

How the Tobacco Industry Circumvents Bans on the Use of Misleading Terms

Country Examples

At least 70 countries currently ban the use of misleading terms. However, the tobacco industry uses a variety of tactics to circumvent the law. The most commonly used tactics include:




- replacement of misleading terms with colors;
- replacement of misleading terms with prominent numbers to denote tar level;
- replacement of misleading terms with other descriptive terms.

The following are examples of cigarette packaging redesigned to circumvent the law in China, Australia, the EU, Turkey, and the Ukraine.

CHINA

As of 2005, China prohibits misleading language on cigarette packs and on inserts. Examples of misleading language includes “health care”, “treatment functions”, “safe”, “environmental protection”, “low harms” and other remarks on the functions of cigarette ingredients; “light”, “ultra light”, “mild” and other remarks on the cigarette qualities; and “low to mild tar”, “low tar”, “low tar content” and other descriptors.¹











1. STMA Notice on the Issuing of the STMA Regulation on Standardizing Package Labeling for Cigarettes Sold in the Domestic Market (2006) [Chinese]. Issued 2005 Sept 23.

	BEFORE THE LAW	AFTER THE LAW
PACKAGE DESIGN		
LABEL CHANGE	Chungghwa Lights "Lights" (in English) and "low tar cigarettes" (in Chinese) replaced with "11mg"	Chungghwa 11mg
PACKAGE DESIGN		
LABEL CHANGE	Double Happiness Super Lights	Double Happiness 8mg

AUSTRALIA²

As of 2005, tobacco manufacturers were court-ordered to stop using misleading terms, such as “light” and “mild.”

2. ACCC resolves ‘light’ and ‘mild’ cigarette issue with BAT and Philip Morris [press release]. 2005 May 12. Available from: <http://www.accc.gov.au/content/index.phtml/itemId/683533>

	BEFORE THE LAW	AFTER THE LAW
PACKAGE DESIGN		
LABEL CHANGE	Winfield Extra Mild	Winfield Blue
PACKAGE DESIGN		
LABEL CHANGE	Horizon Super Mild	Horizon Blue
PACKAGE DESIGN		
LABEL CHANGE	Long Beach Mild	Long Beach Original Flavor
PACKAGE DESIGN		
LABEL CHANGE	Winfield Super Mild	Winfield Gold
PACKAGE DESIGN		
LABEL CHANGE	Holiday Kings 12 ("12" is amount of tar, in mg.)	Holiday Kings Blue

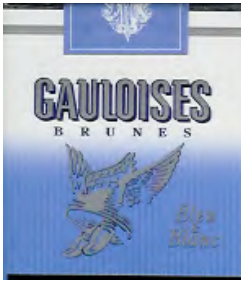
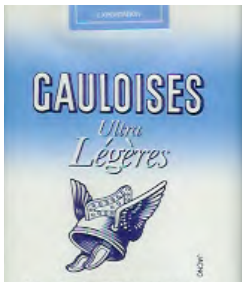
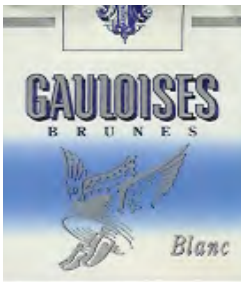
EU: AUSTRIA

Following EU Directive 2001/37/EC, Austria prohibits all texts, names, trademarks and signs which suggest that one tobacco product is less harmful than others.

	BEFORE THE LAW	AFTER THE LAW
PACKAGE DESIGN		
LABEL CHANGE	Memphis Blue Lights	Memphis Sky Blue
PACKAGE DESIGN		
LABEL CHANGE	Nil Lights	Nil Weiss ("Weiss" is German for "white")

EU: FRANCE

Following EU Directive 2001/37/EC, France prohibits all texts, names, trademarks and signs which suggest that one tobacco product is less harmful than others.

