

Plain Packaging

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Summary

Tobacco packaging has become one of the tobacco industry's leading promotional tools. In Australia, the Government proposes to require that tobacco products be sold in plain, standardised packaging. In the UK, the Government has committed to consulting on similar legislation. Research suggests that plain packaging would increase the impact of health warnings, reduce false and misleading messages that one type of cigarette is less harmful than another, and reduce the attractiveness to young people.

What is plain packaging?

Plain packaging, also known as generic, standardised or homogenous packaging, refers to packaging that has had the attractive promotional aspects of tobacco product packaging removed and the appearance of all tobacco packs is standardised. Except for the brand name (which would be required to be written in a standard typeface, colour and size), all other trademarks, logos, colour schemes and graphics would be prohibited. The package itself would be required to be plain coloured (such as white or brown) and to display only the product content information, consumer information and health warnings required by law.¹



The current position

Plain packaging has not yet been put into effect in any jurisdiction, although it was first proposed by the Canadian government in the 1990s. Legislation is currently being considered by the Australian Government for introduction in 2012 and other governments, such as New Zealand, have expressed an interest in introducing a similar ban.

In the UK, the Government's tobacco control plan², published in March 2011, included a commitment to consult on plain packaging during 2011, to determine "*whether the plain packaging of tobacco products could be effective in reducing the number of young people who take up smoking and in supporting adult smokers who want to quit*". Plain packaging has been supported by the (former) Chief Medical Officer and many other experts and international bodies³. The European Commission is exploring the merits of introducing plain packaging as an amendment to the Tobacco Products Directive.^{4,5}

The public health case for plain packaging

There is a growing body of research evidence in support of plain packaging. Peer reviewed studies have found that, compared to branded cigarettes, plain packaging is less attractive to young people, improves the effectiveness of health warnings, reduces mistaken beliefs that some brands are 'safer'

than others and is therefore likely to reduce smoking uptake amongst children and young people.

Packaging as advertising

EU law defines tobacco advertising as “any form of commercial communication with the aim or direct or indirect effect of promoting a tobacco product”.

In 2003, the Tobacco Advertising and Promotion Act came into effect which prohibited virtually all forms of tobacco advertising and promotion, i.e. advertising in print media, on billboards and in the form of direct marketing were all prohibited. By July 2005, sponsorship of sport by tobacco companies was also prohibited. The only tobacco advertising currently permitted is a single A5 sized image at the point of sale. Consequently, tobacco packaging remains the most ubiquitous form of tobacco advertising.

Smokers display the branding every time they take out their pack to smoke. In doing so they are making a statement about how they want to be seen by others as they display and endorse the brand they have chosen. The importance of the pack as a communication tool is acknowledged by the tobacco industry as this response from Philip Morris to the Government’s consultation on the future of tobacco control illustrates:

..”as an integral part of the product, packaging is an important means of differentiating brands and in that sense is a means of communicating to consumers about what brands are on sale and in particular the goodwill associated with our trademarks, indicating brand value and quality. Placing trademarks on packaged goods is, thus, at the heart of commercial expression.”⁶

Branding recruits children and young people to a life-time of addiction

Tobacco companies invest huge sums of money in advertising and marketing their products in order to recruit new customers, who are nearly always children and young people. Two thirds (66%) of regular smokers start before the age of 18 and two fifths (39%) start before the age of 16.⁷ Of those who take up smoking, only about half will manage to stop before they die.⁸ Currently more than 80,000 people die prematurely from smoking related diseases every year in England alone.

The UK Tobacco Advertising and Promotion Act has been effective in removing overt promotional activity and has brought about a consequent reduction in awareness of tobacco marketing amongst the young.⁹ However, branding continues to drive teen smoking, and awareness of packaging and new pack design is a key element of this ongoing marketing.^{10,11} Since the Act was implemented, the tobacco industry has responded by investing more resources into packaging design (as well as [point of sale display](#)) in order to communicate brand imagery and increase sales. Research shows that this has already had an effect: between 2002 and 2006 there was an increase in the proportion of young people aware of new pack design from 11% at 2002 to 18% in 2006.⁹



Examples of what plain packs may look like, compared to existing packs.

Lambert & Butler – case study

In a presentation to an industry conference in 2006, Imperial Tobacco's Global Brand Director, Geoff Good, acknowledged that the tobacco advertising ban in the UK had *"effectively banned us from promoting all tobacco products" and noted that "In this challenging environment, the marketing team have to become more creative" adding: "We therefore decided to look at pack design."*

Focusing on the UK's most popular cigarette brand, Lambert & Butler, Imperial developed a new version of the Lambert & Butler brand to mark its 25th anniversary in the UK market. The "Celebration" packs were launched in November 2004 as a 4-month special edition, replacing the original pack until February 2005. According to Good: *"The effect was very positive. Already the no. 1 brand, our share grew by over 0.4% during this period – that might not sound a lot – but it was worth over £60 million in additional turnover and a significant profit improvement."*

Good concludes: *"Often in marketing, it is difficult to isolate the effects of individual parts of the mix. But in this case, because the UK had become a dark market, the pack design was the only part of the mix that was changed, and therefore we knew the cause and effect."*

Good, G. Global Brand Director, Imperial Tobacco Group plc. [Presentation at UBS Tobacco Conference](#), 1 December 2006

Established adult smokers rarely change the brand of tobacco they smoke and the vast majority know which brand they will ask for before they walk into a shop.^{12,1} Therefore, new, young smokers are the primary target of industry marketing. Brand imagery is much more important to younger age groups and they respond more effectively to it than older groups.¹³ Moving to plain packaging would therefore reduce brand appeal and reduce smoking initiation.

Branding gives the misleading impression some cigarettes are safer than others

The EU Tobacco Product Directive¹⁴ states that: *"texts, names, trade marks and figurative or other signs suggesting that a particular tobacco product is less harmful than others shall not be used on the packaging of tobacco products."*

Since the implementation of the law in 2003, the tobacco industry has been required to remove descriptors such as 'light' or 'mild' which might mislead consumers. However, the legacy of 'low-tar' advertising has resulted in certain colours such as white and silver being associated with 'lighter' or 'lower-tar' products giving the impression that they are less harmful than regular brands. The continuing use of colours as indicators of 'less harmful' brands by the tobacco industry can be viewed as being in contravention of the law.

Research commissioned by ASH to examine consumer perceptions of brands found that both adult and young people were significantly more likely to rate packages with the term "smooth", "gold" and "silver" as lower tar, lower health risk, and easier to quit compared to "regular" varieties of the same brands.¹⁵

Plain packs significantly reduce false beliefs about the relative health risk, and young people rate them as significantly less appealing and attractive.^{16,17,18,19}

Plain packaging would increase the effectiveness of health warnings and reduce misconceptions about the risks of smoking

Although there is good evidence to show that large bold written health warnings are effective in motivating smokers to quit²⁰ and that picture warnings are even more effective than written warnings,²¹ tobacco branding lessens the impact of the warning message.^{22,23,24}

As part of the ASH research referred to above, respondents were asked to compare plain versions of *Mayfair* and *Lambert & Butler* varieties in which the colour and stylistic features of the pack were removed, leaving only the name of the brands printed against either a brown or white background. The findings indicate that removing the colour and brand design not only reduces the attractiveness of brands, but also reduces misleading perceptions of tar delivery and risk between varieties.

This is especially true for young people who were significantly less likely to believe some brands are less harmful and lower in tar than others when shown brands in generic packaging compared to normal branded packs. The young people also found plain packaging far less attractive than branded packs. Similarly, research among adult smokers in Australia found that cigarette packs that displayed progressively fewer branding design elements were perceived increasingly unfavourably by smokers.²⁵

Plain packaging would prevent the use of brand variants as a promotional tool

The importance of the pack design as a means of increasing brand visibility can be seen by the huge growth in brand variants in recent years. The number of variants of cigarette brands has risen by over a third since 1998 in what appears to be a direct response to the inability of the industry to market products elsewhere. For example in 1998, there were 5 variants of the *Mayfair* brand but by 2008 the brand was available in seventeen formats. Figure 1 shows the overall growth in cigarette brand variants during the ten year period from 1998 to 2008.

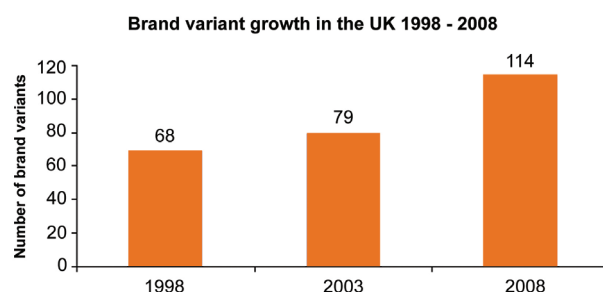


Figure 1 source: Pricechecker 1998, 2003, Safeway and Bookers price list
Brands: Benson & Hedges, Berkeley, Lambert & Butler, Mayfair, Superkings, Silk Cut, Sovereign, Dorchester, Regal, and Rothmans/Royals

The growth in brand variants has occurred despite the fact that many consumers cannot detect differences between brands. As a BAT document reveals: *“One of 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.”*²⁶

The increased number of different brands enables greater visibility at point of sale displays for the brand family with more packs bearing the logo and brand features being stacked side by side. This has resulted in larger point of sale displays in order to stock a greater number of varieties and to utilise the increasing visual appeal of the packaging.

For more information on tobacco promotion at the point of sale see the [ASH Briefing: Tobacco Displays at the Point of Sale](#).

Tobacco Industry views on plain packaging

According to Phillip Morris International the world’s major manufacturers have agreed to fight the introduction of plain packaging stating that they *‘do not want to see plain packaging introduced anywhere regardless of the size and importance of the market.’*²⁷

In 2008 Tobacco Journal International reported that according to analysts Morgan Stanley, if generic packaging becomes a legal requirement in the UK it “could result in considerably reduced profits.”²⁸

What industry analysts say about plain packaging:

“regulations... have to date neither undermined industry profitability nor led to commoditization of the cigarette category. However, a ban on conventional packaging graphics could prove to be a very different matter.”²⁹

“Plain packaging would significantly reduce the power of tobacco brands.”

