

In Support of Plain Packaging of Tobacco Products:

**A Submission to the Australian House of Representatives
Standing Committee on Health and Ageing Regarding the
*Tobacco Plain Packaging Bill 2011***



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**Canadian Cancer Society,
July 2011**

Introduction

The Canadian Cancer Society expresses its praise to the Australian Government for bringing forward plain packaging, accompanied by picture warnings to cover 75% of the package front and 90% of the package back. Moreover, the many Australian parliamentarians who have expressed support for plain packaging also deserve to be acknowledged. Australia is once again demonstrating international leadership in tobacco control and public health.

The tobacco package is a mini-billboard that walks around homes, school grounds and communities. The package is the industry's most important type of advertising, is at the core of the brand and tobacco marketing, and is at the core of the intangible/lifestyle brand imagery associated with each brand.

Plain packaging would reduce tobacco use, increase the effectiveness of health warnings, and reduce package deception. The brand part of packages competes with, and detracts from, health warnings. Regarding deception, tobacco companies have used colour design on packages within a brand family (eg lighter colours, or lighter shades of a colour, or increasing amounts of white) in a way that deceptively creates the perception among consumers that a "lighter" brand variation is less harmful.

The Australian Government's April 29, 2010 announcement that it would require plain packaging, the April 7, 2011 release of draft legislation, and the July 6, 2011 introduction of a bill in the Australian Parliament continue growing international momentum on this issue. Appendix 1 provides further information on international developments since April 2010.

A two-part evidentiary compilation is being submitted as part of this Canadian Cancer Society submission on plain packaging to the House of Representatives Standing Committee on Health and Ageing. The two parts of the evidentiary compilation are:

Canadian Cancer Society, "Compilation of Selected Evidence Regarding the Impact of Tobacco Package Warnings and Labelling: A Submission to Members of Parliament for Use During Consideration of Regulations Under the Tobacco Act" May 2000 (6 volumes).

Canadian Cancer Society, “Compilation of Evidence Regarding the Impact of Tobacco Package Warnings and Labelling: A Submission to Members of Parliament for Use During Consideration of Regulations Under the *Tobacco Act: Tobacco Products Labelling Regulations (Cigarettes and Little Cigars)*; *Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms)*; *Regulations Amending the Tobacco Products Information Regulations*” June 2011 (5 volumes).

Considerable additional evidence exists, with some such evidence available on the following websites:

www.tobaccolabels.ca

www.smoke-free.ca/warnings

<http://www.smoke-free.ca/plain-packaging/default.htm>

<http://www.cancervic.org.au/plainfacts/default.asp>

The Committee is invited to make the entire Canadian Cancer Society submission to the Committee also available to any other Committee of the Australian Parliament that may consider the *Tobacco Plain Packaging Bill 2011*.

Plain packaging of tobacco products is inevitable. There is no justifiable reason why highly addictive, cancer-causing lethal products should be marketed in attractive packages. If prescription medications, which benefit health, can be sold in essentially generic packages in many countries, there is no reason why the same could not also apply to tobacco products.

There cannot be a true advertising ban without plain packaging. If advertising on billboards can be banned, then so can advertising on packages seen by consumers. If tobacco logos, graphic designs and brand names can be banned on non-tobacco goods such as T-shirts, hats and lighters (“brand-stretching”), as Australia and many other nations have done, then tobacco logos, graphic designs and stylized brand names can be banned on packages seen by consumers.

It is important to emphasize that the *Tobacco Plain Packaging Bill 2011* will not prohibit all use by tobacco companies of their registered trademarks. Tobacco trademarks (including logos, graphic designs and stylized brand names) will still be able to be used on shipping boxes used for wholesale distribution, trade invoices, and various other communications within the tobacco trade. The *Tobacco Plain Packaging Bill 2011* represents a partial restriction – not a ban on – on the use of tobacco trademarks by tobacco companies. Moreover, tobacco companies will still have the ability to exclude others from using their trademarks.

