

## **SFAC Briefing Note for meeting with Sir Cyril Chantler Monday 27<sup>th</sup> January 2014**

### ***'What impact do you believe a policy of standardised packaging would have on public health'***

1. Cigarettes are a uniquely damaging legal product. They are highly addictive and they kill over half all long-term smokers prematurely, when used as intended. Given the overwhelming evidence of the harm they cause, stringent controls on marketing are both justified and proportionate. These can and should go beyond the controls applied in relation to other products. Such controls should be seen as part of an integrated suite of tobacco control policies, designed to produce a long-term and irreversible decline in smoking prevalence and uptake.
2. Therefore, we believe that the Review should apply two key tests when assessing the impact of standardised packaging on public health:
  - a. is it consistent with tobacco control policy more generally? and
  - b. is it likely, as part of a comprehensive tobacco control policy, to reduce the appeal of tobacco products and contribute to a long-term decline in smoking prevalence and tobacco consumption?
3. The first key test is demonstrably met: standardised packaging is a policy that regulates packaging and labelling, ends what is essentially the last permitted form of tobacco advertising (pack design), will ensure that health messages are as prominent as possible on tobacco packaging, and helps to prevent the promotion of tobacco to children. These are all key tobacco control objectives, as set out in the WHO Framework Convention on Tobacco Control to which the UK is a party.
4. There is also more than sufficient published evidence for the review to conclude that standardised packaging is likely to contribute to a long-term decline in smoking prevalence rates.<sup>1</sup> The tobacco industry has tried to set a much higher test, that it shouldn't be introduced until it has been proven to work in the 'real world'. This is illogical as it would follow that it could not have been introduced anywhere if that test had been applied.
5. The tobacco industry's public position on standardised packaging essentially consists of two apparently contradictory arguments. First, that there is no evidence that standardised packaging would reduce tobacco consumption, and secondly, that the industry and related businesses would be badly affected by the policy. In order to square this circle, it is necessary for the industry to claim that any fall in sales would be accounted for by a rise in the consumption of illicit cigarettes and other tobacco products. However, there is no good reason to accept this proposition, which the industry previously used to argue against many other effective tobacco control policies including the ban on advertising promotion and sponsorship.
6. In fact the comprehensive strategy in the UK since 1998 has been effective in reducing youth uptake as well as motivating quitting. Youth uptake has reduced faster than adult uptake since the ad ban and larger health warnings came into effect with smoking rates amongst children 11-15 years old declining from 10% in 2002 to 4% by 2012, a fall of well over a half.<sup>2</sup> Amongst adults in England over the same time period smoking rates fell from 26% to 20%, a fall of just under a quarter.<sup>3</sup>
7. Tobacco products kill around 100,000 smokers each year in the UK with hundreds of thousands more quitting; smokers who have to be replaced. Most current smokers report that they started while young. In the UK two thirds of smokers report that they started before the age of 18, and almost two fifths before the age of 16.<sup>4</sup> Also smokers are highly brand loyal,<sup>5</sup> so it is vital for tobacco companies to hook smokers into their brand from the start. UK industry marketing

documents make very clear that the aim is to increase consumption not just brand share, that the young are a key target, and imagery is the way to reach them; and that even prior to the advertising ban, packaging was a key element in product promotion.<sup>6</sup> This is backed up by the US Surgeon General's report in 2012 which concluded that "*considerable evidence has accumulated that supports a causal association between marketing efforts of tobacco companies and the initiation and progression of tobacco use among young people*".<sup>7</sup>

8. Now that advertising, promotion and sponsorship has been prohibited in the UK and with tobacco out of sight in large shops and going from small shops by Spring 2015, the UK has become what the tobacco industry calls a 'dark market' and packaging is now the essence of the brand. As the tobacco industry magazine World Tobacco put it: "*if your brand can no longer shout from billboards ... it can at least court smokers from wherever it is placed by those already wedded to it*".<sup>8</sup>
9. So what about the other side of the argument, that standardised packaging will increase illicit? Tobacco industry funded surveys (e.g. Project Star) have persistently over-estimated the level of the illicit tobacco trade, both in the UK and in other countries, as part of the industry's lobbying efforts against tobacco control policies, from tax and price to price design. In fact the level of illicit trade in the UK has halved since 2000. The key security features of existing cigarette packaging would also be present on standardised packs, including a **covert mark** on each pack that can be read by a simple scanning device; **numerical codes** on packs; and other **security marks** that vary between manufacturers. The Government-sponsored amendment to the Children and Families Bill would allow the Secretary of State to specify any required security features as part of packaging requirements.

### **Tobacco Industry misinformation**

10. To quote Judge Kessler in her damning 2006 judgement on the tobacco industry "*Over the course of more than 50 years, Defendants lied, misrepresented and deceived the American public, including smokers and the young people they avidly sought as 'replacement' smokers about the devastating health effects of smoking and environmental tobacco smoke.*"<sup>9</sup> The judgement also states that "*Defendants' Marketing Is a Substantial Contributing Factor to Youth Smoking Initiation*" and that "*The evidence in this case clearly establishes that Defendants have not ceased engaging in unlawful activity*".
11. It is essential that the Review process is consistent with the UK's obligations under article 5.3 of the FCTC, to protect public health policy from the commercial and vested interests of the tobacco industry. Transparency is vital and we welcome the decision to publish transcripts of meetings held with the tobacco industry as part of the Review process.

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<sup>1</sup> Moodie, C et al. [Plain Tobacco Packaging: A Systematic Review](#). Public Health Research Consortium, 2012; Moodie C et al [Plain Tobacco Packaging Research: An Update](#) Sept. 2013; and subsequent research.

<sup>2</sup> Smoking drinking and drug use among young people in England in 2012. The Health and Social Care Information Centre, 2013.

<sup>3</sup> General Lifestyle Survey and Opinions and Lifestyle Survey, Office for National Statistics, 2013

<sup>4</sup> General Lifestyle Survey Overview. A review : A report on the 2011 General Lifestyle Survey, ONS, 2013.

<sup>5</sup> Cowie, GA et al. [Cigarette brand loyalty in Australia: findings from the ITC four country survey](#). Tob Control doi:10.1136/tobaccocontrol-2013-051071

<sup>6</sup> Hastings, G and MacFadyen, L. [Keep Smiling: No-one's going to die](#). CTCRC & TCRC, 2000

<sup>7</sup> [Preventing Tobacco Use Among Youth and Young Adults](#). Report of the US Surgeon General, 2012.

<sup>8</sup> Eindhoven G. Elegant packs promote image, defend property rights. World Tobacco 1999; (170): 16-8

<sup>9</sup> Kessler judgement :US District Court for the District of Columbia Civil Action No.99-2496 (GK) USA Plaintiff v. PMI (USA) defendant et al. Final judgement 2006.