“The industry is so profitable only because consumers are willing to pay a premium of £1.50 for certain brands. We think this measure would cause a rapid worsening of the downtrading trend. Over time this would hurt profitability significantly.”³⁰

“Clearly, smokers won’t like it. However, I suspect that the majority of the population that does not smoke will be in favour of the proposal. Anything which boosts the public health is good.”³¹

The legal case for plain packaging

Where plain packaging has been suggested, the tobacco industry has responded with rigorous campaigning, claiming that plain packaging would contravene national and international legal obligations on free trade and the protection of trade marks. However, the tobacco companies are aware that all these trade agreements contain important exceptions for health related issues which have been defended successfully.³²

For example, in response to the Australian Labour government’s proposed legislation the tobacco industry has claimed that plain packaging laws would involve the acquisition of trade mark and be in breach of article 16 of The Agreement on Trade-Related Aspects of International Property Rights (TRIPS). However, Article 16 does not create a right to use a trade mark, it simply prevents third parties from using trade marks and this right would not be affected by plain packaging.³³

Despite the tobacco industry’s public protestations, its own internal documentation has revealed that it does not believe it has a case under the TRIPS agreement, that “current conventions and treaties afford little protection”, and that there is “little joy” in GATT/TRIPS.³⁴

Public Opinion

A recent survey³⁵ commissioned by ASH demonstrates that there is strong support for plain packaging if evidence of its benefits can be demonstrated. This research already exists.

- Three quarters of people (75%) would support plain packaging if there is evidence that they make health warnings more effective
- Four fifths (80%) would support plain packaging if there is evidence that they are less attractive to children
- Almost two thirds (64%) would support plain packaging if there is evidence that they were less misleading about the relative safety of different cigarettes.

In 2008, 98% of respondents to a government consultation on the future of tobacco control supported plain packaging as an initiative to reduce smoking uptake by young people.³⁶

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ASH briefings are available on our website at www.ash.org.uk/briefings

The Tobacco Industry hunts in packs. They use their 'silent salesman' the cigarette packaging , the one remaining colorful advertising tool that is not yet banned as their come-on appeal to youth. Australia has started the **Pack-Attack**. Plain packaging of tobacco products will remove the appeal and glitz of the 'silent salesman'. The move will domino worldwide as other Governments copycat Australia.

Click on the blue hyperlinks below to read about the **Pack-Attack**.



ASH Action: Plain packaging of tobacco

The packaging of tobacco is a major part of its advertising - as the tobacco industry admits in its own documents. That's why ASH and many other organisations support mandated plain standardised packaging of tobacco products - and why the industry is fighting it.

"The sovereignty of countries should be absolute and not influenced by multinational companies with complex accountability. This laudable move towards plain packaging must not be derailed by veiled tactics from companies with vested interests. Only then can progress be made to tackle tobacco-associated diseases, which are largely preventable, but mostly lethal. "

The Lancet medical journal, August 2011

Australia's world first plain packs legislation introduced July 2011

Read the two bills [here](#) and [here](#) and all [submissions](#) to the public consultation, June 2011;

and [House of Reps inquiry July-Aug 2011 including more submissions and hearing transcripts](#)

THE FACTS: ASH [Tobacco Facts on Plain Packs](#)
[Plain Packs evidence review](#) Cancer Council Vic [Plain packaging: the facts](#)



What the new packs should look like - and see [high resolution images](#)

LATEST NEWS

BATA exploits refugee controversy to question plain pack legality

September 2011: BAT Australia has placed full-page ads in major newspapers exploiting legal controversy over refugee policy to cast doubt on legality of plain tobacco packaging bills. The ad asks "Is the government's legal advice on shaky ground?" [BATA ad in Sydney Telegraph 7/9/11, p. 22](#)

BATA challenges bills in High Court

September 2011: British American Tobacco Australia (BATA) has applied for special leave to appeal in the High Court to gain access to government legal advice on Australia's plain packaging bills. And BATA has warned it will immediately mount a High Court challenge to the bills if passed by the Senate - due to consider them in September. [BATA release 5/9/11](#)

Lower house passes landmark bills

August 2011: Australia's House of Representatives has passed both Tobacco Plain Packaging bills, which will now go to the Senate in September. All parties and independents supported the main bill; the Liberal/National parties opposed the Trade Marks bill, which has also been referred to a Senate inquiry due to report by September 19 (see below). Both bills are expected to pass the Senate subject to its inquiry. [Minister Roxon release 24/8/11](#)
[House of Reps Hansard proof 24/8/11](#) - pp. 22-99 with voting at pp. 98-99. The Plain Packs bill was supported unanimously; a Liberal amendment that would have continued to allow some trademarks on smaller surfaces was defeated, and the Trade Marks Bill supported, in both cases by majorities of 5 votes - the ALP, Greens, independents Oakeshott, Wilkie and Windsor, and Independent WA National Crook all combining to defeat the Liberal/National Parties; Independent Katter appears to have abstained in these votes.

Leading Australians back plain packs

August 2011: 260 health and medical professors including four Australians of the Year have written to Federal MPs urging them to end the long delay and pass the plain packaging bills. [The Australian 24/8/11](#) and [Cancer Council Australia media release 24/8/11](#)

Inquiry endorses plain packs: now get on with it, say health groups

August 2011: ASH Australia and the Heart Foundation welcome House of Representatives inquiry report endorsing the plain pack bills - and urge parliament to get on with passing them. After lengthy public consultation and the inquiry, the Parliamentary Standing Committee on Health and Ageing unanimously recommended passage of both bills. [ASH /](#)

Heart Foundation release 22/8/11

... but Senate sends trademarks bill to further inquiry

August 2011: The Senate sends one of the Plain Packaging bills to yet another inquiry - this time to check its constitutionality. The Trade Marks Amendment (Tobacco Plain Packaging) Bill 2011 amends the Trade Marks Act 1995 to allow regulations on plain packaging so businesses are not prevented from registering or protecting trademarks. **Written submissions due by September 2;** report due Sept 19. **Online submissions** or by email

legcon.sen@aph.gov.au *Notes to help submissions*

The Opposition gave its support for the substantive Plain Packaging Bill, but not the Trade Marks Bill - saying it is "unnecessary". *Sydney Morning Herald 17/8/11*

Public support for plain packs down but still ahead

August 2011: Public support for plain packaging has been eroded by the tobacco industry's multi-million dollar mass media scare campaign - but at 48% is still well ahead of opposition (38%) says a Newspoll survey. *The Australian 20/8/11*

Tobacco loses bid to dig out government's privileged legal advice

August 2011: BAT Australia and Philip Morris have failed in their attempts to get access to government legal advice on plain packaging, ruled legally privileged by the Administrative Appeals Tribunal and Federal Court.

Philip Morris lost its action in the Administrative Appeals Tribunal, which ruled the advice legally privileged and that there was no overriding public interest in revealing it. [Canberra Times 20/8/11](#) and [AAT decision 15/8/11](#) in Philip Morris Limited v Prime Minister [2011] AATA 556 on FOI application by PML June 2010 for access to documents held by the Prime Minister's office.

BATA was joined as a party to PMI's appeal to the AAT; however the Full Federal Court appeal was lodged by BATA alone, seeking access to the 1995 legal advice held by the Dept of Health and Ageing - [Bloomberg news 3/8/11](#) ... and this appeal was also lost - [Federal Court decision published 23/8/11](#). BAT "disappointed", may appeal to High Court - [Melbourne Age 23/8/11](#)

Indonesia, Mexico complain plain packaging will "hurt trade"

August 2011: Indonesia and Mexico have made submissions to the Australian parliamentary inquiry complaining that mandatory plain tobacco packaging is "unnecessarily restrictive" and a "barrier" to their tobacco trade. *Melbourne Herald Sun 16/8/11* and *inquiry submissions* - Indonesia no. 56, Mexico no. 58

BAT bull, bullying, bluff and bafflement in plain pack hearing

August 2011: British American Tobacco Australia chief David Crow tells parliamentary hearing the proposed timetable for mandatory plain packs is "impossible", will cause shortages and feed black markets. Health leaders say the industry is "bluffing" and had years of warning. *Melbourne Age, 5/8/11*

Also addressing the House of Representatives committee reviewing the bills: the National Preventative Health Agency, Dept of Health, major health groups - who outlined worldwide evidence, warning tobacco industry claims could not be trusted. *Inquiry site including transcripts*

Claims in the Crow testimony include:

- "No evidence" for effectiveness. *But see [the evidence](#)*
- "Lack of engagement, consultation and transparency" in the process. *But BAT had several meetings with government departments, and contributed to the [open public consultation](#)*
- "All consumer advertising is gone; it is banned." *Oh yes? see [pack advertising](#) and [other tobacco promotion](#) including to retailers; and [promotion in movies](#) and use of [internet](#) including [YouTube](#)*
- BAT needs more time: "12 and 12" (12 months to change to plain packs, 12 more to clear old stock). *These times differ from BAT written submission and change within the verbal presentation. But all this after the change was announced in April 2010!*
- "By the end of this year, in very close to all of Australia, the product will be behind steel doors." *No mention of steel doors as requirement in any Australian law.*
- Four different estimates in Crow's testimony of proportion of illicit tobacco as a proportion of

total Australian tobacco trade: "15.6%", "16%", "one in five and a half" [18.1%] and "one in five" [20%]. *Difference between 15.6% and 20% would be over 100 million cigarettes. BUT in any case the 15.6% figure is fanciful - real figure is less than 5%, says much larger and independent 2010 AIHW survey Tables 3.11 and 3.12, pp. 39-40*

- Tobacco-funded Deloitte report on illicit trade "based on thousands of interviews". *Actually less than one thousand. Compare with over 26,000 surveyed by AIHW*

- Illicit tobacco has additives that are "not smart to smoke and that we would never be allowed to use under Australian law". *Additives and contents of tobacco are not regulated under Australian law*

- "Remember that we are talking about a smoker who has chosen to smoke. They are 18 and over; they are an adult." *Wrong. Most smokers start well before 18. Average age of smoking uptake in Australia is just under 16. A key aim of plain packaging is to deter youth uptake.*



Roxon stands up to Big Tobacco

Health Minister's gutsy fight with the tobacco industry to introduce plain packaging

[Australian Financial Review Magazine feature 29/7/11](#)

National survey of illicit tobacco use shows industry claims fanciful

July 2011: National government survey of over 26,000 Australians confirms tobacco industry has exaggerated claims on extent of illicit tobacco use. 2010 National Drug Strategy Household Survey shows only 1.5% of smokers use loose unbranded "chop chop" tobacco more than half the time, only 4.9% use it at all (down from 6.1% in 2007); just 4.6% of smokers believe they may have bought counterfeit cigarettes as much as once a month. Demolishes tobacco industry claims that 16% (and rising) of tobacco sold in Australia is illicit. [2010 AIHW survey Tables 3.11 and 3.12, pp. 39-40](#) Compare with tobacco-commissioned [Deloitte report, Feb 2011](#)

Big Tobacco misleads retailers; offers Fiji hol's for pushing

July 2011: Some retailers are concerned at misleading flyers distributed to them by Imperial Tobacco urging them to protest about plain packs to current House of Representatives inquiry. Meanwhile BAT Australia criticised by ASH for offering Fiji holidays to retailers pushing tobacco. [Imperial flyers](#) [BAT retailer Fiji promotion](#) and [Telegraph report 24/7/11](#)

Australia's plain packaging legislation introduced

July 2011: Australia's world-first legislation to fully mandate plain packaging of tobacco by July 2012 is introduced to parliament - expected to pass both houses of parliament later in the year. [ABC news report 6/7/11](#) Read the two bills [here](#) and [here](#) - and all [submissions](#) to public consultation The legislation was referred to a [House of Reps Committee](#) which took more submissions and is expected to report to the House when it resumes on August 16.