	BEFORE THE LAW	AFTER THE LAW
PACKAGE DESIGN		
LABEL CHANGE	Gauloises Extra Light	Gauloises Blue & White
PACKAGE DESIGN		
LABEL CHANGE	Gauloises Ultra Light	Gauloises White





EU: ITALY

Following EU Directive 2001/37/EC, Italy prohibits all texts, names, trademarks and signs which suggest that one tobacco product is less harmful than others.

	BEFORE THE LAW	AFTER THE LAW
PACKAGE DESIGN		
LABEL CHANGE	MS Lights (2003)	MS L (2004)
PACKAGE DESIGN		
LABEL CHANGE	MS Mild (2002)	MS M (2004)
PACKAGE DESIGN		
LABEL CHANGE	Camel Lights (2003)	Camel Natural Flavor (2007)
PACKAGE DESIGN		
LABEL CHANGE	Sax Light (2003)	Sax Emotion (2006)
PACKAGE DESIGN		
LABEL CHANGE	Amadis Lights (2002)	Amadis Azzurra* (2007) ("Azzurra" is Italian for blue.)

EU: UNITED KINGDOM

Following EU Directive 2001/37/EC, the UK prohibits all texts, names, trademarks and signs which suggest that one tobacco product is less harmful than others.

	BEFORE THE LAW	AFTER THE LAW
PACKAGE DESIGN		
LABEL CHANGE	Richmond Lights	Richmond Smooth
PACKAGE DESIGN		
LABEL CHANGE	Lambert & Butler Lights	Lambert & Butler Gold

TURKEY³

As of 2006, Turkey prohibits the use of misrepresentations or insufficient information on tobacco product packages and labels regarding the characteristics, health effects or emissions of the product. Fraudulent explanations, trade marks, colors, figures or signs are also prohibited.

	BEFORE THE LAW	AFTER THE LAW
PACKAGE DESIGN		
LABEL CHANGE	Gauloises Extra Light	Gauloises Blue & White

3. "Regulation on Methods and Essentials concerning the Manufacture Type, Labelling and Surveillance for the Protection from the Damages of Tobacco Products" – Article 9 Turkey]. Official Gazette No. 25962. 2005 Jun 1.

UKRAINE

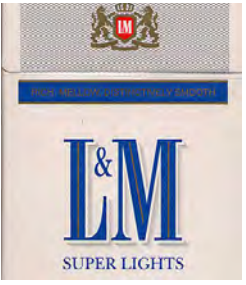









In 2005, Ukraine passed a law prohibiting terms, signs, trade marks, images, symbols or any other signs which may mislead consumers or create a false impression about the properties of tobacco products, their influence on human health, or which directly or indirectly create a false impression that one tobacco product is less harmful than other tobacco products, including such terms as “low tar level”, “light”, “super light”, “ultra light” and their equivalents in other languages.^{4,5} The law came into effect January 1, 2007.

Between 2006 and 2008, tobacco companies circumvented the ban by redesigning and re-launching colorful and eye-catching packaging; over 180 brands in all.⁶

4. Law of Ukraine On Measures for the Prevention and Reduction of Tobacco Use and its Negative Impact on the Health of Population (2005) (As Amended) (Ukraine).

5. Law No.3425-IV (3425-15) from 2006 Feb 9. (Ukraine)

6. Euromonitor International, (database online). London: Euromonitor; c2008 (updated 2008 Sep 12). Cigarettes-Ukraine. Available from: Euromonitor International.

	BEFORE THE LAW	AFTER THE LAW
PACKAGE DESIGN		
LABEL CHANGE	L&M Super Lights	L&M Silver Label
PACKAGE DESIGN		
LABEL CHANGE	L&M Lights	L&M Blue Label
PACKAGE DESIGN		
LABEL CHANGE	Bond Street Superlights	Bond Street Special Fine
PACKAGE DESIGN		
LABEL CHANGE	Bond Street Lights	Bond Street Special Elegant
PACKAGE DESIGN		
LABEL CHANGE	Priluki Special Lights (Legki)	Priluki Special Delicious 8 (Vishukani 8) ("8" is amount of tar, in mg.)