

40th Anniversary 1971 - 2011

ACOSH

Australian Council on Smoking and Health

22 July 2011

Committee Secretary
Standing Committee on Health and Ageing
House of Representatives
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Submission No. 39 (Plain Packaging Bill) A.O.C. Date: 26/07/2011

To Secretary of the Committee,

Submission to the Inquiry into Tobacco Plain Packaging

Thank you for the opportunity to provide a submission to the inquiry into tobacco plain packaging by the Standing Committee on Health and Ageing. This submission is made on behalf of the Australian Council on Smoking and Health (ACOSH), with a membership comprising 39 medical, health, community and educational organisations with a shared concern about smoking and health (see Attachment 1 for ACOSH Membership).

ACOSH was one of the many organisations that provided a submission to the Australian Government on the exposure draft of the Tobacco Plain Packaging Bill 2011. As outlined in its submission in regard to the exposure draft, ACOSH wholeheartedly supports plain packaging of tobacco products and strongly believes that the plain packaging of tobacco products will hasten the end of smoking. Plain packaging should be seen as a vital component in the comprehensive approach required to combat one of the most significant public health issues faced by the Australian community.

In this submission, ACOSH will continue to demonstrate its support for plain packaging and the legislation proposed by the Australian Government by reinforcing several fundamental points. These include;

- Plain packaging will save lives and prevent uptake.
- Plain packaging is a restriction on advertising, not the theft of intellectual property, branding or trademarks.
- Plain packaging is causing the tobacco industry to 'scream' louder than ever before – therefore the industry knows plain packaging will work.

Plain packaging will save lives and prevent uptake

There is no doubt that this legislation has the potential to save thousands of Australian lives, and many more worldwide, through the exceptionally strong precedent this will set internationally. The importance of Australia's lead has been recognised internationally, with strong support shown by the World Health Organization.

In Australia, smoking is a leading preventable cause of death and disease and responsible for approximately 15,000 deaths annually.^(1, 2) It is conservatively estimated that smoking kills about one half of all persistent users.⁽³⁾ In addition, the economic and social costs of smoking in Australia are estimated at \$31.5 billion each year.⁽²⁾

Based on these figures alone, it is clear there is much more to be done to reduce the harmful effects of tobacco smoking in Australia. In particular, tobacco control targets set by the Council of Australian Governments (COAG) will not be achieved without further action.

Evidence shows great potential to save lives and prevent uptake of smoking by introducing plain packaging of tobacco products. Smokers, recent quitters, those attempting to quit, children and young people are highly influenced by the images they see on cigarette packs. Therefore plain packaging has the potential to reduce appeal of tobacco products, particularly among young people and as a result reduce uptake of smoking and tobacco consumption.

These claims are well supported by a comprehensive review of international literature in 'Plain Packaging of tobacco products: A review of the evidence' (see <http://www.cancervic.org.au/downloads/plain-facts-evidence-27may2011.pdf>). Prepared by Quit Victoria, this document provides an overview of the growing body of evidence which clearly demonstrates that tobacco products packaged in a standardised colour, typeface and form, will be less appealing to existing and potential smokers, particularly teenagers.

Plain packaging is a restriction on advertising, not the theft of intellectual property, branding or trademarks.

The dangers of tobacco smoking as outlined above, fully justify the restriction on the distribution, sale as well as advertising and promotion of tobacco products. While traditional forms of tobacco product advertising have been banned for some time in Australia, the packaging of tobacco products has served as the main vehicle for tobacco marketing and advertising for the brand.

Legislation to introduce plain packaging of tobacco products has nothing to do with the theft of intellectual property, branding or trademarks. It is simply an advertising restriction imposed on an industry that supplies a lethal product (not a normal consumer product) and contributes to considerable health costs to the community. More specifically plain packaging will;

- eliminate the tobacco industry's ability to promote smoking and brand personality through the pack
- enhance the effectiveness of Australian Government's graphic warnings on packs
- remove the pack's ability to deceive consumers on its strength and quality
- protect children and young people from tobacco promotion

The tobacco industry is well aware of the importance of packaging to promote its product, and is therefore vehemently opposed to the proposed legislation. The effectiveness of plain packaging to limit the tobacco industry's ability to promote its product is well documented in 'Plain Packaging of tobacco products: A review of the evidence' (<http://www.cancervic.org.au/downloads/plain-facts-evidence-27may2011.pdf>).

Plain packaging is causing the tobacco industry to 'scream' louder than ever before – therefore the industry knows plain packaging will work.

The tobacco industry has collectively spent millions to oppose the plain packaging, launching one of the most ferocious campaigns seen in years. As part of its campaign, the industry has lobbied desperately, often with misleading and inconsistent information, with the aim of intimidating the Australian Government from measures that will protect the public's health. In addition, the industry has been reduced to working through 'front' organisations and using international companies as allies, with no cause to be concerned about the health of Australians, as part of its extraordinary lengths to prevent the legislation from being passed.

One of the industry's ongoing arguments is that 'there is no evidence that plain packaging will work'. Being a 'world first', no other country has implemented the policy; therefore, no direct evidence is available. However, as outlined above, increasing evidence clearly demonstrates that tobacco products packaged in a standardised colour, typeface and form, will reduce appeal of tobacco products, particularly among young people and as a result, reduce uptake of smoking and tobacco consumption. In addition, as we have seen with all other advertising restrictions introduced over time in conjunction with comprehensive tobacco control policy and campaigns, it is inevitable that the removal of this final form of advertising will have a significant impact upon smoking uptake and tobacco consumption. In addition, this argument by the tobacco industry is a clear example of how inconsistent their claims have been. While the industry claims plain packaging won't work, it also claims that it will put those who sell tobacco and other related industries, out of business.