NZ backs Australia over plain packs move

June 2011: New Zealand government supports Australia's move to mandate plain tobacco

packs, hopes to follow suit. Assoc. Health Minister Tariana Turia is "very supportive of Australia's initiative and it is our expectation that New Zealand will inevitably follow their lead." [stuff.co.nz report 29/6/11](#)

Tobacco industry continues bull and bullying against bill

June, 2011: As the Australian government prepares to introduce legislation after public consultation, the tobacco industry continues to mislead and threaten in its bid to derail the key health policy.

- *Philip Morris* launches legal action against the government, claiming the bills breach a little-known 1993 Australia-Hong Kong bilateral trade agreement. [Philip Morris release 27/6/11](#) [Australian 27/6/11](#) *Philip Morris suit "frivolous treaty shopping": ANU legal experts* [Canberra Times, 28/6/11](#)
- *Imperial Tobacco* launches "No Nanny State" campaign: media ads, [website](#), MP [postcards](#) and [lifesized cutouts](#) carpet-bombed into retailers nationwide. "Nanny State" line ignores [evidence](#) showing plain packs will discourage uptake by children - main source of smoking recruitment. "Nanny State" pure fairytale: [SMH online 28/6/11](#)
- *British American Tobacco* pushes for delay - 1/7/12 start date "unworkable", "unrealistic" says BAT submission to consultation. [Australian 8/6/11](#) BAT launches [Illicit Tobacco site](#) with inflated, fanciful "costs" of illicit trade to individual electorates - drawn from flawed Deloittes report commissioned by Big Tobacco. See [critique](#) of report

Coalition backs plain packs bill as Minister wins world awards

May 2011: Liberal leader Tony Abbott says Opposition will not oppose plain packs bill - will move amendments but not oppose the bill if they fail. [ABC news 31/5/11](#) Multipartisan support "breath of fresh air, especially for children": ASH, 42 NGOs. [ASH / Protecting Children from Tobacco release 31/5/11](#)

Also on World No Tobacco Day (May 31), Health Minister Nicola Roxon wins world (WHO) and Australian (Nigel Gray) tobacco control awards for her stand on plain packaging and other health policies. [Transcript of presentations, Canberra 31/5/11](#)



Plain packs focus eyes on health warnings: study

May 2011: UK study of eye movements of non-and-occasional smokers shows they're more likely to look at health warnings on plain than on branded cigarette packs. For less frequent smokers (e.g. children, quitters), plain packs "increase visual attention towards health warning information and away from brand information." [Abstract](#) and [Guardian 30/5/11](#)

Support for plain packs outnumbers opposition by over 2:1

May 2011: Public support for plain tobacco packaging withstands tobacco industry's multi-million mass media onslaught. Community support still outnumbers opposition by more than 2:1, 59% to 24%, says Newspoll phone survey of 1200 Australians. [ABC News 29/5/11](#)

Malaysia lobbied to derail plain packs bill

May 2011: A high-powered US consultant linked to the tobacco industry has lobbied Malaysia to oppose Australia's plain packaging laws, and powerful US congressmen are helping the industry use its "global economic power" to block the world-first bill. [ABC news report 26/5/11](#)

Australia leading the war on tobacco, says WHO regional chief

May 2011: Australia's plain packaging bill "would set new global standards and encourage governments in the Asia Pacific Region to also get tough with the tobacco industry" says the WHO's Western Pacific Regional Director Dr Shin Young-Soo. [ABC The Drum opinion 26/5/11](#)

Three Coalition MPs support plain packs bill - pressure grows on Abbott

May 2011: Three Coalition MPs say they'll cross the floor to vote for the plain packs bill, putting pressure on Opposition Leader Tony Abbott to ensure multi-partisan support. Other Liberal MPs expected to follow suit. [SMH 24/5/11](#) and [Dr Washer in Age 22/5/11](#) Ken Wyatt later says he might not cross; but WA independent National MP Tony Crook weigh in, so still 3 coalition MPs support. [SMH 24/5/11](#)

Research review shows two decades of evidence for plain packs

May 2011: Review of two decades of research on plain packs shows they'll improve effectiveness of health warnings, reduce misconceptions and appeal, especially to children. Quit/Cancer Council Vic review of published studies also finds no legal barriers; tobacco industry claims on illicit trade "exaggerated and misleading." [Evidence review May 2011](#)

Minister: We won't be intimidated by false tobacco trade law claims

May 2011: Trade Minister Craig Emerson blasts tobacco companies' "false" claims plain packs would breach trade agreements. Australia "won't be threatened or intimidated by big tobacco" or "subjugate... national sovereignty in any trade agreement." [Australian 19/5/11](#) [Legal EVIDENCE](#)

Victorian Liberal government joins NSW to back plain tobacco packs

May 2011: Victorian government declares support for mandatory plain packs. [SkyNews 18/5/11](#)
Joins NSW Coalition government - declared support on May 6. [NSW Health Minister release 6/5/11](#)

World-first draft legislation tabled: [Government consultation paper and draft bill](#)

April 2011: ASH Australia and many others welcome world-first plain pack bill as lifesaving policy to end marketing of tobacco diseases in glossy boxes. Draft bill would mandate generic packaging of all tobacco products by July 2012. [Minister's release 7/4/11](#) [AAP/SMH report 7/4/11](#) ASH congratulates Minister, Government for putting health first; urges all parties to support. [ASH release 7/4/11](#)

Minister recommits to plain packaging policy

Feb. 2011: Health Minister Roxon says government "absolutely determined" to mandate plain packs by July 2012. [Roxon on ABC Lateline 13/9/10](#) Minister says other countries look to Australia; tobacco industry fights "tooth and nail" but "inevitable". [Sydney Morning Herald 15/10/10](#)

Health groups' counter-campaign

2010: Health groups hit back, asking "Who's pulling the strings?" in ad campaign countering the tobacco industry ads. See [health groups' counter-ad](#) ABC-TV "Gruen Transfer" discussion on [YouTube](#)

World-first legislation flagged

2010: Australian government announces plain packaging of tobacco products to take full effect by July 2012 - first country in the world to set a deadline. *See below, [BACKGROUND](#) Tobacco companies immediately launch mass media campaign against it. *See below, [TOBACCO INDUSTRY](#)**

Preventative Health Taskforce recommends plain packaging

2009: Taskforce report says Australia should adopt mandatory plain packaging and larger health warnings. *Action Area 5, pp. 181-5 of [NPHT 2009 report tobacco chapter](#)*

Youth call for plain packaging

2009: Youth groups call for plain packaging of tobacco products on National Youth Tobacco Free Day. *See [Cancer Council ACT media release 27/3/09](#)*

WORLDWIDE DEVELOPMENTS

See also [History of Plain Packaging: world timeline from 1986-present](#)

Malaysia lobbied to derail plain packs bill

May 2011: High-powered US consultant linked to the tobacco industry lobbies Malaysia to oppose Australia's initiative; powerful US congressmen helping the industry use its "global economic power" to block the world-first bill. *[ABC news report 26/5/11](#)*

Australia leading the war on tobacco, says WHO regional chief

May 2011: Australia's plain packaging bill "would set new global standards and encourage governments in the Asia Pacific Region to also get tough with the tobacco industry" says WHO's Western Pacific Regional Director Dr Shin Young-Soo. *[ABC The Drum opinion 26/5/11](#)*

The world is watching - *see [Framework Convention Alliance report 21/4/11](#)*

Belgium

Jan. 2011: Belgian Health Minister, in response to a question in parliament, expresses support for plain packaging, including at European Union level. *[French and Dutch only, pp. 19-20 at \[Belgian parliament\]\(#\)](#)*

Europe

2010: European Commission holds public consultation on revision to European Union's Tobacco Products Directive. One measure for consultation is plain/generic packaging. *[More](#)*

France

2010: Introduced into National Assembly by member Yves Bur, bill...*to establish plain and standardized packaging for cigarettes* outlines specifications, Health Minister to clarify. *[French Bill](#)*

New Zealand

June 2011: NZ government supports Australia's move, hopes to follow. Says Associate Health Minister Tariana Turia: "We are very supportive of Australia's initiative and it is our expectation that New Zealand will inevitably follow their lead and look to introduce the plain packaging of tobacco products." *[stuff.co.nz report 29/6/11](#) [NZ Parliament Maori Affairs Committee report 2010 - see pp. 16-18](#) [NZ](#)*

"considers aligning" with Australia; NZ-Australian officials discuss process. *pp.7,8 at [NZ parliament](#)*

United Kingdom

March 2011: UK Government releases tobacco control plan, will "consult on options to

reduce the promotional impact of tobacco packaging, including plain packaging, before the end of 2011." [Media release](#) and [UK plan](#) and more [details](#) 2010 [Media release](#) and [White Paper](#)

BACKGROUND

After a recommendation from the 2009 report of Australia's National Preventative Health Taskforce, on April 29, 2010 the Australian government announced plain packaging of tobacco products would be fully implemented by July 2012. Australia was the first country in the world to set a deadline. ASH Australia and others hailed the decision as a major step in the fight against tobacco. [Government announcement](#) and [ASH release 29/4/10](#)



Health Minister Roxon and then-PM Rudd announce the plain pack commitment, 29/4/10

In the leadup to Australia's 2010 federal elections, the three major tobacco companies (BAT, Philip Morris, Imperial) poured \$5m into a misleading mass media [ad campaign](#) against plain packs, fronted by hastily-formed "Australian Alliance of Retailers" (AAR).

