



Public Health Association
AUSTRALIA

Submission No. 62
(Plain Packaging Bill)
A.O.C. Date: 26/07/2011

**House of Representatives Standing Committee on Health and
Ageing**

**Submission on the
Tobacco Plain Packaging Bill 2011**

Committee Secretary
Standing Committee on Health and
Ageing
haa.reps@aph.gov.au

Contact for PHAA:
Michael Moore, CEO
phaa@phaa.net.au
(Further details at footer)

26 July 2011

‘Tobacco kills one in every two long-term users. Many young people show signs of dependency on tobacco products (including failure in quitting) before they reach majority age. Anyone trying to introduce cigarettes on the market today would fail. Most Australians believe it would be a good thing if tobacco products were one day no longer sold in retail outlets. There can be no justification for allowing any form of promotion for this lethal product.’¹

Contents

Background	3
Introduction	4
Why tobacco packaging is part of the problem	5
Why plain packaging is part of the solution	8
Specific comments on sections of the Bill	9
Conclusion	10

¹ National Preventative Health Taskforce 2009, *Australia: The Healthiest Country by 2020 –National Preventative Health Strategy – the roadmap for action*, Commonwealth of Australia 2009, p.179

Background

The Public Health Association of Australia Incorporated (PHAA) is recognised as the principal non-government organisation for public health in Australia and works to promote the health and well-being of all Australians. The Association seeks better population health outcomes based on prevention, the social determinants of health and equity principles.

The PHAA is a national organisation comprising around 1800 individual members and representing over 40 professional groups concerned with the promotion of health at a population level. This includes, but goes beyond the treatment of individuals to encompass health promotion, prevention of disease and disability, recovery and rehabilitation, and disability support. This framework, together with attention to the social, economic and environmental determinants of health, provides particular relevance to, and expertly informs the Association's role.

Key roles of the organisation include capacity building, advocacy and the development of policy. Core to our work is an evidence base drawn from a wide range of members working in public health practice, research, administration and related fields who volunteer their time to inform policy, support advocacy and assist in capacity building within the sector. The PHAA has been a key proponent of a preventive approach for better population health outcomes championing such policies and providing strong support for the government and for the Preventative Health Taskforce and NHMRC in their efforts to develop and strengthen research and actions in these areas across Australia.

The PHAA has Branches in every State and Territory and a wide range of Special Interest Groups. The Branches work with the National Office in providing policy advice, in organising seminars and in mentoring public health professionals. This work is based on the agreed policies of the PHAA. Our Special Interest Groups provide specific expertise, peer review and professionalism in assisting the National Organisation to respond to issues and challenges as well as a close involvement in the development of policies. In addition to these groups the Australian New Zealand Journal of Public Health draws on individuals from within the PHAA who provide editorial advice, review and who edit the Journal.

In recent years the PHAA has further developed its role in advocacy to achieve the best possible health outcomes for the community, both through working with all aspects of government and promoting key policies and advocacy goals through the media and other means.

In recent years the PHAA has further developed its role in advocacy to achieve the best possible health outcomes for the community, both through working with all aspects of government and promoting key policies and advocacy goals through the media and other means. Through advocacy and contributions to the policy process, the PHAA is an active participant in tobacco, alcohol and other drug issues, both independently and through collaborations and coalitions.

The PHAA appreciates the opportunity to comment on the Tobacco Plain Packaging legislation as we consider these bills to be an important step in tackling the harm that is done through the use of tobacco in our community.

Introduction

Tobacco is a unique consumer product: when used as intended, it causes the death or disability of a majority of its users. The presence of nicotine means that it is also addictive. The presence of a range of toxins, many of which are known or suspected carcinogens, also means that tobacco products pose health risks to exposed non-users. Health and medical groups in Australia and world-wide have concluded that the dangers to health associated with tobacco smoking justify restrictions on its advertising, promotion and sale, as well as where it can be used.

Requiring tobacco products to be sold in 'plain packaging' has been on the national and international public health 'wish list' for many years – and for good reason. As the National Preventative Health Taskforce notes:

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. These misperceptions are part of the constellation of modifiable tobacco marketing factors that make smoking easier to take up and harder to quit.²

The case for plain packaging has become stronger as more evidence has emerged about the harmful effects of smoking and about the effects of various forms of advertising on attitudes and perceptions, together with evidence of the tobacco industry's marketing tactics.

