

Evidence review

There are considerable volumes of evidence, both research studies from a number of countries and statistical evidence from Australia, which demonstrates plain packaging is a policy that will contribute to reducing tobacco use. Standard texts on marketing and branding also show how effective packaging can be at attracting consumers and this is no different for tobacco products.

In order to ensure robust policy development, governments should consider the full evidence base relating to plain packaging, including all the arguments against the policy put forward by the industry. Good evidence leads to good policy but also, in case of legal challenge, a *careful record* of what evidence has been considered, when and by whom, can be crucial in demonstrating proper due process.

The review of the evidence should include:

1. Supporting research evidence

(full details in Reference Section G: RESEARCH EVIDENCE)

Over the course of 20-30 years there have been many peer reviewed scientific research studies looking at the likely impact plain packaging of tobacco would have on smoking behaviours and attitudes and how that would impact on smoking rates. Research has been conducted in 10 different countries using a range of methodologies and each study taken in isolation only provides part of the picture.

Countries that have already adopted plain packaging have commissioned independent reviews of the research to ensure that there is a clear, complete and balanced picture of what the overall evidence is on the impact plain packaging will have. By the time of the Hammond review in 2014, a total of 69 original empirical research studies were reviewed (as of October 2016 that number had increased to over 75 relevant studies). The 4 reviews show that the evidence on plain packaging is notable for its breadth and diversity of methods but also for its consistency in the results. The evidence reviews were:

- i. Cancer Council Victoria (Australia 2011)¹
- ii. The Stirling Review (United Kingdom 2012 and updated 2013)²
- iii. The Chanter Review (United Kingdom 2014)³
- iv. The Hammond Review (Ireland 2014)⁴

All these reviews reach the same conclusion: that there is strong and highly consistent evidence to support that plain packaging would contribute to its objectives (as set out in **Guide 1.1**).

The Chantler Review notably concluded that “[all the evidence] points in a single direction, and I am not aware of any convincing evidence pointing the other way.”

2. Post-implementation evidence from Australia and elsewhere

(full details in [Reference Section H: AUSTRALIAN POST IMPLEMENTATION EVIDENCE](#))

The official Post Implementation Review (PIR) was published by the Australian government in February 2016. The review concludes that:

“While the full effect of the tobacco plain packaging measure is expected to be realised over time, the evidence examined in this PIR suggests that the measure is achieving its aims. This evidence shows that tobacco plain packaging is having a positive impact on its specific mechanisms as envisaged in the TPP Act. All of the major datasets examined also showed on-going drops in national smoking prevalence in Australia.”

Plain packaging contributed a statistically significant decline in smoking prevalence of 0.55 percentage points over a 34 month post implementation period, one quarter of the total decline in average prevalence rates observed.⁶

Official statistics on smoking rates and tobacco consumption in Australia are published on the Department of Health’s website.⁷ There are a range of independent surveys conducted by different research organisations and using different methods and cohorts. Each new survey has shown a continued fall in rates since implementation of plain packaging in 2012.

The **British Medical Journal edition of Tobacco Control in April 2015** on the implementation and evaluation of the Australian plain packaging policy, included 18 research papers¹¹ dealing with various aspects of policy impact and implementation. These demonstrated that plain packs were impacting positively on the aims and objectives of the policy.

The studies also showed that, contrary to the tobacco industry predictions, there was no evidence that plain packaging led to lower prices for tobacco products or to an increase in the use of illicit tobacco products.

One quarter of the 2.2 percentage point drop in prevalence is attributed to plain packaging. That’s equivalent to **118,000 less people smoking in Australia in just 3 years** as a direct result of plain packaging

Australia’s declining smoking rates

- In 2014-15 14.7% of adults aged 18 years and over smoked daily (approximately 2.6 million smokers), decreasing from 16.1% in 2011-2012⁸
- From 2012 to 2015 there was an overall 20% decline in the proportion of secondary student and young adults (aged 18–24) smoking at least 100 cigarettes in their lifetime⁹.
- In 2014, 5% of 12 – 17 year olds were current smokers down from 7% in both 2011 and 2008¹⁰

3. Evidence about branding on packaging and its influence on smoking

(full details on this topic are set out in Reference Section I: BRANDING ON TOBACCO PACKAGING)

It is useful to consider tobacco packaging within the broader context of branding, marketing and packaging of products more generally.

Marketing theory demonstrates that packaging has a number of functions including assisting consumers to identify and distinguish brands but that it is also used to promote the product as an important component of overall marketing strategy. Packaging can heighten a product's appeal and create positive impressions and emotional connections to help 'drive the sale'.

Packaging of tobacco products has been shown to be more important as a promotional tool than for other products. Firstly, in many countries where there are TAPS bans it is the last remaining means of advertising a brand. Secondly, tobacco product packs are a 'badge product' because users regularly openly display their packs in public.

Internal tobacco industry documents show the importance of packaging in promoting tobacco products. There have been a number of studies looking into internal industry documents that have been leaked or released in US litigation settlements. **The Hammond Review** in particular includes the results of this research which demonstrates how the industry places significant importance on the role of packaging in promoting and advertising its product.

"...the pack provides a direct link between consumers and manufacturers, and is particularly important for consumer products such as cigarettes, which have a high degree of social visibility. Unlike many other consumer products, cigarette packages are displayed each time the product is used and are often left in public view between uses. As a result, both smokers and non-smokers report high levels of exposure to tobacco packaging..."