[ASH \(release 4/8/10\)](#) and other groups, and [six Australians of the Year \(statement 11/8/10\)](#) condemned the AAR campaign, urged all parties to honour July 2012 commitment. ALP and Greens reaffirmed support; Liberal/National parties agreed only to "consider" it.

Meanwhile the campaign split the retail sector. Major supermarket Coles dissociated themselves from it. [Daily Telegraph 11/8/10](#) Woolworths followed, repudiating retail groups' "deceptive behaviour"; one umbrella group, Australian Association of Convenience Stores, also withdrew. [Telegraph 13/8/10](#).

Health groups including ASH wrote to ACCC objecting to the "misleading and deceptive" campaign; noted AAR was hastily formed with sole shareholder and sham address; and campaign was from the tobacco industry, not small retailers. [Melbourne Age 14/8/10](#)

EVIDENCE AND RESOURCES

Australia's world first plain packs legislation

Introduced July 2011 - government's [consultation paper](#) and the **two bills** [here](#) and [here](#)

This followed public consultation ending June 2011 - all [submissions](#) - many supportive submissions lodged by individuals and from governments, health, medical and child protection/welfare organisations including: [ASH Australia](#) [Protecting Children from Tobacco coalition \(42](#)

NGOs)

[World Health Organization](#) [Tasmanian Government](#)

... as well as many individuals, including [Anita Lorenz](#) who wrote:

Time to stop mincing words – anyone who makes any profit from tobacco, right along the supply chain, needs to be made to understand that they are dealers of death the same as any other drug dealer.

[House of Reps inquiry July-Aug 2011 including more submissions and hearing transcripts](#)
[House of Reps debate - Hansard proof 24/8/11](#) - the bills pass the lower house

[Tobacco Facts: Plain Packaging of Tobacco](#) - ASH Australia's 2 page factsheet, 2011

[Plain Packs evidence review](#) - two decades of independent research, May 2011

[Plain packaging: the facts](#) - Cancer Council Victoria

[Cancer Council Australia position statement](#)

Legal claims assessed

August 2011: Tobacco industry legal claims against the plain packaging legislation assessed by Melbourne University legal experts in a paper called "Time to Quit? Assessing International Investment Claims Against Plain Tobacco Packaging in Australia". [Abstract](#)

National survey of illicit tobacco use shows industry claims fanciful

July 2011: National government survey of over 26,000 Australians confirms tobacco industry has exaggerated claims on extent of illicit tobacco use. 2010 National Drug Strategy Household Survey shows only 1.5% of smokers use loose unbranded "chop chop" tobacco more than half the time, only 4.9% use it at all (falling from 6.1% in 2007); just 4.6% of smokers believe they may have bought counterfeit cigarettes as much as once a month. Demolishes tobacco industry claims that 16% (and rising) of tobacco sold in Australia is illicit. [2010 AIHW survey](#) Tables 3.11 and 3.12, pp. 39-40 Compare with tobacco-commissioned [Deloitte report, Feb 2011](#)

From brand to bland - the demise of cigarette packaging

July 2011: Excellent article in *British Medical Journal* by Sydney University's Prof Simon Chapman and Becky Freeman puts it in a nutshell with good references. [BMJ article 18/7/11](#)

Plain packs focus eyes on health warnings: study

May 2011: Study of eye movement shows non-/less frequent smokers (e.g. children, would-be quitters) more likely to look at health warnings on plain than branded packs. Plain packaging "appears to increase visual attention towards health warning... and away from brand information." [Abstract](#) and [Guardian 30/5/11](#)

Two decades of evidence for plain packs: research review

May 2011: 20-year review of research on plain packaging shows it will improve effectiveness of health warnings, reduce misconceptions and oappeal, especially to children. Quit/Cancer Council Vic review of published studies also finds no trademark or other legal barriers; tobacco industry claims about illicit trade "exaggerated and misleading." [Evidence review May 2011](#)

Support for plain packs outnumbers opposition by over 2:1

May 2011: Public support for plain packaging is withstanding Big Tobacco's multi-million dollar mass media onslaught. Community support still outnumbers opposition by more than 2:1, says Newspoll phone survey of 1200+. It shows 59% approval to just 24% disapproval. [ABC News 29/5/11](#)

Plain packs will have no impact on illicit purchase: study

Tobacco industry and its allies (see above) assert plain packaging will boost illicit trade. Not so, says 2011 study of young adults in *European Journal of Public Health*. [Abstract](#)

Think tank arguments on IP/trademarks "demolished"

Anti-plain pack legal arguments by tobacco-linked Institute of Public Affairs think-tank hammered in [2010 Melbourne Uni debate](#) by world intellectual property law expert Prof Mark Davison - concludes "They haven't got a case." *Prof Davison's earlier comments*, [Melbourne Age 4/5/10](#)

Current packs mislead smokers: study

20% of smokers wrongly believe some tobacco brands safer than others, says 2011 worldwide study including 2000 Australians. Over 40% still wrongly believe "light" brands (suggested by pack colours) less harmful. Study in *Addiction* journal boosts case for plain packs. [Addiction release 12/4/11](#)

Plain packs have strong public support - including smokers

2011 survey of 4,500 Victorians shows very strong support for mandatory plain packs. 72% of all people - and 57% of smokers. [Quit release 8/4/11](#) 2008 NSW survey showed even higher support: 78%. Walsh R et al (2008) *Aust N Z Public Health*. 32:482-8 doi: 10.1111/j.1753-6405.2008.00284.x

Plain Pack Attack shoots tobacco industry in the foot

2011 survey shows tobacco-funded "retailer" ads *increased* plain pack support. [Quit release 3/11](#)

Plain packs influence teens: study

Plain tobacco packs discourage teens from smoking, says Auckland Uni findings presented at 2010 regional conference in Sydney. Study of 14-15-year-olds shows plain packs highlight health warnings, reduce social appeal. [APACT conference release 7/10/10](#)

History of Plain Packaging: world timeline from 1986-present

Great dot-point history resource from Physicians for a Smoke-free Canada.

Preventative Health Taskforce recommends plain packaging

2009 Taskforce report says Australia should adopt mandatory plain packaging and larger health warnings. *Action Area 5, pp. 181-5 of NPHT 2009 report tobacco chapter*

Tobacco packaging and labelling

International Union Against Tuberculosis and Lung Disease comprehensive 2009 [guide](#) including health warnings, misleading packaging, plain packaging, evidence, legislation and implementation.

Pack colours and design mislead smokers

Colours of cigarette packs can mislead smokers into thinking certain brands are less harmful, says 2009 study. [Full study pdf](#) [Sydney Morning Herald report 5/8/09](#)

Study shows how industry bluffed Canadian, Australian governments

Tobacco industry claims plain packaging will interfere with their branding rights - but 2008 [study](#) shows this is a bid to bluff governments. See also [response 5/3/10](#) by ASH director Prof Simon Chapman

The case for plain packaging of tobacco

Sydney University 2007 [report with illustrations](#)

See some [pics](#) of the industry's latest creative uses of packets as advertising - limited

editions, discount offers, health warning breaches and more.



TOBACCO INDUSTRY'S "PLAIN PACK ATTACK"

"Despite having a long-standing fondness for the gaspers, and a firm belief that adults should be free to do whatever they like, I don't ever think I have heard such nonsense in my life."

Long-time smoker David Penberthy's [comment](#), *Adelaide Advertiser* 17/6/11

- [Plain Packs evidence review](#) - industry claims vs two decades of research (*May 2011*)
- [Why the tobacco industry fears plain packaging](#) - Prof Simon Chapman (*MJA* 5/9/11)
- [Why Big Tobacco is REALLY worried](#) - by a former tobacco exec (*SMH* 20/4/11)
- [Smiling ad smoothies](#) - the ad-men behind BAT's plain pack attack (*Australian* 18/7/11)
- [Tobacco industry's smokescreen](#) - Kevin Brown summary (*Financial Times Asia*, 7/9/11)

BATA exploits refugee doubt to question plain pack legality

September 2011: BAT Australia has placed full-page ads in major newspapers exploiting legal controversy over refugee policy to cast doubt on legality of plain tobacco packaging bills. The ad asks "Is the government's legal advice on shaky ground?" [BATA ad in Sydney Telegraph](#) 7/9/11, p. 22

BATA challenges bills in High Court

September 2011: British American Tobacco Australia (BATA) has applied for special leave to appeal in the High Court to gain access to government legal advice on Australia's plain packaging bills. And BATA has warned it will immediately mount a High Court challenge to the bills if passed by the Senate - due to consider them in September. [BATA release 5/9/11](#)

Tobacco loses bid to dig out government's privileged legal advice

August 2011: BAT Australia and Philip Morris have failed in their attempts to get access to government legal advice on plain packaging, ruled legally privileged by the Administrative Appeals Tribunal and Federal Court.

Philip Morris lost its action in the Administrative Appeals Tribunal, which ruled the advice legally privileged and that there was no overriding public interest in revealing it. [Canberra Times 20/8/11](#) and [AAT decision 15/8/11](#) in Philip Morris Limited v Prime Minister [2011] AATA 556 on FOI application by PML June 2010 for access to documents held by the Prime Minister's office.