The world is watching Australia. The sooner Australia implements plain packaging, the sooner there will be benefits to public health in Australia, and the sooner there will be a model for other countries to follow. The *Tobacco Plain Packaging Bill 2011* is of the highest importance for global public health.

Appendix 1

Plain/standardized packaging – international momentum

July 15, 2011

There has been important progress on plain packaging since the Australian Government announced April 29, 2010 that it would be bringing forward plain packaging. A list of developments internationally is below (new research studies are not included in the list.)

April 29, 2010 – Australian Prime Minister and Minister of Health announce that plain packaging will be required in Australia as of July 1, 2012. For the news release, see:

<http://pandora.nla.gov.au/pan/79983/20100624-1429/www.pm.gov.au/node/6720.html>

The release is also at:

<http://www.ashaust.org.au/lv4/PlainPacksTaxRudd1004.doc>

Sept 24, 2010 – European Commission launches public consultation on revision to the European Union's Tobacco Products Directive. One of the measures for consultation is plain/generic packaging. The consultation deadline was December 17, 2010.

http://ec.europa.eu/health/tobacco/consultations/tobacco_cons_01_en.htm

November 3, 2010 - The New Zealand Parliament's Maori Affairs Committee releases its report entitled "Inquiry into the tobacco industry in Aotearoa and the consequences of tobacco use for Māori: Report of the Māori Affairs Committee". The report recommends implementation of plain packaging, stating: "Recommendation 7, That the tobacco industry be required to provide tobacco products exclusively in plain packaging, harmonising with the proposed requirement in Australia from 2012." See pages 16-18 of the Report:

http://www.parliament.nz/en-NZ/PB/SC/Documents/Reports/6/e/a/49DBSCH_SCR4900_1-Inquiry-into-the-tobacco-industry-in-Aotearoa-and.htm

November 30, 2010 – British Health Secretary releases a White Paper entitled, "Healthy Lives, Healthy People: Our strategy for public health in England" covering many health issues, including tobacco control. The White Paper states (p.37): "The Government will look at whether the plain packaging of tobacco products could be an effective way to reduce the number of young people taking up smoking and to help those who are trying to quit smoking. [...] Details on how we propose to proceed will be set out in the Tobacco Control Plan." See:

News release: http://www.dh.gov.uk/en/MediaCentre/Pressreleases/DH_122249

White paper:

http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_122347.pdf

December 7, 2010 – Yves Bur, a member of France's National Assembly and a longtime tobacco control champion, introduces in the National Assembly Bill No. 3005, *Bill aiming to establish plain and standardized packaging for cigarettes (Proposition de loi visant à l'instauration d'un paquet de cigarettes neutre et standardisé)*. The bill outlines some of the specifications of plain packaging, and the bill authorizes the Minister of Health to define remaining specifications). The bill and introductory statement from Yves Bur (in French) can be seen here:

http://www.assemblee-nationale.fr/13/dossiers/paquet_cigarettes_neutre.asp

Jan. 19, 2011. – Belgium's Health Minister, in response to a question in the Belgium Parliament, expresses support for plain packaging, including at European Union level. See pp. 19-20 of the following (in French, and in Dutch):

<http://www.dekamer.be/doc/CCRA/pdf/53/ac096.pdf>

March 9, 2011 – British Government releases a new tobacco control plan “Healthy Lives, Healthy People: A Tobacco Control Plan for England”. As part of the plan, the government reiterates that it will examine plain packaging, stating (p.22) “We will consult on options to reduce the promotional impact of tobacco packaging, including plain packaging, before the end of 2011.”

