DRAFT

Consultation on the Introduction of Plain Packaging of Tobacco Products

# Purpose of the Consultation

This consultation is to seek the views and comments of interested people, businesses and organisations on the introduction of plain packaging of tobacco products as a means of reducing the use of tobacco.

The government has not made a final decision to proceed with the policy nor made final decisions on the detail of the approach to plain packaging. The government seeks the input of all stakeholders and interested parties to assist its policy development and decision making process.

Views and comments are invited on the evidence supporting a decision to proceed; on any unintended consequences or negative impacts; and on the detail of the proposed approach to the packaging requirements.

# Introduction

Tobacco use remains one of the most significant challenges to public health in [*Country*]. Whilst smoking rates have declined over [ x ] years, they still remain high. The latest figures indicate that around x per cent of adults in [*Country*] smoke. [rates for young adults. Rates for children trying smoking. Any other relevant figures]. Smoking rates are highest in [state communities or groups]

The harms associated with these smoking rates are x deaths each year and x illnesses. This is estimated to cause the country $x in health care costs alone not taking into account lost working days etc.

The Ministry of Health has a comprehensive tobacco control strategy …

…

The existing tobacco control regime includes….

…

But the government wishes to reduce this even further. Ideally we want to aim for the first smoke free generation, free from the avoidable tobacco epidemic.

The Ministry of Health therefore proposes to implement a policy of plain packaging of tobacco products. This policy would remove all the branding and attractive features of tobacco packaging. Health warnings would remain as they currently are and the remainder of the pack surfaces would be a uniform green/brown colour. The brand and variant name may appear on the packs in a standard typeface to allow products to be clearly distinguished from each other.

There is now a global movement towards introducing plain packaging as one of the standard elements of a comprehensive tobacco control strategy. Australia was the first country to bring legislation into force, in December 2012 and solid evidence is starting to emerge from Australia on the impacts the policy is having there. The UK, France, Ireland and Hungary, have all adopted plain packaging legislation which is to come into force on May 20, 2016. Norway has committed to doing the same in October 2016. Many more countries are actively progressing legislation, public consultations or detailed government consideration of the policy.

# Aims and Objectives

The Ministry of Health has broad policy objectives to improve public health through tobacco control policies by:

* discouraging people, especially young people, from taking up smoking or trying tobacco;
* encouraging people to quit smoking;
* helping people who have quit, or who are trying to quit, to avoid relapse back to smoking;
* reducing people’s exposure to secondhand smoke from tobacco products.
* Protecting young people and vulnerable groups (such as those with low literacy rates).

3.2 The Ministry wishes to explore whether requiring introducing plain packaging of tobacco products could contribute to achieving these public health policy objectives by:

* reducing the appeal or attractiveness of tobacco products to consumers;
* increasing the effectiveness of health warnings on the packaging of tobacco products;
* reducing the ability of tobacco packaging to mislead consumers about the harmful effects of smoking; and
* having a positive effect on smoking-related attitudes, beliefs, intentions and behaviours, particularly among children and young people.

[*Country*] is a Party to the World Health Organization’s Framework Convention on Tobacco Control (FCTC). The FCTC is the world’s first public health treaty and places obligations on Parties to meet the treaty objective to ‘reduce continually and substantially the prevalence of tobacco use and exposure to tobacco sm oke’ and to implement comprehensive tobacco control strategies. Since [*Country* ] became a Party to the treaty in 2005, the Government has taken its FCTC obligations very seriously.

To help Parties meet their obligations under the FCTC, guidelines have been developed which Parties have agreed reflect their consolidated view of a desirable means of fulfilling their FCTC obligations

Guidelines on Article 11 of the FCTC4 suggest that:

*Parties should consider adopting measures to restrict or prohibit the use of logos, colours, brand images or promotional information on packaging other than brand names and product names displayed in a standard colour and font style (plain packaging). This may increase the noticeability and effectiveness of health warnings and messages, prevent the package from detracting attention from them, and address industry package design techniques that may suggest that some products are less harmful than others.*

Guidelines on Article 13 of the FCTC5 recommend:

*Packaging and product design are important elements of advertising and promotion. Parties should consider adopting plain packaging requirements to eliminate the effects of advertising or promotion on packaging. Packaging, individual cigarettes or other tobacco products should carry no advertising or promotion, including design features that make products attractive.*