Calls for plain or 'generic' packaging were first made in the 1980s by health and medical groups in Canada and New Zealand. In 1992, Australia's Ministerial Council on Drug Strategy requested a report on plain packaging. In 1993, a Canadian Cancer Society report indicated that plain packaging would break, or substantially weaken, the link between the package and other promotions. In 2008, the UK government launched a consultation seeking views on, among other tobacco control issues, the potential for plain packaging. The response from the tobacco industry was strong and unequivocal: such a move, it argued, would be contrary to various national and international legal protections.

There is now strong world-wide support for plain packaging as part of a multi-faceted approach to reducing tobacco-related harm. The draft guidelines for the implementation of Article 13 of the World Health Organization's Framework Convention on Tobacco Control, recommends that:

Packaging and product design are important elements of advertising and promotion. The effect of advertising or promotion on packaging can be eliminated if plain packaging is required. Packaging individual cigarettes or other tobacco products should carry no advertising or promotion including design features that make products attractive.³

² Ibid, p.181.

³ World Health Organization, 2008, Elaboration of guidelines for implementation of article 13 of the Conference of the Parties to the WHO Framework Convention on Tobacco Control, Third session, Durban,, 17-22 Nov.

The Public Health Association of Australia (PHAA) has long supported plain packaging for tobacco products. The PHAA has drawn attention to the impact of tobacco pack design and colour, particularly in the light of the products' availability in approximately 35,000 retail outlets nationwide. The increasing moves toward requiring tobacco products to be kept 'out of sight' in Australia are obviously a positive step towards reducing this impact; however, each time the smoker views and handles the package to remove a cigarette, or displays the package to others, the impact is reinforced.

If Australia's goal is to eliminate remaining forms of tobacco advertising, then the mobile brand billboard that is the current tobacco package cannot be ignored.

In preparing this submission, the PHAA would like to acknowledge the substantial contributions to the information, research and analysis on this important topic by: Prof. Simon Chapman, Prof. Melanie Wakefield, ASH Australia, Cancer Council Victoria, Cancer Council Australia, the National Preventative Health Taskforce, the University of Sydney School of Public Health, the International Union against Tuberculosis and Lung Disease, and the UK Institute for Social Marketing.

Two recent publications are particularly comprehensive and useful and we commend them to the Committee:

- 'The case for the plain packaging of tobacco products', by Becky Freeman, Simon Chapman and Matthew Rimmer, published in the journal *Addiction* in 2008 (103: 580-590), and
- International Union against Tuberculosis and Lung Disease, 2009, *Tobacco Packaging and labeling: Technical Guide*
(<http://www.apps.cofemer.gob.mx/expediente/v99/02.0832.030707.5/26-IUTLD-Tobacco%20Packaging%20and%20Labelling-May.pdf>)

Why tobacco packaging is part of the problem

If it has been possible to describe the cigarette pack as, 'the last and most critical link in an integrated chain of promotions'⁴, it is necessary to consider what its role might be in an environment where most of those promotions no longer exist. The description of the package as 'the cornerstone of tobacco marketing strategy' is likely to take on new forms and meanings. Commentators – and the tobacco industry -- have warned that, as more traditional forms of marketing are subject to increasing restrictions, we are likely to see the package used as the primary source of advertising and promotion.⁵

We know from research, and from the tobacco industry's own admissions, that the pack conveys information about a brand's character and about the personality of the smoker. There is now a

⁴ B Freeman, S Chapman and M Rimmer, 2008, The case for the plain packaging of tobacco products, *Addiction* 103, 580-590.

⁵ Hult M. 1994. *Presentation at the May 17, 1994 Corporate Affairs Conference, Manila: Marketing Issues*. Philip Morris. Bates No. 2504015017/5042, quoted in *Ending the Tobacco Problem: A Blueprint for the Nation*, 2007, Board on Population Health and Public Health Practice, Institute of Medicine of the National Academies, Washington DC, http://books.nap.edu/openbook.php?record_id=11795&page=R1

substantial international literature to support the claims that tobacco packaging is used to convey qualities which make smoking and the smokers appear attractive and desirable. The package is also a key element in shaping perceptions of consumer risk and in reinforcing brand identity, status and loyalty.

