



AMA Submission

**House of Representatives Standing Committee on Health
and Ageing inquiry into the**

Tobacco Plain Packaging Bill 2011
Trade Marks Amendment (Tobacco Plain Packaging) Bill
2011

July 2011

As the peak professional organisation representing medical practitioners in Australia, the AMA welcomes the opportunity to comment on the *Tobacco Plain Packaging Bill 2011*, and *Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011*.

The AMA supports the Bills that are being considered by the Committee, and urges the Committee to recommend that they be passed without amendment.

Every day medical practitioners care for patients with serious and life-threatening conditions that have resulted from tobacco use. The AMA has actively campaigned for many years to bring about lower levels of smoking in Australia, and to prevent the initiation of tobacco use among young people. The AMA advocates a multifaceted approach to reducing the level of tobacco use in Australia which includes:

- counselling, advice and specialised treatment from a doctor;
- community education programs and health campaigns; and
- pricing, regulatory and legislative measures.

Among the regulatory measures the AMA believes to be effective in reducing tobacco use are:

- banning all forms of promotion of tobacco products, including at the point of sale;
- increasing the taxation on tobacco products;
- prohibiting the duty-free sale of tobacco;
- tightening the enforcement of legislation prohibiting tobacco sales to minors, and
- restricting the depiction of smoking in films.

The AMA also supports the mandatory plain packaging of all tobacco products, to remove opportunities to promote tobacco through attractive or distinctive package design and imagery. The National Preventative Health Taskforce has also recommended that the promotion of tobacco products through design of packaging be eliminated.¹

The following provides the AMA's reasons for supporting these Bills.

The OECD has recently described Australia as among world leaders in reduced tobacco consumption, with tobacco use among Australians falling from 35% in 1983 to 17% in 2007. Even with this, the use of tobacco products accounts for the highest burden of disease, disability and premature death in Australia. A 2008 Australian Government report estimated that tobacco use caused almost 15, 000 deaths in 2004-05, and cost the hospital system \$669.6 million.² These deaths include those due to

passive smoking as well as active tobacco use. In 2007 there was an estimated 2.9 million smokers in Australia, with nearly 10% of teenagers having used tobacco.³ Research shows that almost half of these teenagers will eventually die as a result of tobacco use, if they do not stop.⁴

Nicotine is a highly addictive substance, and there is no level of tobacco use which is safe. Because of this, the AMA believes that all members of the community should be aware of the dangers of tobacco use, and that tobacco retailing and marketing should also be highly regulated to ensure that it does not contribute in any way to people taking up, or continuing, smoking. This should be so even where there is a probability, rather than conclusive evidence, that tobacco marketing and retailing may have this effect.

There is evidence that attractive, decorative and brand-recognisable tobacco packaging is intended by the tobacco industry to sustain smoking and encourage its uptake, and that it does have an effect on these behaviours. Much of this evidence relates to the role of product design and brand image in conveying social messages around social status, values and character.⁵ These social messages serve to reinforce personal identification and brand loyalty. This reinforcement increases the probability of people maintaining their tobacco use.

Package design also allows the opportunity for misperceptions about tobacco products to be reinforced. As the National Preventative Health Taskforce observes:

Market-testing studies show that package design – through the use of varying colour and other design elements - induces smokers to expect, and then actually experience, their cigarettes to be lower strength, lower in tar and lower in health risk than exactly the same cigarettes presented without this packaging.⁶

Tobacco industry documentation and information indicate that manufacturers make significant investments in package design and marketing and target specific demographic groups, including young people.⁷ These investments are made with the expectation that package design will secure smokers' allegiance to smoking.

Plain packaging is generally taken to involve:⁸

- the removal of colours, brand imagery, corporate logos and trademarks from tobacco packages, including their interiors;
- brand names being allowed on packages in a specified small size, position and prominence;
- a defined packet size, shape and plain material texture;
- banning of package inserts, or external onsets, which may make packages appealing or interesting in some way;
- health warnings, and other legally required consumer information would appear prominently on packages.