The FCTC guidelines explain that:

*The effect of advertising or promotion on packaging can be eliminated by requiring plain packaging: black and white or two other contrasting colours, as prescribed by national authorities; nothing other than a brand name, a product name and/or manufacturer’s name, contact details and the quantity of product in the packaging, without any logos or other features apart from health warnings, tax stamps and other government-mandated information or markings; prescribed font style and size; and standardized shape, size and materials. There should be no advertising or promotion inside or attached to the package or on individual cigarettes or other tobacco products*

# What is Plain Packaging?

Reflecting the FCTC guidelines, we are proposing the following approach to plain packaging for the purposes of this consultation:

* All external surfaces of tobacco packaging to be a uniform green/brown colour (other than the areas covered by health warnings);
* All internal surfaces of tobacco packaging to be white;
* All text on the pack, including brand names, to be in a standard colour and typeface;
* Only the following information or markings to be permitted on packs:
* a brand name;
* a product/variant name;
* the quantity of product in the packaging;
* the name and contact details of the manufacturer;
* one barcode to facilitate sale and stock control;
* health warnings as currently required;
* fiscal mark requirements as currently required;
* markings not visible to the naked eye to assist with the identification of genuine, duty-paid products, or other features to prevent fraud such as track and trace codes.
* No branding, advertising or promotion to be permitted on the outside or inside of packs, or attached to the package, or on individual tobacco products themselves. For this purpose ‘branding’ includes logos, colours or other features associated with a tobacco brand.
* Any foils within a pack to be of a standard format and colour with no text permitted.
* Cigarette packs to be of a standard shape, size and opening, and manufactured with particular specified materials.
* The surfaces of tobacco packaging to be flat and smooth without embossing or variations in texture.
* All inserts, stickers or other additional materials included with the packaging will be prohibited;
* The packs should not change in any way after sale and should not contain or produce any unusual or characteristic noise or smell.
* Any wrapper around the pack to be transparent and colourless, without any other markings visible to the naked eye;
* Cigarette sticks to be plain white but may have an imitation cork tip;
* Individual packets of cigarettes to have a minimum content of 20.

# The Evidence base

There is good evidence to support the proposal that plain packaging of tobacco products is apt to achieve the objectives of the policy. A large body of empirical evidence in the form of experimental studies, surveys and focus group studies provides support for the introduction of plain packaging and the conclusion that the policy is apt to achieve the objectives identified.

Three recent systematic reviews of the evidence address this conclusion:

1. **The Stirling Review**

In 2012 researcher at the University of Stirling, commissioned by the UK Department of health, undertook a systematic review of the evidence on plain tobacco packaging

<http://phrc.lshtm.ac.uk/project_2011-2016_006.html>

The Stirling Review found that:

“*there is strong evidence to support the propositions set out in the Framework Convention on Tobacco Control relating to the role of plain packaging in helping to reduce smoking rates; that is, that plain packaging would reduce the attractiveness and appeal of tobacco products, it would increase the noticeability and effectiveness of health warnings and messages and it would reduce the use of design techniques that may mislead consumers about the harmfulness of tobacco products*”.

In September 2013 researchers at the University of Stirling published an update to the April 2012 Stirling Review. It considered 17 new studies published on standardised packaging since the publication of the Stirling Review in 2012:

<http://www.stir.ac.uk/media/schools/management/documents/Plain%20Packaging%20Studies%20Update.pdf>.

The Stirling Update found that:

“*The findings of these 17 studies suggest that plain packaging would: reduce the appeal of cigarettes and smoking; enhance the salience of health warnings on packs; and address the use of packaging elements that mislead smokers about product harm*.”

1. **The Chantler Review**

The UK Government asked Sir Cyril Chantler, an eminent paediatrician and medical researcher, “to carry out an independent review of the public health evidence on standardised packaging of tobacco products”. That report was published in March 2014.

Independent Review into Standardised Packaging of Tobacco:

<http://www.kcl.ac.uk/health/10035-TSO-2901853-Chantler-Review-ACCESSIBLE.PDF>

The review concluded that:

“*[all the evidence ] points in a single direction, and I am not aware of any convincing evidence pointing the other way. It strongly supports the intermediate outcomes identified, and, taking into account the wider evidence around marketing, and drawing on modern behavioural psychology, there is a clear plausible link to behaviour. Whilst standardised packaging may have a modest effect, it is the nature of public health measures that small effects mount up at a population level*.”