See:

News release:

http://www.dh.gov.uk/en/MediaCentre/Pressreleases/DH_124966

the plan itself (pdf):

http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_124960.pdf

March 14, 2011 – New Zealand Government responds to the Maori Affairs Committee report stating “The Government is monitoring Australia’s progress on its proposal to legislate for plain packaging of tobacco products in 2012, and will consider the possibility of New Zealand aligning with Australia. New Zealand Government officials have commenced discussions with respective Australian counterparts on the possible alignment. An initial report back to Cabinet is due by 30 June 2011.” See (pp.7,8):

http://www.parliament.nz/NR/rdonlyres/3AAA09C2-AD68-4253-85AE-BCE90128C1A0/188520/DBHOH_PAP_21175_GovernmentFinalResponsetoReportoft.pdf

April 7, 2011 – Australian Government releases for consultation draft legislation to require plain packaging for all tobacco products, with the consultation deadline June 6, 2011. The legislation would take effect July 1, 2012. See:

<http://www.yourhealth.gov.au/internet/yourhealth/publishing.nsf/Content/plainpack-tobacco>

April 7, 2011 – New Zealand Associate Health Minister Tariana Turia responds to the Australian announcement stating: “We are very supportive of today’s announcement by Australian health minister Nicola Roxon and it is my expectation that New Zealand will inevitably follow their lead and look to introduce the plain packaging of tobacco products.” See:

http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10717788

April 19, 2011 – A member of the Belgian Parliament, Catherine Fonck, introduces Bill 1424 in the House of Representatives. The French title of the bill is: PROPOSITION DE LOI Modifiant la loi du 24 janvier 1977 relative à la protection de la santé des consommateurs en ce qui concerne les denrées alimentaires et les autres produits et visant à l’instauration d’un paquet de cigarettes neutre. The bill is co-authored by other members of the House of Representatives: Colette Burgeon, Thérèse Snoy et d’Oppeurs, Damien Thiéry.

To see a copy of the bill (French and Dutch), visit:

<http://www.lachambre.be/FLWB/PDF/53/1424/53K1424001.pdf>

June 10, 2011 – In a speech to the New Zealand Medical Association, Minister of Health Tony Ryall states that “plain packaging is inevitable”.

<http://www.beehive.govt.nz/speech/new-zealand-medical-association-%E2%80%93-gpcme-conference>

July 4, 2011 - Siv Fridleifsdottir, a member of the Iceland Parliament and a former national Minister of Health, states she will be introducing a private member’s bill in Parliament with a series of tobacco control measures, including plain packaging. (The Guardian [UK] report is dated July 4, 2011, though the news item does not specify on which date Ms. Fridleifsdottir first announced her planned bill.)

<http://www.guardian.co.uk/world/2011/jul/04/iceland-considers-prescription-only-cigarettes>

July 6, 2011, Australian Minister for Health and Ageing Nicola Roxon introduces the *Tobacco Plain Packaging Bill 2011* in the Australian Parliament, in the House of Representatives.

For the bill itself, and explanatory comment:

http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=yes;orderBy=priority,title;page=17;query=Dataset_Phrase%3A%22billhome%22%20ParliamentNumber%3A%2243%22;rec=2;resCount=Default

For the Minister's news release:

<http://www.health.gov.au/internet/ministers/publishing.nsf/Content/mr-yr11-nr-nr137.htm?OpenDocument&yr=2011&mth=07>

July 14, 2011 – During her third reading speech in Parliament on the bill to ban tobacco displays at retail, Smoke-free Environments (Controls and Enforcement) Amendment Bill, New Zealand Associate Minister of Health Tariana Turia said that the government will be moving forward on plain packaging, stating: “Our retail display legislation will stop tobacco products and brand marketing in just about every dairy, supermarket and petrol station in the land. Plain packaging goes the next step, and will put an end to vicarious marketing of tobacco in other settings like the kitchen table in a smoker's house. Our next step, therefore, is to introduce a comprehensive plain packaging legislation; to seriously regulate and control this product in a way commensurate with the devastating harm it continues to cause.”

<http://www.scoop.co.nz/stories/PA1107/S00278/tobacco-displays-banned-as-nz-heads-towards-being-smokefree.htm>