Studies on the effects of pack designs have found that packaging materials and imagery all influence consumer perceptions about the quality and sensory attributes of different brands. Some aspects of pack design, including colour and descriptive words, have been shown to be key determinants of how smokers and non-smokers, adults and children, assess various attributes of the contents – including health risks and difficulty in quitting.⁶

Differences in brand image have been shown to influence consumer choice, as differences in the actual product can be difficult to discern. According to tobacco industry findings,

...one in every two smokers is not able to distinguish in blind (masked) tests between similar cigarettes...for most smokers and the decisive group of new, younger smokers, the consumer's choice is dictated more by psychological, image factors than by relatively minor differences in smoking characteristics.⁷

Not only do they convey impressions to smokers (and potential smokers), but pack designs also exert power in social encounters. As a former cigarette pack designer explained:

...a cigarette package is unique because the consumer carries it around with him all day...It's part of a smoker's clothing and when he saunters into a bar and plunks it down, he makes a statement about himself.⁸

And those 'statements' work: an experimental study found that smokers of plain cigarette packs are judged to be significantly less trendy/stylish, less sociable/outgoing and less mature than smokers of a traditionally-designed pack.⁹

Industry documents have confirmed that tobacco companies undertake significant research into pack design in order to communicate messages to specific demographic groups, chiefly young people.¹⁰ For example, pack designs have been designed to appeal to aspirational qualities such as slimness, sophistication and femininity:

Some women admit that they buy Virginia Slims, Benson & Hedges etc when they go out at night to complement a desire to look more feminine and stylish...more fashionable feminine

⁶ Hammond D and Parkinson C, 2009, The impact of cigarette package design on perceptions of risk, *Journal of Public Health*, 27 July, pp.1-9

⁷ British American Tobacco, 1978, The Vanishing Media, quoted in Cancer Council Australia, 2008, Position Statement: Plain packaging of tobacco products.

⁸ Korten J, 1980. Tobacco Marketers' Success Formula: Make Cigarettes in Smoker's Own Image. *Wall Street Journal*, February 29, 22.

⁹ Wakefield, D German and Durkin S, 2008, How does increasingly plainer cigarette packaging influence adult smokers' perceptions about brand image? An experimental study, *Tobacco Control* 17:416-21

¹⁰ Freeman et al 2008.

*packaging can enhance the relevance of some of brands.*¹¹

Packs aimed at younger women should be, 'slick, sleek, flashy, glittery, shiny, silky, bold'.¹²

Packaging designers have been confident that, 'Each pack component will provide an integrated function as part of a carefully planned brand or information communications campaign' – a claim which receives some confirmation in admissions such as this:

*I don't smoke at all, but I keep seeing [these] ads for Camel no.9. The packaging alone makes me want to try them. It just looks damn good and doesn't follow that style that seemingly every other carton out there does.*¹³

Indeed, Camel brand identity has been found among young children: the 'Joe Camel' logo, as depicted on the pack and used in promotional advertising, was found to be as commonly recognised as Mickey Mouse among children aged 5 and 6.¹⁴ It is little wonder, then, that research has also found that pack designs are well recognised by teenagers such that, even when brand names were removed, nearly half of the teenagers were able to correctly identify the product brand based on pack design alone.¹⁵

In short, the current arrangements for pack designs result in:

- packs being used as an advertising vehicle and means of promoting image, brand personality and quality;
- pack design being used to undermine health warnings and reduce perceptions of harm;
- packs being used to deceptively influence consumers' perceptions of tobacco quality and sensory appeal; and
- pack designs being used to influence perceptions of smoking and the smoker.

It is understandable that the industry has vigorously opposed plain packaging, arguing that such requirements are unnecessary, unreasonable and unjustified and will do nothing to make smokers more aware of the health risks or reduce the appeal of smoking. Industry representatives have also reported, however, that a new product range, which differed from others only in terms of pack design, resulted in an additional £60 million in sales over four months.¹⁶ Similar sales increases have been reported following changes to packaging, without media advertising, and especially when combined with more prominent displays.¹⁷

¹¹ Philip Morris, 1992, quoted in ASH Australia 2010, *Tobacco Facts: Plain Packaging of Tobacco Products*, Feb.