1. **The Hammond Review**

In 2014 Professor David Hammond, an associate Professor of health behaviour and health policy at the University of Waterloo, Canada, published an evidence review on standardised packaging which had been commissioned and prepared on behalf of the Irish Department of Health.

<http://health.gov.ie/blog/publications/standardised-packaging-d-hammond/>

*“Tobacco advertising and marketing are among the most important factors in the rise of smoking in the 20th century. Industry marketing campaigns have sought to communicate three fundamental themes: 1) product satisfaction; 2) reassurance about the health concerns; and 3) positive associations between smoking and desirable outcomes, such as independence, social status, sexual attraction and thinness. Tobacco industry documents and independent evidence indicates that packaging has played a fundamental role in executing each of these themes, and has grown in importance as other forms of advertising and marketing have been prohibited”*

**Australia**

Early evidence from Australia is also consistent with the conclusion that plain packaging is an effective public health intervention.

The Australian government published its Post Implementation Review (PIR) in February 2016:

<https://ris.govspace.gov.au/2016/02/26/tobacco-plain-packaging/>

The summary of the PIR states 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. These decreases cannot be entirely attributed to plain packaging given the range of tobacco control measures in place in Australia, including media campaigns and Australia’s tobacco excise regime.* *However, analysis of Roy Morgan Single Source Survey Data shows that the 2012 packaging changes (plain packaging combined with enhanced graphic health warnings) have contributed to declines in smoking prevalence, even at this early time after implementation.*

And the PIR concluded that plain packaging:

*has begun to achieve its public health objectives of reducing smoking and exposure to tobacco smoke in Australia and it is expected to continue to do so into the future.*

The British Medical Journal edition of Tobacco Control in April 2015 on the implementation and evaluation of the Australian plain packaging policy, which included 18 research papers:

<http://tobaccocontrol.bmj.com/content/24/Suppl_2?utm_source=World%20Congress%20on%20Tobacco%20and%20Health&utm_medium=Email&utm_campaign=plain%20packaging>

These research papers include evidence suggesting that plain packaging is severely restricting the ability of the pack to communicate and create appeal with young people and adults. For instance, school-based surveys with students aged 12–17 year in 2011 and 2013 show that the removal of branding and uniformity of pack appearance has increased negative pack ratings and decreased positive ones.

A number of studies with adult smokers point to plain packaging fulfilling its core aims of reducing appeal, particularly among young adults, and increasing warning salience.

In a cross-sectional tracking survey of cigarette smokers, plain packaging was associated with increased thinking about quitting and quit attempts. In addition, dislike of the pack, lower satisfaction from cigarettes and attributing motivation to quit to the warnings predicted daily thoughts of quitting.

A study of outdoor venues before and after implementation showed that smokers were more likely to conceal their packs in outdoor venues after the introduction of plain packaging.

**Views on the evidence**

This consultation invites relevant stake holders and interested parties to comment on this evidence and whether they consider it supports the contention that plain packaging will be effective in [ *country* ] in achieving the policy’s objectives.

# Other possible effects

There may be other effects associated with introducing plain tobacco packaging. Through this consultation, we wish to understand in more detail what these could be, together with any evidence.

In particular, we seek views on whether introducing standardised packaging would have:

* trade or competition implications;
* legal implications;
* costs or benefits for retailers or manufacturers;
* implications for the availability of, and demand for, illicit tobacco (both smuggled and counterfeit);
* implications for cross-border shopping;
* any other unintended consequences.

# Submissions

This consultation will run from x date to x date.

Submissions should be made in writing and forwarded to the following address:

…

Or submitted electronically to the following email address:

…

We request that all assertions and statements be accompanied by documentation which includes source references with links, and particularly whether purported studies and reports were either wholly or partly financed by the tobacco industry. If this information has not been published on the internet, we request that the document be attached to the submission.

The Ministry of Health will not be able to respond specifically to individual consultation responses.

As a Party to the FCTC, Uruguay has an obligation to protect the development of public health policy from the vested interests of the tobacco industry. To meet this obligation, we ask all respondents to disclose whether they have any direct or indirect links to, or receive funding from, the tobacco industry. We will still carefully consider all consultation responses from the tobacco industry and from those with links to the tobacco industry and include them in the published summary of consultation responses.