BATA was joined as a party to PMI's appeal to the AAT; however the Full Federal Court appeal was lodged by BATA alone, seeking access to the 1995 legal advice held by the Dept of Health and Ageing - [Bloomberg news 3/8/11](#) ... and this appeal was also lost - [Federal Court decision published 23/8/11](#). BAT "disappointed", may appeal to High Court - [Melbourne Age 23/8/11](#)

Democracy Institute: Plain packaging "silly" (but tobacco-paid junkets are not)

August 2011: Transatlantic think tank the Democracy Institute opposes plain packs in [submission](#) to the House of Reps inquiry and in media articles in Australia and NZ. The Institute has a history of connection with the tobacco industry, which funds some of its publications and travel. The tobacco industry is now trying to prevent NZ following Australia in legislating for plain packs. [Dominion Post NZ, 17/8/11](#) - see at bottom acknowledgment that author's trip to NZ was funded by Philip Morris

Indonesia, Mexico complain plain packaging will "hurt trade"

August 2011: Indonesia and Mexico have made submissions to the Australian parliamentary inquiry complaining that mandatory plain tobacco packaging is "unnecessarily restrictive" and a "barrier" to their tobacco trade. [Melbourne Herald Sun 16/8/11](#) and [inquiry submissions](#) - Indonesia no. 56, Mexico no. 58

BAT bull, bullying, bluff and bafflement in plain pack hearing

August 2011: British American Tobacco Australia chief David Crow tells parliamentary hearing the proposed timetable for mandatory plain packs is "impossible", will cause shortages and feed black markets. Health leaders say the industry is "bluffing" and had years of warning. [Melbourne Age, 5/8/11](#)

Also addressing the House of Representatives committee reviewing the bills: the National Preventative Health Agency, Dept of Health, major health groups - who outlined worldwide evidence, warning tobacco industry claims could not be trusted. [Inquiry site including transcripts](#)

Claims in the Crow testimony include:

- "No evidence" for effectiveness. But see [the evidence](#)
- "Lack of engagement, consultation and transparency" in the process. But BAT had several meetings with government departments, and contributed to the [open public consultation](#)
- "All consumer advertising is gone; it is banned." Oh yes? see [pack advertising](#) and [other tobacco promotion](#) including to retailers; and [promotion in movies](#) and use of [internet](#) including [YouTube](#)
- BAT needs more time: "12 and 12" (12 months to change to plain packs, 12 more to clear old stock). These times differ from BAT written submission and change within the verbal presentation. But all this after the change was announced in April 2010!
- "By the end of this year, in very close to all of Australia, the product will be behind steel doors." No mention of steel doors as requirement in any Australian law.
- Four different estimates in Crow's testimony of proportion of illicit tobacco as a proportion of total Australian tobacco trade: "15.6%", "16%", "one in five and a half" [18.1%] and "one in five" [20%]. Difference between 15.6% and 20% would be over 100 million cigarettes. BUT in any case the 15.6% figure is fanciful - real figure is less than 5%, says much larger and independent [2010 AIHW survey](#) Tables 3.11 and 3.12,

pp. 39-40

- Tobacco-funded Deloitte report on illicit trade "based on thousands of interviews". *Actually less than one thousand. Compare with over 26,000 surveyed by [AIHW](#)*

- Illicit tobacco has additives that are "not smart to smoke and that we would never be allowed to use under Australian law". *Additives and contents of tobacco are not regulated under Australian law*

- "Remember that we are talking about a smoker who has chosen to smoke. They are 18 and over; they are an adult." *Wrong. Most smokers start well before 18. Average age of smoking uptake in Australia is just under 16. A key aim of plain packaging is to deter youth uptake.*

Tobacco industry and supporters line up in anti-plain packs submissions

August 2011: Publication of submissions to [public consultation](#) and [parliamentary inquiry](#) show a formidable lineup of tobacco companies, retailers and tobacco-allied entities opposing plain packs. The list includes Australia's "Big 3" tobacco giants, BAT, Philip Morris and Imperial, and also:

Brazil Intellectual Property Assoc, AIPPI (world intellectual property body) Australia, Alliance of Australian Retailers, American Legislative Exchange Council, APCO service stations, Australasian Assoc of Convenience Stores, Australasian Convenience and Petroleum Marketers Assoc, Australian Newsagents' Fed, Australian Retailers' Assoc, Business Civil Liberties, Cigarworld Australia, Cigar Retailers Assoc, Convenience and Mixed Business Assoc, CTC tobaccoists, Democracy Institute, economiesuisse, Emergency Committee for American Trade, European Cigar Manufacturers' Assoc, Free Choice stores, Habanos SA Cuba, "I Oppose Plain Packaging" campaign (1,100 identical form letters), Indonesian Government, Institute for Policy Innovation, Institute of Patent and Trademark Attorneys of Australia, International Assoc for Protection of Intellectual Property, International Chamber of Commerce, International Trademark Assoc, Japan Tobacco International, Master Grocers Australia-Liquor Retailers Australia, Mexican Government, National Assoc of Manufacturers, National Assoc of Retailer Grocers Australia, National Foreign Trade Council, Nicaraguan Government, Pacific Cigar Co, Property Rights Alliance, Scandinavian Tobacco, Service Station Association, Tobacco Station Group, Transatlantic Business Dialogue, Trojan Trading, US Council for International Business.

BAT pushes to see old government legal advice

August 2011: BAT urges Federal Court to order the Australian Government to release past legal advice leading to its decision in 1995 not to go ahead with plain packaging. The government argues the advice is privileged and confidential. The court's decision is reserved. Philip Morris also appealed the FOI refusal. [Bloomberg news 3/8/11](#)

Big Tobacco misleads retailers; offers Fiji hols for pushing

July 2011: Some retailers are concerned at misleading flyers distributed to them by Imperial Tobacco urging them to protest about plain packs to current House of Representatives inquiry. Meanwhile BAT Australia criticised by ASH for offering Fiji holidays to retailers pushing tobacco. [Imperial flyers](#) and [Telegraph report 24/7/11](#)

Nat MP says tobacco companies "coaching" spam calls to MPs

July 2011: WA Nationals MP Tony Crook says tobacco companies intentionally misleading people and "coaching" anonymous "spam" calls to MPs protesting the plain packs bills. Crook says his office has had regular calls from angry people raising same issues. [ABC news report 11/7/11](#)

Smiling smoothies behind BAT pack attack

July 2011: Details emerge about who ran the BAT campaign against plain packs: G2 ad agency set up by worldwide PR/marketing giant WPP. Read about the "smiling ad smoothie" who loves "vice clients" and finds pushing Big Tobacco's line "satisfying". [The Australian 18/7/11](#)

Retailer front group claims "no real evidence"

June 2011: Tobacco-funded Alliance of Australian Retailers claims in its submission to the government consultation there's "no real evidence" for plain packaging effectiveness. [AAR submission](#) So presumably none of this [evidence](#) is "real"

"Retailer"-commissioned report warns of impact on tobacco buyers' practices

June 2011: Deloitte survey of retailers and customers commissioned by tobacco industry-funded Alliance of Australian Retailers claims plain packs will shift consumers from smaller to larger retailers. [Plain packaging and channel shift report June 2011](#) Survey is "junk research", says Prof Simon Chapman: [ABC online 6/7/11](#) Minister brands tobacco survey "bogus", "deceptive": [Telegraph, Sydney 12/7/11](#)

Legal action

June 2011: Philip Morris launches lawsuit against the proposed plain packaging law, claiming it will cause problems for investment protected under an Australia-Hong Kong trade agreement. [Philip Morris media release 27/6/11](#) Report in [The Australian 27/6/11](#) Philip Morris suit is "frivolous treaty shopping" say ANU legal experts in [Canberra Times, 28/6/11](#) and see [Melbourne Uni legal experts assessment, August 2011](#)

BAT beats up illicit trade threat

June 2011: BAT launches new [Illicit Tobacco website](#) featuring inflated, fanciful "costs" of illicit tobacco to individual electorates. These figures are drawn from a flawed Deloitte report commissioned by the Big 3 tobacco companies. See [critique](#) of the Deloitte report

Imperial claims "Nanny State"

June 2011: Imperial Tobacco launches huge "No Nanny State" campaign - media ads, [website](#), [postcards to MPs](#) and [lifesized cutouts](#) carpet-bombed into retailers. "Nanny State" line ignores [evidence](#) that plain packs will discourage child uptake - main source of smoking recruitment.

"Nanny State" is pure fairytale: [SMH online 28/6/11](#)

BAT involved in "reprehensible" smuggling "BAT-up"

June 2011: Paid British American Tobacco informant makes wild claims on tobacco smuggling - and people smuggling! - on Channel 9's *A Current Affair*. Scathingly reviewed on ABC-TV's *Media Watch*. [MediaWatch report and transcript with ACA excerpts 13/6/11](#)

Tobacco industry's arguments "factoids and legal bollocks"

Crikey.com article by Prof Simon Chapman shows how claims of legal infringements and \$3m compensation payouts have been concocted by the tobacco lobby. [Crikey 9/6/11](#)

BAT stalls as public consultation ends

British American Tobacco has sought a longer delay in introducing mandatory plain packs, arguing that a July 1, 2012 start date is "unworkable" and "unrealistic". BAT makes the plea in its submission to public consultation on the plain pack bill (closed June 6). [The Australian 8/6/11](#)

Big tobacco "scared", insulting our intelligence

Good critique of tobacco industry arguments by Ross Gittins, *Sydney Morning Herald* business reporter. [SMH Business Day 30/5/11](#)

International Chamber of Commerce says plain packs "bad public policy"

May 2011: International Chamber of Commerce attacks Australia's "bad public policy", claims "dangerous precedent" on trademarks; repeats other tobacco industry claims - increased counterfeiting, other countries "rejected", "no research". Doesn't mention BAT is an ICC member. [ICC release 28/5/11](#) and [ICC members include BAT](#)

Malaysia lobbied to derail plain packs bill

May 2011: High-powered US consultant linked to tobacco industry has lobbied Malaysia to oppose Australia's plain packaging laws; powerful US congressmen help the industry use its "global economic power" to block the world-first bill. [ABC news report 26/5/11](#)

British American Tobacco threatens legal action, price war

[BAT media release 17/5/11](#) again threatens legal action against plain packaging, warns of price-cutting war to counter it. BAT launches [anti-plain pack website](#) Response in [ASH release 17/5/11](#) Also [Prof Simon Chapman comment 17/5/11](#) Tobacco threat reveals \$500m pa "ripoff" of smokers by company "gouging": [Australia Institute release 18/5/11](#)