¹² Freeman et al 2008, p.583

¹³ Ibid., p.584

¹⁴ Fischer PM, Schwartz MP, Richards JW Jr, Goldstein AO, Rojas TH, 1991, Brand logo recognition by children aged 3 to 6 years. Mickey Mouse and Old Joe the Camel. *JAMA*. Dec 11;266(22):3145-3148.

¹⁵ When packages can't speak: possible impacts of plain and generic packaging of tobacco products, Expert Panel Report, prepared at the request of Health Canada, March 1995, quoted in Cancer Council Australia, 2008, Position Statement: Plain packaging of tobacco products.

¹⁶ G Good, 2006, Presentation at UBS Tobacco Conference, 1 December, www.imperial-tobacco.com/files/financial/presentation/011206/ubs_transcript.pdf; Jamie Doward, 2009, Pledge to stop law on plain cigarette packets, *The Observer* (London), 2 March;

¹⁷ National Preventative Health Taskforce, 2009, *Tobacco Control in Australia: making smoking history, Addendum for October 2008 to June 2009*, p.101, [http://www.health.gov.au/internet/preventativehealth/publishing.nsf/Content/96CAC56D5328E3D0CA2574DD0081E5C0/\\$File/tobacco-addendum.pdf](http://www.health.gov.au/internet/preventativehealth/publishing.nsf/Content/96CAC56D5328E3D0CA2574DD0081E5C0/$File/tobacco-addendum.pdf)

Why plain packaging is part of the solution

Plain (and standardised) packaging of tobacco products would eliminate the use of the pack as a promotional vehicle. It would increase the effectiveness of health warnings and eliminate arguments over deceptive and misleading terms such as 'light', 'mild', and 'premier'. Consumer research indicates that reducing the number of design elements on the package reduces its appeal and perceptions about the likely enjoyment and desirability of the products and of smoking.¹⁸

Requiring cigarettes to be sold in plain packaging would reinforce the idea that cigarettes are not an ordinary consumer item, and would also reduce the ability of cigarettes to be used to signify status or personal attributes. Plain packaging would increase the impact of health warnings, as the warnings would not compete with, and be undermined by, other images.

But would plain packaging really make a difference? It is not necessary to take the word of health and medical authorities for this -- the tobacco industry itself tells a convincing story. For example:

*'Plain packaging would significantly reduce the power of tobacco brands. ... The industry is so profitable only because consumers are willing to pay a premium...for certain brands. ... Over time, this would hurt profitability significantly.'*¹⁹

*'In our opinion, [after taxation] the other two regulatory environment changes that concern the industry the most are homogenous packaging and below-the-counter sales. Both would significantly restrict the industry's ability to promote their products.'*²⁰

*'The primary job of the package is to create the desire to purchase and try. To do this, it must look new and different enough to attract the attention of the consumer.'*²¹

*'If you smoke, a cigarette pack is one of the few things you use regularly that makes a statement about you. A cigarette pack is the only thing you take out of your pocket 20 times a day and lay out for everyone else to see. That's a lot different than buying your soap powder in generic packaging.'*²²

Plain packaging is supported overwhelmingly by health and medical authorities as a way to help reduce smoking uptake among children and young people – an important goal, given that the vast majority of smokers commence regular smoking before they are out of their teens – and as a way to encourage quitting by reducing important aspects of the smoking ritual and experience. It is fair to say that, without further action, the tobacco industry will increasingly continue to exploit marketing opportunities provided by product packaging as a means of promoting their product.

¹⁸ Wakefield et al 2008

¹⁹ Citigroup, 2008, material new risk appears: UK Govt suggests plan packaging, quoted in ASH UK *Plain Packaging*, briefing paper, Nov. 2008

²⁰ Morgan Stanley Research Europe, 2007, Tobacco: Late to the party. London: Morgan Stanley Research.