Tobacco Labelling & Packaging Toolkit: A guide to FCTC Article 11.
David Hammond, 2009

4. Conduct a market survey of the tobacco products and packaging

A survey of tobacco products (and their packaging) available on the market in a country can assist in the design of the policy. It also acts as a demonstration of what branding exists on the market which can assist in showing why the policy is necessary. The issues that the survey should address include: what is the most common form of packet for each type of product? Are there any particularly novel forms of packaging? Is certain packaging clearly aimed at a certain sections of the community? Are there brand families that continue to mislead consumers as to the relative harms of each brand variant (for instance are there 'gold' and 'silver' variants of a particular brand)?

A comprehensive sample of the tobacco product packaging available in a country should be kept as it can be very useful for demonstrations and as evidence in case of legal challenge. One of the most powerful ways of demonstrating the need for plain packaging to people unfamiliar with smoking or tobacco control is to show examples of attractive or health reassurance packs that are available on the domestic market.



5. Country specific statistics on smoking prevalence and tobacco consumption

In order to establish that it is necessary and justified to introduce plain packaging, the aims and objectives should be set within the context of a country's public health agenda which will include consideration of the smoking prevalence and tobacco consumption rates, and whether these have been falling, rising or stagnating.

6. Arguments opposing plain packaging

(full details in [Reference Section J: OPPOSING ARGUMENTS AND EVIDENCE](#))

It is important for a full and complete policy development process to properly consider the views and arguments of the tobacco industry, proxy organisations or other interested stakeholders. This should include the industry's analysis of the evidence relating to the impact on smoking rates in Australia post-implementation. In addition, the wider impacts should be carefully considered, in particular the potential or alleged links to down trading and illicit trade. This can lead to better a policy development but importantly it protects a government from accusations of an unfair process.

This process should take into account the vested interests of those views and also where legitimate criticisms of the opposing arguments have been made. For instance, none of the expert analyses or studies relied upon by the tobacco industry to support their claims have been subjected to peer review process, but have been the subject of both academic¹² and judicial criticism. The judge in the High Court legal challenge to UK plain packaging laws said that:

"On the basis of my own review of the methodologies adopted by the [tobacco companies'] experts ... I conclude that that body of expert evidence does not accord with internationally recognised best practice"¹³.

As the [Reference Section J: OPPOSING ARGUMENTS AND EVIDENCE](#) shows, the tobacco industry arguments opposing plain packaging are almost wholly unfounded and there are a number of research studies that have demonstrated this; but a fair process requires proper consideration of all views.



7. Local evidence and research

In addition to the solid global evidence base supporting the adoption of plain packaging, it is a policy recommended by the implementation guidelines to the evidence based WHO FCTC. This provides effective grounding for a government decision to proceed with the policy, without the necessity of commissioning new local research or studies into its likely impact in a particular country. From a legal perspective, this position has been confirmed in the ruling by the international investment tribunal in *PMI v Uruguay*¹⁵.

However, governments should not be dissuaded from commissioning or conducting studies or research into the policy in their country. Additional evidence will be useful for any government seeking to defend the policy against tobacco industry attacks. In addition, there may be circumstances particular to a country that would warrant new research. For instance, in Uruguay there is a brand of cigarettes that has packaging using a colour very similar to the green/brown colour used for tobacco product plain packaging in Australia, UK, France, Ireland and Hungary. Positive associations may have already developed in relation to that colour by some consumers. Some country specific research into the most appropriate colour to use could be of use in such circumstances.



Add pictures of packaging from your country to the policy briefings in Reference Section A.

- <http://www.cancervic.org.au/plainfacts/plainfacts-evidence>
- <http://www.stir.ac.uk/media/schools/management/documents/Plain%20Packaging%20Studies%20Update.pdf>
- <http://www.kcl.ac.uk/health/10035-TSO-2901853-Chantler-Review-ACCESSIBLE.PDF>
- <http://health.gov.ie/blog/publications/standardised-packaging-d-hammond/>
- <https://ris.govspace.gov.au/2016/02/26/tobacco-plain-packaging/>
- 2014 population of Australia was 23,490,700; 81.2% (or 19,074,448) were over 14; 0.55% drop in prevalence of a 19,074,448 cohort of over 14s is 104,909, rounded up to 105,000. Population figures from Australian Bureau of Statistics. Adjusting for population increase gives a figure of 118,000. See also: <http://www.ft.com/cms/s/0/6248cfee-11e3-11e6-91da-096d89bd2173.html#axzz48RqRYOE>
- <http://www.health.gov.au/internet/main/publishing.nsf/content/tobacco-kff>
- Australian Bureau of Statistics, National Health Survey: First Results 2014-15. Available at: National Health Survey: First Results 2014-15
- Australian Institute of Health and Welfare. Tobacco indicators: measuring midpoint progress—reporting under the National Tobacco Strategy 2012–2018. <http://www.aihw.gov.au/publication-detail/?id=60129557116>
- Cancer Council Victoria, Australian secondary school students' use of tobacco in 2014
- http://tobaccocontrol.bmj.com/content/24/Suppl_2?utm_source=World%20Congress%20on%20Tobacco%20and%20Health&utm_medium=E-mail&utm_campaign=plain%20packaging
- Use and abuse of statistics in tobacco industry-funded research on standardised packaging Lavery AA, et al. *Tob Control* 2015;24:422–424
- R (British American Tobacco & Ors) v Secretary of State for Health [2016] EWHC 1169 (Admin) para 374
- For instance, this peer reviewed study that looks at the tobacco industry arguments used in New Zealand: <http://tobaccocontrol.bmj.com/content/early/2016/09/29/tobaccocontrol-2016-053146.abstract?paperetoc>
- A fact sheet summary of the case can be found here: http://www.tobaccofreekids.org/content/press_office/2016/2016_07_12_uruguay_factsheet.pdf