Ext. 5423
E-Mail: Jessica.Reid@mississauga.ca

| LEGISLATIVE SERVICES | |
|--|---|
| COPY TO: | FOR: |
| Chair <input checked="" type="checkbox"/> | Committee <input checked="" type="checkbox"/> |
| CAO <input checked="" type="checkbox"/> | |
| Corporate Services <input checked="" type="checkbox"/> | Council <input type="checkbox"/> |
| Public Works <input type="checkbox"/> | |
| Employee and Business Services <input checked="" type="checkbox"/> Feb 24 / M.R.C. | |
| Health Services <input checked="" type="checkbox"/> | File MDA <input checked="" type="checkbox"/> |
| Human Services <input type="checkbox"/> | |
| Peel Living <input type="checkbox"/> | |

Encl.

c.c. James Kang, President, Ontario Korean Businessmen's Association

RECEIVED

FEB 02 2011

REGION OF PEEL
CLERKS DEPT.

HE-C3-2



OKBA

Ontario Korean Businessmen's Association

130 Orfus Road 2nd FL. Toronto, Ontario, M6A 1L9 Tel: (416) 789-7891 Fax: (416) 789-7834

COUNCIL AGENDA
JAN 19 2011

*Paul de
Clerk*

December 10, 2010

- TO: The Right Honourable Prime Minister Stephen Joseph Harper
- TO: All MPs, MPPs
- TO: Mayors of Toronto, Mississauga, Ottawa, Hamilton, London, Niagara Falls and other major cities
- TO: The Globe and Mail, Toronto Star, Toronto SUN, National Post and other newspapers
- TO: CBC, CTV, TVO and other broadcastings

RECEIVED
 REGISTRY
 DEC 22 2010
 CLERK'S DEPARTMENT

Dear Sir or Madam,

RE: TOBACCO ACTS INFRINGE OUR FUNDAMENTAL RIGHT TO FREEDOM OF EXPRESSION

We believe that the current tobacco laws in this country clearly infringe our fundamental right to freedom of expression. In this regard, we enclose our argument written under the title, "Why is that?", for your information.

It would be appreciated if you mark one of the following positions and return it to our office by December 31, 2010; no response will be considered as that you are not interested in the issue at all.

- A. I agree with your argument that the tobacco laws infringe the freedom of expression
- I disagree with your argument that the tobacco laws infringe the freedom of expression
- B. I support for a total ban on tobacco products
- I do not support for a total ban on tobacco products

Any comments on this issue are highly appreciated. We thank you for your anticipated co-operation.

Yours very truly,

James Kang *[Signature]*

James Kang
President of Ontario Korean Businessmen's Association

| | |
|--|--|
| <input type="checkbox"/> Receive | <input type="checkbox"/> Resolution |
| <input checked="" type="checkbox"/> Direction Required | <input type="checkbox"/> Resolution / By-Law |
| <input type="checkbox"/> Community Services | For |
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Appropriate Action |
| <input type="checkbox"/> Planning & Building | <input type="checkbox"/> Information |
| <input type="checkbox"/> Transportation & Works | <input type="checkbox"/> Reply |
| | <input type="checkbox"/> Report |

WHY IS THAT?

A disturbing question for fellow Tobacco Retail Dealer's Permit Holders

WHAT DO YOU KNOW ABOUT TOBACCO LAWS?

As we all know, it is completely legal in Ontario for us, Ontario Tobacco Retail Dealer's Permit Holders, to sell tobacco products to a person over 19 years old.

However, it is illegal in Ontario for us to display or permit the display of tobacco products by means of a countertop display or in any manner that permits the purchaser to handle the tobacco product before purchasing it.

It is also illegal for us to post any sign that refers to tobacco products if one or more of the following applies: (a) The text of the sign is visible from outside the place where tobacco products are sold or offered for sale; (b) The size of the sign exceeds 968 square centimeters; (c) The background of the sign is a colour other than white, and the text of the sign is a colour other than black; (d) The sign includes text or a graphic that identifies or reflects a brand of tobacco or tobacco-related product, or of any element of such a brand; (e) The sign is one of more than three signs in the place that refer to tobacco products or tobacco product accessories or both and that are not required to be displayed in the place by the *Smoke-Free Ontario Act* or by the Regulation 48/06.

Further, the federal *Tobacco Act* makes it illegal for us to promote a tobacco product or a tobacco product-related brand element except as authorized by the Act. The Act defines "promotion" as a representation about a product or service by any means, whether directly or indirectly, including any communication of information about a product or service and its price and distribution, that is likely to influence and shape attitudes, beliefs and behaviours about the product or service.

WHY IS THAT?

A retailer is a person who sells goods to the public. It is their job to compare prices and quality among products that they wish to sell to the public. It is their job to explain pros and cons among products and recommend one to their customers. That is why, as a matter of right, car dealers can legally compare prices and quality of various cars and recommend a particular model; mortgage brokers can legally compare interest rates of various banks and recommend a particular bank; and LCBO can legally compare prices and tastes of various wine brands and recommend a particular brand.

Nevertheless, it is illegal in Canada for us to compare prices of different tobacco products and recommend a particular brand to our customers. It is illegal to display tobacco products. It is illegal to post a sign to promote a sale of tobacco products. It is illegal to express our personal preference for a particular brand over others.

What is legal is that when someone walks into our business premises and whispers the name of a brand he or she is looking for, we find the brand from the secret cabinet behind us and hand it to him or her, without saying anything about it.

Why is that?

HE-03-3

Who are we? Are we drug-smugglers?