Some of the other most recent tobacco industry arguments include;

- *'The government will be required to pay the industry billions in compensation'*. This argument relates directly to the notion that plain packaging will involve the theft of intellectual property, branding or trademarks. As above, the legislation is a restriction of advertising, not an acquisition of intellectual property, branding or trademarks, therefore compensation is not an issue. In the interest of public health, the Government is within its rights to restrict advertising of a product of this nature.
- *'Plain packaging will lead to counterfeiting and illicit trade'*. In conjunction with the front groups such as the Alliance of Australian Retailers (AAR), the tobacco industry has tried to convince the public that illicit trade and counterfeiting of tobacco products will flourish if plain packaging is introduced. The industry often exaggerates Australia's illicit trade and the latest claims are based on a small survey with a low response rate.⁽⁸⁾

- *'Other countries have rejected it'*. There are numerous examples in which other countries have made commitments to introduce plain packaging. For example the New Zealand Government has publicly stated that it may align its labeling with Australia if Australian legislation is passed (2011), a Bill has been tabled in the Belgium to require plain packaging (2011), a Bill has been introduced in France to require plain packaging (2010) and the United Kingdom Government has released a tobacco control plan which indicates intentions to introduce plain packaging (2010). More examples of active campaigns to introduce plain packaging in other countries can be found at <http://www.smoke-free.ca/plain-packaging/history.htm>.
- *'It will cause confusion and inconvenience at point-of-sale and cost retailers thousands through time wasted serving customers'*. Even though packs will not carry branding etc, the packs will still be clearly marked with manufacturer and product variant names, easily readable by retail staff and stored normally as previously. There is no worthwhile evidence and the industry's claims to support this statement strain credulity.

It is also important to note that the tobacco industry is already claiming that it will be impossible to meet the timeframe of July 2012, if the legislation is passed. ACOSH urges the government to maintain its timeframe and not delay the introduction of plain packaging due to these claims. The tobacco industry is continuously reviewing and updating its pack designs and features and producing new packs within a very short period of time, therefore the Government's timeframe should be entirely achievable.

Most recently the tobacco industry was ranked as the least reputable industry among all major industry categories, well behind any others. ⁽⁷⁾ These results reinforce that arguments and tactics presented by the tobacco industry should not be trusted and can be misleading.

Further evidence to refute these and other tobacco industry's arguments against plain packaging is well documented in 'Plain Packaging of tobacco products: A review of the evidence' (<http://www.cancervic.org.au/downloads/plain-facts-evidence-27may2011.pdf>).

Finally in addition to all of the above, it is also important to note that the introduction of plain packaging is:

- Meeting national and international obligations. Plain packaging was a key recommendation in the Preventative Health Taskforce report and a recommendation required to achieve tobacco control targets set by the Council of Australian Governments (COAG). Australia is also acting consistently with its obligations under the World Health Organisation Framework Convention on Tobacco Control by implementing plain packaging.
- Supported by a majority of the Australian people. A Newspoll telephone survey of 1,200 adults in April this year found almost six out of ten (59%) people approve of plain packaging, while a further 16.8% neither approve nor disapprove of the measure.

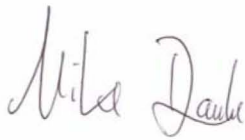
In conclusion, ACOSH wholeheartedly supports the proposed legislation for plain packaging of tobacco products and welcomes the multi-partisan support for such an important tobacco control measure. This is about the capacity of governments to introduce measures that will protect the public health, notwithstanding objections from the world's most lethal industry.

ACOSH looks forward to the proposed legislation continuing to progress swiftly through parliament as a result of this inquiry.

We would appreciate the opportunity of presenting in person to the committee if there are public hearings.

Thank you for considering this submission.

Yours sincerely,



Professor Mike Daube
President



Fiona Phillips
A/Executive Director

Maurice Swanson
Secretary

References

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Attachment 1: Members of ACOSH, May 2011

- Aboriginal Health Council of WA Inc
- Association for the Blind of WA
- Association of Independent Schools of WA
- Asthma Foundation of WA
- Australasian Faculty of Public Health Medicine WA
- Australasian Society for Emergency Medicine WA
- Australian Dental Association WA Inc
- Australian Lung Foundation
- Australian Medical Association (WA)
- Australian & New Zealand College of Anaesthetists
- Australian & New Zealand Society of Respiratory Scientists
- Australian Sports Medicine Federation WA
- Cancer Council WA
- Curtin University, Division of Health Sciences
- Cystic Fibrosis Association of WA
- Department of Health Tobacco Control Branch
- Derbarl Yerrigan Health Service
- Doctors' Reform Society of WA
- Endocrine Society of Australia
- Environmental Health Australia
- Murdoch University, School of Environmental Science
- National Association of General Practitioners of Australia
- National Heart Foundation of Australia - WA
- Non-Smokers Movement of Australia
- Lung Institute of WA
- Public Health Association of Australia - WA
- Resident Medical Officers' Association
- Royal Australasian College of Physicians
- Royal Australasian College of Surgeons
- Royal Australian College of General Practitioners
- Royal Australian College of Obstetricians and Gynaecologists
- Royal College of Pathologists of Australasia
- Society of Hospital Pharmacists of Australia - WA
- Thoracic Society of Australia & New Zealand
- TVW Telethon Institute for Child Health Research
- Westcare Inc.
- West Australian Council of Social Services
- Western Australian Council of State School Organisations
- Western Australian Medical Students' Society