²¹ A Miller, Arthur D Little Inc, Report to Liggett & Myers, quoted in ASH Australia, *Tobacco Facts: Plain Packaging of Tobacco Products*, Feb. 2010

²² Brown & Williamson employee, 1985, quoted in: International Union against Tuberculosis and Lung Disease, 2009, *Tobacco Packaging and labeling: Technical Guide*

Specific comments on sections of the Bill

The Public Health Association of Australia (PHAA) notes that the government has responded to the comments during the consultation process by allowing further identification of brand and variant than originally envisaged. The legislation now reads:

- 21 (2) Any brand, business or company name, or any variant name, for cigarettes that appears on a cigarette pack or cigarette carton:
- (a) must not obscure any relevant legislative requirement; and
 - (b) must not appear more than once on any of the following outer surfaces of the pack or carton:
 - (i) for a cigarette pack—the front, top and bottom outer surfaces of the pack;
 - (ii) for a cigarette carton—the front outer surface of the carton, and the 2 smallest outer surfaces of the carton; and

Other sections clarify or elaborate.

The PHAA accepts this compromise as we believe it will not be used as a brand imaging exercise but will address a specific issue regarding storage and convenience for retailers.

However, the PHAA would like to emphasise the importance of the following:

24 Retail packaging not to produce noise or scent

No part of the retail packaging of tobacco products may make a noise, or contain or produce a scent, that could be taken to constitute tobacco advertising and promotion.

Tobacco companies have been adept at finding ways around legislation and the PHAA believes it important to identify the sort of tools that might be used to make tobacco packages more enticing. In this context the inclusion of the word ‘promotion’ is critical in this section. The PHAA also appreciates the similar approach as taken in Section 25 and notes that it will be possible to prescribe further similar actions should it be needed under Section 27.

There are substantial penalties established under this legislation that should not be watered down. The PHAA reminds members of the Committee that tobacco is like no other product. As pointed out by the Preventative Health Taskforce:

Tobacco kills one in every two long-term users. Many young people show signs of dependency on tobacco products (including failure in quitting) before they reach majority age²³.

²³ National Preventative Health Taskforce 2009, *Australia: The Healthiest Country by 2020 –National Preventative Health Strategy – the roadmap for action*, Commonwealth of Australia 2009, p.179

Conclusion

The Public Health Association of Australia (PHAA) wholeheartedly supports plain packaging of tobacco products and congratulates the Government for introducing such an important tobacco control measure. As one of many tobacco control reforms recently introduced by the Australian Government, PHAA strongly believes that the introduction of plain packaging of tobacco products will hasten the end of smoking and combat one of the most significant public health issues faced by the Australian community.

Plain packaging of tobacco products as outlined in the Tobacco Plain Packaging Bill proposed by the Australian Government will achieve the following:

- Contribute to reducing the harmful effects of tobacco smoking, particularly among young people
- Remove one of the final forms of advertising of tobacco products in Australia
- Meet national and international obligations
- Set a precedent for other countries to follow

There are good logical arguments in favour of plain packaging, and good experimental evidence to support those arguments. A variety of studies using both qualitative and quantitative methods, conducted in different countries, have consistently shown that plain packs are less appealing to children and to adults, increase the effectiveness of health warnings, and make it less likely that consumers will be deceived about the relative risks of different products.²⁴

Although it has not been possible to conduct studies of 'real world effects' of plain packaging, and there have been no longitudinal studies to examine causal relationships between packaging and smoking, the overall message from the research is that package brand imagery contributes to the appeal of tobacco products and reduces the impact of health warnings.

It will be difficult for Australia to continue to assert that it is a world leader in tobacco control, and that it has done everything it can to reduce the enormous and preventable burden of disease caused by tobacco use, if the product pack is allowed to continue as a highly effective form of 'mobile advertising'.

The PHAA strongly supports the proposed legislation for plain packaging of tobacco products as an important component of a comprehensive tobacco control program.



Michael Moore BA, Dip Ed, MPopHlth
Chief Executive Officer, Public Health Association of Australia

26 July 2011

²⁴ C Moodie, G Hastings, A Ford, 2009, A Brief Review of Plain Packaging Research for Tobacco Products: Report prepared for the Department of Health, Institute for Social Marketing, Stirling, Sept., p.19