BAT says "UK... has put plain packaging on the back burner" [BATA release 17/5/11](#)

It hasn't. In 2010 UK Health Secretary said it made sense to "look at less attractive packaging", that "glitzy" packs might attract children to smoking. Government announced March 2011 they'd consult on introducing plain packs by end-2011. [UK Health Dept](#) and [WORLD - UK](#)

BAT fumes at legislation

April 2011: BAT makes usual veiled legal threats and exaggerated claims of illicit trade increases. [BATA release 7/4/11](#)

Philip Morris' flashy card trick

	
<p>Philip Morris pack inserts (from April 2011) - carrying the company's authorisation and pointing smokers to their website (below)</p>	<p>The cards, complaining about retail display bans and plain packaging, were slipped into some PM brands and handed around in pubs/clubs.</p>

[Philip Morris plain packaging website](#) (launched April 2011) shows they see it as a major threat; wrongly assert "no evidence for it", "won't work", will boost illicit trade and violate trademark rights. Legal argument rubbished by trademark expert Prof Mark Davison in [Melbourne Age 4/5/10](#) and [detailed demolition](#)

... but "smokers' rights" don't include being told the truth or helped to quit

Secret tobacco documents show decades of health interference. Australian references among more than 60,000 formerly secret industry docs show them aggressively blocking health reforms that would have helped smokers quit; and hiding research on how their product wrecks babies' DNA. [ASH release 11/3/11](#) [Latest tobacco industry news](#) and [Tobacco Industry tactics](#)

Tobacco-commissioned report claims 16% tobacco sold is illicit

Feb. 2011: Deloitte report commissioned by Philip Morris, BAT and Imperial claims as much as a sixth of all tobacco sold in Australia is illicit. [Deloitte report on illicit tobacco, Feb 2011](#) See [critique](#)

Big tobacco repackages Plain Pack Attack

Feb. 2011: The Plain Pack Attack by Australia's Big 3 tobacco companies, fronted by a retailer group, was revived in new media ads airing from February 2011. Once again they wrongly claim plain packs "won't work" and have been "rejected" elsewhere. [ASH media release 22/2/11](#) and [the ads](#)

Tobacco companies stall reforms at \$360,000 taxpayer cost

Feb. 2011: Philip Morris and BAT seek thousands of files on proposed reforms under Freedom Of Info - huge drain on Health Dept time, costing taxpayers over \$360,000. [Greens release 24/2/11](#) and [Tobacco FOI application details](#) Tobacco throws everything at plain packs: [The Australian 21/10/10](#) Big tobacco wasting government's time: [ASH/Quit release 21/10/10](#) ... and recycling flawed legal arguments: [ASH release 22/10/10](#) Legal ploy: [SMH report 23/10/10 with ASH comment](#)

How Big Tobacco pulls the strings

2010: Leaked documents show "retailers" campaign closely controlled by Philip Morris. \$4m more Big Tobacco dollars earmarked for more ads. Philip Morris also managed campaign PR, approved media talent, managed lobbying of government. [SMH 11/9/10](#) and [AAP-SBS report 11/9/10](#)

Tobacco's "endless challenge"

2010: Tobacco industry arguments against plain packs on pp. 24-25 of Aug 2010 [Convenience and Impulse Retailing](#) - also includes a feature on AACS (convenience umbrella group) chief Sheryle Moon, before AACS was pulled from the campaign by retailers embarrassed by its tobacco funding.

Big Tobacco uses retail front to do its dirty work

2010: Tobacco industry paid \$5m (more later) to retail front group to run mass media [ad campaign](#) during Federal election. Condemned by health groups including [ASH](#) and by [Open Letter 11/8/10](#) from six Australians of the Year. Major retailers Coles and Woolworths repudiated the ads.

Tobacco industry marshals powerful friends to oppose reform

2010: Powerful tobacco industry allies - US-ASEAN Business Council, International Chambers of Commerce, others - made submissions to Australian Senate inquiry into plain packaging. Local input included 16 retailer groups, 4 manufacturers, 2 right-wing think tanks. See [submissions list](#)

Tobacco industry tries to bluff Rudd out of plain pack plan

2010: Tobacco companies use "very silly" myths to try to block a proposal for plain tobacco packaging recommended by the National Preventative Health Taskforce. See [Crikey comment 5/3/10](#) by ASH director Prof Simon Chapman

Philip Morris scares retailers

2009: Tobacco giant Philip Morris' glossy scare campaign to Australian tobacco retailers against plain packaging - claiming it would be "very difficult" for retailers, "increase security risk", "inconvenience customers", "limit consumer choice". See [pics](#) of the Philip Morris campaign

Tobacco industry's phoney campaign against plain packaging in Australia

2009: Study presented at world conference shows how tobacco industry worked to mislead Australian and Canadian governments with "phoney" arguments against plain packaging. [Study](#)

The international campaign against plain packaging

An array of influential organisations and companies has lined up alongside Philip Morris, BAT and Imperial to oppose the Australian government's decision to mandate plain tobacco packaging.

Overseas-based opponents making submissions against plain packs or lobbying the Australian government have included:

American Legislative Exchange Council; Business Civil Liberties; Democracy Institute; Economiesuisse; Emergency Committee for American Trade; European Cigar Manufacturers' Association; Filtrona C&SP (UK); Habanos SA (Cuba), International Chamber of Commerce; International Trade Mark Association; Japan Tobacco International; National Association of Manufacturers (US); National Foreign Trade Council (US); Property Rights Alliance (US); Richland Express

(tobacco company), Scandinavian Tobacco, US-ASEAN Business Council; USA Chamber of Commerce; Washington Legal Foundation; and an arm of the Indonesian Trade Ministry.

Australian retailer and business groups and companies opposing plain packaging have included:

Amcor (packaging company), APCO Service Stations; Australasian Convenience and Petroleum Marketers' Association; Australian Association of Convenience Stores, Australian Newsagents' Federation, Australian Industry (Ai) Group, Australian Retailers Association, Cigar Retailers' Association, Council of Small Business in Australia, CTC (tobacconists), Free Choice Stores, IGA (supermarket chain), Independent Retailers Association, Master Grocers - Liquor Retailers Australia, National Association of Manufacturers, Retail Confectionery and Mixed Business Association, Ritchies Supermarkets and Liquor Stores, Service Station Association, Smokelovers Australia (tobacconists), Tobacco Station (tobacconists), Trojan Trading (tobacco importer).

[Senate inquiry 2010 submissions](#) and [Plain Packaging of tobacco consultation submissions, June 2011](#)

Cocaine, addictive dangerous drug - Drugs Cartel – Pablo Escobar - dead



Nicotine, addictive dangerous drug – Big Tobacco Cartels – ‘legal’ industry kills millions



7 Big Tobacco CEO's swear on oath 'Nicotine is Not Addictive'

<http://senate.ucsf.edu/tobacco/executives1994congress.html>

How does increasingly plainer cigarette packaging influence adult smokers' perceptions about brand image? An experimental study

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ABSTRACT

Background: Cigarette packaging is a key marketing strategy for promoting brand image. Plain packaging has been proposed to limit brand image, but tobacco companies would resist removal of branding design elements.

Method: A 3 (brand types) \times 4 (degree of plain packaging) between-subject experimental design was used, using an internet online method, to expose 813 adult Australian smokers to one randomly selected cigarette pack, after which respondents completed ratings of the pack.

Results: Compared with current cigarette packs with full branding, cigarette packs that displayed progressively fewer branding design elements were perceived increasingly unfavourably in terms of smokers' appraisals of the packs, the smokers who might smoke such packs, and the inferred experience of smoking a cigarette from these packs. For example, cardboard brown packs with the number of enclosed cigarettes displayed on the front of the pack and featuring only the brand name in small standard font at the bottom of the pack face were rated as significantly less attractive and popular than original branded packs. Smokers of these plain packs were rated as significantly less trendy/stylish, less sociable/outgoing and less mature than smokers of the original pack. Compared with original packs, smokers inferred that cigarettes from these plain packs would be less rich in tobacco, less satisfying and of lower quality tobacco.

Conclusion: Plain packaging policies that remove most brand design elements are likely to be most successful in removing cigarette brand image associations.

For example, British American Tobacco (BAT) Australia experimented with its trademark design on packs of Benson and Hedges and Winfield cigarettes in 2002–3⁴ and introduced split Dunhill packs (so-called “kiddie packs”) in 2006,^{5,6} by which two low-consumption smokers could more easily procure and split apart a single pack for their own use. Some brands have also begun to incorporate the colour schemes of graphic health warnings into the overall colour and design of the entire pack, causing the warnings to become less salient since they blend in with the overall pack design (Kylie Lindorff, Quit Victoria, personal communication, July 2008). Bans on traditional forms of tobacco advertising and promotion also lead to a more critical role for cigarette packaging at the point of sale, where packs are designed to allow brand families to better stand out at the cash register.^{2,7} These point-of-sale tobacco advertising and cigarette displays create an enticing in-store presence for youth,^{8–10} and a cue to prompt adult smokers to purchase.¹¹

In response to these developments, proposals to introduce “plain” cigarette packaging have emerged whereby packs would be stripped of colours, brand imagery, corporate logos and trademarks and manufacturers would be permitted to print only the brand name in a mandated size, font and location, in addition to required health warnings and other legally mandated information such as toxic constituents, tax seals or pack contents.^{12,13} Aside from denying that the pack is a form of advertising, a key argument of the tobacco industry against plain packaging is that it would amount to trademark infringement and unjustifiably encumber the use of trademarks in the course of trade, violating several international trade and intellectual property agreements such as the Trade-Related Aspects of International Property Rights (TRIPS) Agreement 1994, the North American Free Trade Agreement 1994 (NAFTA) and the Paris Convention for the Protection of Industrial Property 1883.^{13–15} However, as Freeman and colleagues¹³ argue, the industry's interpretation of these agreements is selective, as each of these treaties contains specific exemptions allowing necessary measures to be adopted to protect public health and to protect the public interest.