Plain packaging would ensure that all cigarette packages are uniform in appearance, and indistinguishable, unless closely examined to reveal the brand name text. The requirements specified in the provisions of the Bill in question are consistent with this characterisation of plain packaging.

The introduction of plain packaging for tobacco products will remove the reinforcement that packet design and brand imaging have on tobacco consumption. There is also evidence that plain packaging will have a deterrent effect on smoking. For example, a major review of studies measuring people's preferences and attitudinal responses indicates that plain packages for tobacco are perceived as dull, cheap looking and less appealing than branded packages.⁹ It was considered that they reduce the flair and appeal associated with smoking. Importantly, studies also show that young people have enhanced ability to recall health warnings on plain packs, with those warnings being seen as more serious than when they are on branded packs.¹⁰ The suggestion here is that package branding and design not only make smoking more appealing, this weakens the effect of health warnings.

The AMA believes that the evidence of the effectiveness of plain packaging is sufficient for it to be mandatory. Tobacco manufacturers have in the past consistently resisted government and social measures to reduce tobacco consumption. It could be expected that any proposal for tobacco manufacturers to voluntarily adopt plain package would be similarly resisted.

Australia has been a world leader in tobacco control, and can continue to be so through taking action to eliminate the last opportunity for tobacco advertising - packaging. The AMA does not acknowledge any force in arguments that plain packaging unjustifiably encumbers the use of trade marks, and interferes with trade and profit. The AMA does acknowledge the statement of the National Preventative Health Taskforce that "there can be no justification for allowing any form of promotion for this uniquely dangerous and addictive product which is illegal to sell to children."¹¹ Tobacco is addictive and can cause death. The AMA holds that the health of Australians is of much greater importance than the profitability of tobacco manufacturers and distributors. The AMA therefore urges the Committee to recommend that the Bills be passed.

¹ Preventative Health Taskforce 2009. *National Preventative Health Strategy – the roadmap for action*. Department of Health and Ageing, Canberra.

² Collins, D. J. Lapsley, H. M., 2008, *The costs of tobacco, alcohol and illicit drug abuse to Australian society in 2004/05*. Canberra, Department of Health and Ageing.

³ Australian Institute of Health and Welfare 2008. *2007 National Drug Strategy Household Survey: First Results*. Canberra.

⁴ Peto, R., et. al., 1994 *Mortality from Smoking in Developed Countries. Indirect Estimates from National Vital Statistics*. Oxford: Oxford University Press.

⁵ For a recent survey of the evidence in this area, see Freeman, B., Chapman, S., and Rimmer, M, 2008, *The case for the plain packaging of tobacco products*, School of Population Health, University of Sydney, at <http://www.ashaust.org.au/pdfs/GenerPackCase07.pdf>

⁶ Preventative Health Taskforce 2009. *National Preventative Health Strategy – the roadmap for action*. Department of Health and Ageing, Canberra., pp. 181.

⁷ Wakefield, M., et.al, 2002, “The cigarette pack as image: new evidence from tobacco industry documents”, *Tobacco Control* vol. 11, pp. 73-80.

⁸ Cunningham R, Kyle K., 1995 “The case for plain packaging.” *Tobacco Control* vol. 4; pp 80-86

⁹ Goldberg, M. E., et. al, 1995, *When Packages Can’t Speak: Possible Impacts of Plain and Generic Packaging of Tobacco Products*. At <http://legacy.library.ucsf.edu/tid/rce50d00>

¹⁰ See, for example, 1999, Goldberg, M. E., et. al., “The effect of plain packaging on response to health warnings”, *American Journal of Public Health* vol. 89, pp 1434-35; Bede, P. Lawson, R. 1992, “The effect of plain packages on the perception of cigarette health warnings”, *Public Health*. Vol 106. pp 315-22.

¹¹ Preventative Health Taskforce 2009. *National Preventative Health Strategy – the roadmap for action*. Department of Health and Ageing, Canberra.