No, we are not. We are law-abiding taxpayers, and most of us, if not all, are landed immigrants, who voluntarily landed in a free country where we believed the freedom of thought, belief, opinion and expression is guaranteed to every person in that country, and where we believed every retailer in any trade in that country is equal before and under the law and equal benefit of the law without discrimination.

Are we wrong? *The Canadian Charter of Rights and Freedoms* expressly guarantees our fundamental right to freedom of thought, belief, opinion and expression.

The tobacco laws infringe our fundamental right to freedom of expression!

Again, why is that? Why are we being treated like drug smugglers?

WHO REALLY BENEFITS FROM THE CURRENT LAWS?

We are afraid that it would be a violation of the tobacco laws if we dared to express here our view of who really benefits from the current tobacco laws.

But we can tell you one thing: Smokers are very loyal to a particular brand, probably the same brand that they first chose at the age of 19. If they do not quit, and if they do not switch brands, they will be sticking with that brand forever until death, natural or of cancer. No one can tell them not to quit, but it may be possible to deter them from switching brands by blocking encouraging information, such as price, taste, and other element comparison among brands. The tobacco laws make the market rock solid for some players and at the same time unbreakably tough for others. So what?

Who dominates the market controls the price, retailers, you and your family!

LET'S BAN ALL TOBACCO PRODUCTS

It is indeed bitterly ironic that we, tobacco retailers, are put in a situation that we feel almost compelled to demand for a total ban on tobacco products. Even so, we support Canadian values.

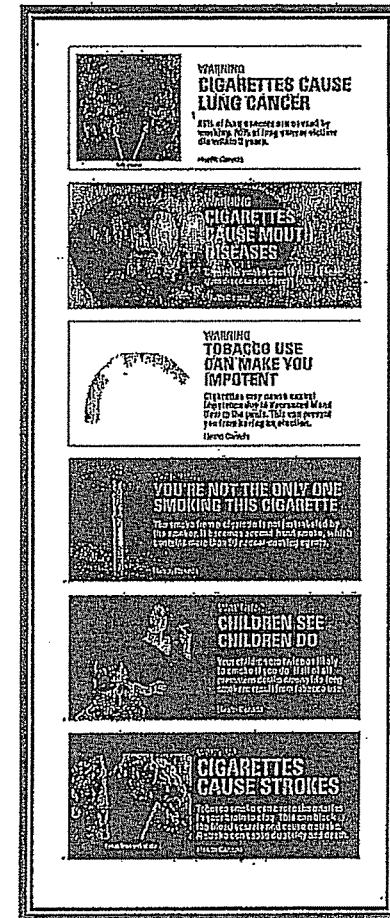
Now we wish to ask you this: The tobacco laws infringe our fundamental right to freedom of expression. Should the infringement be justified because consumption of tobacco products causes numerous debilitating and fatal diseases, thus imposes a heavy burden on the Canadian health care system? In other words, should tobacco products be considered in Canada as much harmful as illegal drugs?

If your answer is yes, we shall demand that the parliament make a law that bans all tobacco products!

If your answer is no, we shall demand that the legislature immediately amend the tobacco laws not to restrict our right to compare prices and quality among tobacco products and recommend a particular brand to our customers.

JOIN US

We invite you to visit our website, www.koreanconveniencestores.ca, for further discussion. Let's discuss about the LCBO monopoly issue, too.



HE-C3-4

WE WILL STOP ORDERING ITCO PRODUCTS

Imperial Tobacco Company (ITCO) has introduced the new Preferred Pricing Program, which sets price ceilings on ITCO products. This selective program contains exclusive dealing, tied selling and market restrictions in favour of ITCO and is designed to control retailers' profit margins. The program threatens us, non-selected, small, family-run corner store owners, to close our businesses. We believe that the program is an abuse of market power, an abuse of dominance, and an unfair business practice.

We completely oppose the ITCO Program and Stortism.

ASK US!

WE WILL FIND A BETTER AND CHEAPER CANADIAN PRODUCT FOR YOU

A retailer is a person who sells goods to the public. It is their job to compare prices and quality among products that they wish to sell to the public. It is their job to explain pros and cons among products and recommend one to their customers. That is why, as a matter of right, car dealers in Canada can legally compare prices and quality of various cars and recommend a particular model; mortgage brokers can legally compare interest rates of various banks and recommend a particular bank; and LOBO can legally compare prices and tastes of various wine brands and recommend a particular brand to the customers.

Nevertheless, it is illegal in Canada to display tobacco products. It is illegal to post a sign to promote a sale of tobacco products. ITCO claims that it is even illegal for us to compare prices of different tobacco products and recommend a particular brand to our customers. What is legal is that when someone walks into our business premises and whispers the name of a brand he or she is looking for, we find the brand from the secret cabinet behind us and hand it to him or her, without saying anything about it.

Who are we? Are we drug smugglers?

No. We are not. We are law-abiding taxpayers, and most of us, if not all, are landed immigrants, who voluntarily landed in a free country where the freedom of thought, belief, opinion and expression is guaranteed to every person in that country, and where every retailer in any trade in that country is equal before and under the law and equal benefit of the law without discrimination.

The Canadian Charter of Rights and Freedoms expressly guarantees our fundamental right to freedom of thought, belief, opinion and expression.

THE TOBACCO LAWS INFRINGE OUR FUNDAMENTAL RIGHT TO FREEDOM OF EXPRESSION

Thank you for your understanding and continued support for mom and pop convenience stores.



Ontario Korean Businessmen's Association
www.okba.net, www.koreanconveniencestores.ca

Supported by

British Columbia Korean Businessmen's Association
 Calgary Korean Businessmen's Association
 Manitoba Korean Businessmen's Association
 Edmonton Korean Businessmen's Association