Research by the tobacco industry has shown that the design of a cigarette pack can not only generate powerful images about the type of person who might typically smoke the brand, but also provide cues about the sensory perceptions of the

In the face of comprehensive restrictions on tobacco advertising and promotion, tobacco packaging has become the primary vehicle for communicating brand image.¹ Through the use of colour, fonts, images and trademarks, cigarette packs project a brand image that says something about the user of the product. Commonly referred to as a “badge product”, the user often associates with the identity and personality of the brand image.^{2,3} Unlike most other consumer products, cigarette packs remain with users once opened and are repeatedly displayed in social situations, thereby serving as a direct form of mobile advertising for the brand.

In countries such as Australia where traditional forms of advertising are banned, packaging now serves as the main vehicle for tobacco marketing. Accordingly, Australian tobacco companies have experimented with producing more colourful and varied packs, as well as designs to pique curiosity.



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smoke which may be expected from a particular cigarette. For example, given identical cigarettes to try, men and women rated the sensory experience of smoking a cigarette differently depending on the brand name given to the cigarette, with women rating the attributes of the smoke more positively when assigned a feminine brand name and men rating it more positively if it had a masculine brand name.¹⁶ Similarly, sensory perceptions of cigarettes can be manipulated simply by changing the colour or shade of colour on a pack, through a process called “sensation transfer”. Package testing for Camel Filter cigarettes revealed that increasing the amount of white space on the pack and lightening brown colour tones reduced the perception of the cigarette’s strength when the cigarette was smoked.¹⁷ Research conducted by Philip Morris USA also indicated strong sensation transfer effects when testing identical Marlboro Ultra Light cigarettes placed in either a blue or red pack. Although the cigarettes were exactly the same, those placed in the red packs were perceived to be “harsher” than those in the blue packs, while cigarettes in the blue packs were rated as “too mild”, “not easy drawing” and “burned too fast”.¹⁸

Previous experimental studies examining the potential impact of plain packaging have shown that health warnings are more noticeable when presented on a plain cigarette pack,^{19–22} and that plain packs detract noticeably from brand imagery established by cigarette brands.^{20 21 23} To our knowledge, no research has examined the effects of plain packaging on smoker’s perceptions of taste, strength or quality of the product, and little attention has so far been focused on the testing of different plain pack versions against each other, examining the impact of branded fonts and other brand elements on packs.

This study aims to provide research evidence to assist the selection of plain pack designs that would promote the least positive attributes about smoking for smokers. We hypothesise that smokers will rate an original branded pack more positively than their plain pack counterparts, and that plain packs with progressively fewer brand-associated elements will be rated more negatively.

METHODS

Design

This study employed a 3 (brand types) × 4 (degree of plain packaging) between-subject experimental design using an internet online method to expose adult smokers to one randomly selected cigarette pack, after which respondents completed ratings of the pack.

Sample

A market research company was commissioned to undertake the administration of the survey. A sampling frame of adults aged 18–49 years was sourced from an existing national online panel. The panel members were originally sourced from various methods including computer-assisted telephone interviews and face-to-face market research, during which participants supplied their email address and gave permission to be contacted by email to participate in future research as well as through online marketing and other online databases. The panel was broadly representative of Australian Bureau of Statistics norms in relation to geographical location, income and age. Using Cohen’s power calculations,²⁴ we estimated that a sample size of 780 would allow the detection of small-to-medium effect sizes for main effects (<0.50 ; $p = 0.05$; power = 0.99).

Procedure

Eligible participants in the panel were sent an email that included a web link to the survey, inviting them to participate in a study about their opinions of a brand with which they might be familiar. Respondents were given a chance to win one of 10 AU\$100 shopping vouchers as an incentive to participate. A reminder email was sent 5 days after the initial email, and a final reminder was sent a further 5 days later. Upon accessing the survey website, demographic information was collected including sex, age, level of educational attainment, postcode and whether they were daily or weekly smokers of manufactured cigarettes. Respondents who said they smoked less than weekly or not at all and/or those outside the age criteria were excluded from further participation in the study.

Eligible respondents were then randomly allocated to view one of 12 pack conditions that varied by brand and extent of plain packaging. The three brands were the three most popular Australian brand variants among adult smokers (Winfield Blue 25s; Peter Jackson Rich 30s; Longbeach Rich 40s).²⁵ Previous tobacco company research on packaging perceptions has found that particular pack colours are associated with specific perceptions—for example, red connotes strength in taste, blue suggests a lighter strength cigarette and white connotes the freshest and lightest cigarettes of all.^{2 3} As much is already known about the effects of specific pack colours, the current study did not test different pack colours but presented all plain packs in a cardboard brown colour previously demonstrated to elicit negative responses.^{26 27} The four pack design conditions were:

- ▶ Original pack: an existing pack one could purchase today.
- ▶ Plain pack 1: a generic cardboard brown pack that maintains a branded font (ie, original font size, style and position) and positioning of brand/descriptor.
- ▶ Plain pack 2: a generic cardboard brown pack with the brand name in a standard font in a prominent position on the pack with descriptor information in a standard font at the bottom.
- ▶ Plain pack 3: a generic cardboard brown pack with the brand name in a smaller standard font positioned at the bottom and “(xx number) cigarettes” in a larger font in a prominent position on the pack.

All pack conditions had the same graphic health warning visible on the top of the face of the pack as required by Australian Government legislation.²⁸ In light of the tobacco industry’s argument that enforcement of plain packaging would amount to trademark infringement and unjustifiably encumber the use of trademarks in the course of trade, during the development of our hypotheses and the designs of generic packs for testing, legal advice from an intellectual property lawyer was sought to ensure that we would be testing packs that could realistically be introduced into the market place without impeding trademark laws. Figure 1 displays each of the 12 pack conditions.

After viewing their assigned pack, respondents completed ratings of the pack in relation to perceived attributes of the brand, perceived attributes of smokers of the brand and expected taste/quality of the cigarette. The assigned pack was present on the screen as the smoker completed each of the ratings.

Questionnaire

Attributes to be rated were modified from past tobacco industry packaging studies where smokers were asked to rate cigarette packs on attractiveness, brand imagery characteristics and

Research paper

Figure 1 Original and plain packs for each brand.

perceived sensory attributes.^{29 30} In the current study, respondents were asked to rate the cigarette pack they were shown in relation to: brand image (the mental associations that are stimulated by the pack's appearance alone); smoker attributions (anticipated personality/character type of the typical person who might be expected to regularly smoke the pack displayed); and inferred smoking experience (the type of smoking experience which might be anticipated from a cigarette contained in the displayed pack).

When viewing the cigarette pack, respondents were asked to rate the following phrases describing attributes of the cigarette pack shown from 0 (not at all well) to 10 (extremely well). "This pack ...": "is a popular brand among smokers"; "has an attractive looking pack"; "is good value for money"; "is an exclusive/expensive brand"; and "is a brand you might try/smoke". Looking at the same pack, respondents were then asked to rate a number of attributes of typical smokers of the pictured cigarette pack from 0 (not at all) to 10 (extremely well). "A typical smoker of this pack is ...": "trendy/stylish"; "young"; "masculine"; "lower class"; "sociable/outgoing"; "older/mature"; and "confident/successful". Finally, looking at the same pack, respondents were asked to think about how a cigarette from the pictured pack might taste, and to rate the following descriptions on how well they relate to the pack shown from 0 (not at all) to 10 (extremely). "These cigarettes would taste ...": "rich in tobacco flavour"; "low in tar and nicotine"; "of cheap tobacco"; "satisfying"; "like a light cigarette"; "of the highest quality tobacco"; and "harsh on the throat". Within each of the questions, attributes were presented randomly to avoid order effects.

Once the final question was completed, respondents submitted their responses to the survey, were thanked for their

participation and told they had been entered in the draw for the shopping vouchers.

Statistical analysis

Analysis of variance and χ^2 tests were used to check that random assignment yielded equivalent groups with respect to smoking history and demographic characteristics. Preliminary analyses indicated that survey responses on the 11-point response scale were not normally distributed. Responses were skewed at two points on the scale: at 0 (indicating disagreement) and at 5 (indicating moderate agreement). We therefore dichotomised responses to permit statistical analysis, with responses from 0 to 4 categorised together to reflecting "disagreement to low agreement" and responses from 5 to 10 reflecting "moderate to high agreement". Differences between pack conditions were assessed using logistic regression analysis to generate odds ratios and confidence intervals.

RESULTS

Sample characteristics and group assignment

Overall, 813 regular smokers resident in Australia completed the study procedure, yielding a response rate of 22% of all those sent email invitations. In total, 62% of smokers were female, 81% were aged 30 years or older, 36% had completed Year 11 secondary education or less, 45% had completed Year 12 education or some tertiary, and 19% had completed a tertiary qualification. Just under half (47%) smoked >15 cigarettes per day on average. Respondents were also classified by postcode of residence into four levels of social advantage/disadvantage based on the Socio-Economic Index for Areas (SEIFA) developed by the Australian Bureau of Statistics.³¹ Just under one-quarter

Table 1 Demographic and smoking characteristics of participants by pack condition

	Original (n = 176)	Plain pack 1 (n = 219)	Plain pack 2 (n = 199)	Plain pack 3 (n = 219)	p Value
Male (%)	38.6	38.4	35.2	40.2	0.765
Age (%)					0.206
18–29 years	18.2	17.4	24.6	17.8	
30+ years	81.8	82.6	75.4	82.2	
Education (%)					0.684
Year 11 or less	31.7	36.8	35.6	39.0	
Year 12/some tertiary	50.6	42.0	45.2	43.0	
Tertiary	17.7	21.2	19.1	18.0	
Socioeconomic status (%)					0.409
SEIFA 1 (lowest advantage)	23.3	19.6	20.6	20.8	
SEIFA 2	18.2	21.0	18.1	20.4	
SEIFA 3	30.7	36.5	37.2	27.3	
SEIFA 4 (highest advantage)	27.8	22.8	24.1	31.5	
Consumption (%)					0.355
1–10 cigs/day	29.0	27.9	24.6	27.9	
11–15 cigs/day	24.4	29.7	22.1	26.9	
16–20 cigs/day	25.0	16.9	21.1	22.8	
21–25 cigs/day	11.4	13.7	14.6	10.5	
26 + cigs/day	10.2	11.9	17.6	11.9	
Brand seen is brand smoked	19.3	17.4	15.6	15.5	0.727

SEIFA, Socio-Economic Index for Areas.

(21%) of respondents lived in areas of low advantage, while 27% were living in areas of high advantage. Overall, 17% of participants were assigned to view a brand that they smoked. Table 1 shows that demographic and smoking characteristics of the respondents did not vary significantly across the different pack conditions. An average of 203 respondents (minimum 176; maximum 219) were randomly allocated to each of the four pack conditions.

Effect of pack condition on perceptions

The results of fitting a logistic regression model with an interaction between pack condition and brand to predict pack perceptions indicated that there were no interactions between these two variables. Therefore, in the following analyses, the results for the three brands were aggregated. Table 2 shows that for all brands combined, Plain pack 1, which preserved the placement and font of brand names and brand variants, was

Table 2 Bivariate logistic regression analyses comparing percentage of smokers who agreed with rated attributes, by pack condition†

	Original		Plain pack 1		Plain pack 2		Plain pack 3		
	%	OR	%	OR	%	OR	%	OR	OR for linear trend
Brand/pack characteristics									
Popular brand among smokers	83.5	1	78.1	0.70	75.9	0.62‡	67.1	0.40***	0.75***
Attractive looking pack	50.0	1	34.7	0.53**	31.2	0.45***	32.0	0.47***	0.79***
Value for money	56.8	1	55.7	0.96	50.8	0.78	49.3	0.74	0.90‡
Exclusive/expensive brand	39.8	1	44.7	1.23	38.2	0.94	40.2	1.02	0.97
Brand you might try/smoke	59.1	1	55.7	0.87	53.3	0.79	51.6	0.74	0.91
Smoker characteristics									
Trendy/stylish	47.2	1	38.4	0.70‡	34.2	0.58*	32.0	0.53**	0.81**
Young	55.1	1	52.1	0.88	41.2	0.57**	47.9	0.75	0.88*
Masculine	58.0	1	59.8	1.08	55.8	0.92	42.9	0.55**	0.81***
Lower class	52.8	1	54.3	1.06	50.3	0.90	53.0	1.01	0.99
Sociable/outgoing	68.8	1	55.7	0.57**	51.8	0.49***	49.3	0.44***	0.78***
Older/mature	67.0	1	65.8	0.94	61.8	0.80	55.7	0.62*	0.85*
Confident/successful	51.7	1	51.6	1.00	42.7	0.70	43.4	0.72	0.87*
Perceived sensory perceptions									
Rich in tobacco	76.1	1	70.8	0.76	64.8	0.58*	67.1	0.64*	0.86*
Low in tar and nicotine	44.9	1	38.4	0.76	33.7	0.62*	33.3	0.61*	0.85*
Tastes of cheap tobacco	54.5	1	47.0	0.74	50.3	0.84	50.7	0.86	0.97
Satisfying	72.7	1	65.3	0.71	64.8	0.69	61.2	0.59*	0.86*
Like a light cigarette	47.2	1	41.1	0.78	43.2	0.85	39.7	0.74	0.92
Of the highest quality tobacco	60.8	1	59.8	0.96	51.8	0.69‡	50.7	0.66*	0.85*
Harsh on throat	50.6	1	48.9	0.93	54.3	1.16	52.5	1.08	1.05

*p<0.05; **p<0.01; ***p<0.001.

‡Scored 5 or more on a scale from 0 (not at all) to 10 (extremely).

‡p<0.10.

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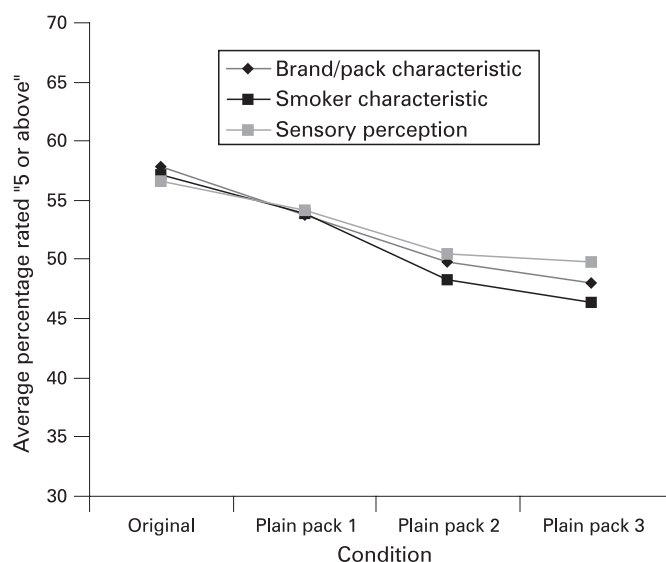


Figure 2 Smokers' ratings by pack condition.

perceived as less attractive than the original branded pack, and smokers of the pack were perceived as less sociable and outgoing than smokers of the original pack. There was also a trend for smokers of Plain pack 1 to be perceived as less trendy and stylish than smokers of the original pack. On all other dimensions, Plain pack 1 was rated as similar to the original branded pack.

Compared with the original branded pack, Plain pack 2, which standardised the placement and font of the brand name and relinquished the brand variant to standard type at the bottom of the pack, was rated as less attractive, and smokers of the brand were rated as less trendy and stylish, less young and less sociable and outgoing. In addition, compared with those who viewed the original pack, fewer smokers who viewed Plain pack 2 thought the cigarettes would be low in tar, fewer thought the cigarettes would be rich in tobacco and of the highest quality tobacco. There was also a tendency for Plain pack 2 to be rated as less popular than the original pack.

Compared with the original branded pack, Plain pack 3, where the brand name and variant appeared only in small standard type at the bottom of the pack, was perceived as being less popular and less attractive, and smokers of the brand were perceived to be less trendy and stylish, less masculine, less sociable or outgoing and less mature. Compared with those who viewed the original pack, significantly fewer smokers who viewed Plain pack 3 thought the cigarettes would be low in tar, rich in tobacco, satisfying to smoke and of the highest quality tobacco.

Table 2 also shows that, for most of these mentioned attributes, there was a significant linear decline in the degree of favourable ratings as pack branding design information reduced. To graphically represent this (fig 2), we combined the variables within each of the three categories of ratings (ie, brand/pack characteristics; smoker characteristics; perceived sensory perceptions) after testing the strength of correlations within each category (brand/pack characteristics: Cronbach's $\alpha = 0.72$; smoker characteristics: Cronbach's $\alpha = 0.87$; perceived sensory perceptions: Cronbach's $\alpha = 0.74$).

DISCUSSION

This study suggests that cigarette packs that display progressively fewer branding design elements and presented in a generic

brown colour are perceived increasingly unfavourably by smokers. Even though all plain packs substituted a cardboard brown colour for the original pack colour, the removal of additional design elements produced measurable decrements in smokers' appraisals of the packs, the smokers who might smoke such packs, and the inferred experience of smoking a cigarette from these packs. Although we did not explicitly test this, it is possible that the gradual removal of design elements may also have served to increase the salience of the pictorial health warnings as suggested in earlier research,^{19–22} and this would be a desirable additional outcome.

There are a number of study limitations that should be mentioned. First, the use of an 11-point response scale produced an irregular response distribution and we needed to dichotomise responses to conduct analysis. In future studies a more usual 5-point Likert scale with named response options would be preferred. However, even though we dichotomised responses, we were still able to detect differences between pack conditions. Second, although we tested three variations of plain packs, each condition removed several design elements at one time and we were not able to determine which specific brand elements most contributed to deteriorations in smoker perceptions of the packs. Other study designs such as fractional factorial design where a single brand element can be manipulated may be better suited for this more finely-tuned purpose.³² However, our study has shown that, in aggregate, smokers perceive plain cardboard brown packs with fewer branding elements less favourably, and this applied to the three brand variants most commonly smoked in Australia. Along the same lines, we may have obtained different results using packs with different background colours other than the cardboard brown we selected. However, the colour selected was chosen purposively as a result of previous research where it elicited negative perceptions.²⁶ Third, our study displayed packs via an internet image which did not permit smokers to handle the pack. This reduction in pack-related information might have been expected, however, to understate the brand design elements, leading to underestimates of differences between pack conditions. Thus, our study results may be conservative. In addition, confidence in the validity of responses would have been stronger if a rationale was provided to respondents for the existence of the plain packs. Finally, the internet method of survey administration may have allowed some smokers to seek the input of others into the responses they gave. However, if this occurred, the randomised design would have meant that this kind of interference in responses was equally distributed across conditions. As our sample was sourced from an existing online panel with a consequent low response rate, respondents were not representative of the

What this paper adds

- Plain tobacco packaging has been proposed as a means to limit brand imagery, but little research has been undertaken to guide decision-making about which packaging brand design elements drive brand appeal for smokers.
- This experimental study found that plain packs with increasingly fewer brand design elements are perceived increasingly unfavourably in terms of smokers' appraisals of the packs, the smokers who might smoke such packs, and the inferred experience of smoking a cigarette from these packs.
- This implies that tobacco control policies should aim to remove as many brand design elements as possible.

general population in terms of demographic characteristics. However, this was an experimental study rather than a population survey, and the online method was simply used to recruit smokers to the experiment and randomise them to one of the experimental conditions. Randomisation was successful as judged by the fact that groups did not differ in composition. Overall, our internet method of stimulus presentation provided a simple inexpensive experimental method for obtaining responses from a large sample size to randomly-presented stimulus packs.

With a likely acceleration in the rate of comprehensive restrictions on tobacco advertising and promotion as countries strive to meet their responsibilities under the Framework Convention on Tobacco Control (FCTC),³³ tobacco packaging will assume even greater importance internationally as a promotional vehicle for driving brand image.³ Plain packaging measures remain an important yet relatively under-explored component of tobacco control legislation designed to comprehensively eliminate all forms of tobacco advertising and promotion. In their review, Freeman and colleagues¹³ conclude that trademark laws and international trade laws do not preclude mandating the removal of brand design elements on tobacco packs and that plain packaging could and should be pursued under the FCTC. Our research extends the existing evidence base by demonstrating not only that plain packs are perceived unfavourably by smokers, but that plain packs with the least brand design elements have the least appeal. Further research to quantify more carefully the effects of specific design elements on brand perceptions—including among youth at risk for smoking—would provide helpful guidance for future policy development.

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How does increasingly plainer cigarette packaging influence adult smokers' perceptions about brand image? An experimental study

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