

Response ID ANON-2ZUA-S1DN-R

Submitted on 2012-05-19 05:41:35.174822

a. Please provide your name and contact information:

Name of respondent::Professor Judith Mackay, OBE, SBS, JP, FRCP (Edin), FRCP (Lon)

Address of respondent::World Lung Foundation, Hong Kong Office andAsian Consultancy on Tobacco ControlRiftswood, 9th milestoneDD 229, Lot 147Clearwater Bay Road, Sai Kung, KowloonHong Kong SAR, China

Contact email address::jmackay@pacific.net.hk

b. Does your response relate to:

United Kingdom

c. Are you responding:

On behalf of an organisation (go to question e)

d. If you are responding on behalf of a business, what type is?

Not Answered

If 'Other', please tell us the type of business:

e. If you are responding on behalf of an organisation, what type is it?

Other (please provide details below)

If 'Other', please tell us the type of organisation:World Lung Foundation (Global health foundation, part of Bloomberg Initiative, based in NYNY) andAsian Consultancy on Tobacco Control(Hong Kong based NGO)

f. Do you, or the business or organisation you represent, have any direct or indirect links to, or receive funding from the tobacco industry?

No

If 'Yes', please describe:

g. If you do not wish your response to be identified in the summary report of consultation responses, please tick this box.

1. Which option do you favour?

Require standardised packaging of tobacco products

If you prefer a different option for tobacco packaging, please describe it.:

2. If standardised tobacco packaging were to be introduced, would you agree with the approach set in paragraphs 4.6 and 4.7 of the consultation?

Yes

Please provide an explanation for the answer you provided and evidence if available.:1. Considerable design research has already been done in Australia. Parr V, Tan B, Ell P, Miller K (2011) Market research to determine effective plain packaging of tobacco products. GfK Blue Moon, Sydney. 2. Applying the "scream test" -- that the tobacco industry will only scream against measures that THEY KNOW will be successful in reducing tobacco consumption -- this has to be an effective measure (While quirky, this test is surprisingly accurate globally).3. The additional features of large graphic warnings, quit line numbers, limits on brand descriptors, etc, are also to be recommended. Mutti S et al (2011) Beyond light and mild: cigarette brand descriptors and perceptions of risk in the International Tobacco Control (ITC) Four Country Survey. Addiction doi: 10.1111/j.1360-0443.2011.03402.x.

3. Do you believe that standardised tobacco packaging would contribute to improving public health over and above existing tobacco control measures, by one or more of the following:

Yes

Please provide an explanation for the answer you provided and evidence if available.:Standardised tobacco packaging will contribute to the first three of these outcomes (and possibly indirectly to the last if smoking is reduced). Dunstan, S. The 2010 General Lifestyle Survey. Office for National Statistics, March 2012.

4a. Do you believe that standardised packaging of tobacco products has the potential to reduce the appeal of tobacco products to consumers?

Yes

Please provide an explanation for the answer you provided and evidence if available.:In many jurisdictions, packaging (and point of sale display of the packets) remains the final way that the tobacco companies can legally use their only-too recognisable logos and colours. Plain packaging will reduce the attractiveness of brands, especially to young people. I would support The Public Health Research Consortium report conclusion which demonstrates unequivocally that standardised tobacco packaging is less attractive to consumers than branded packaging (page 37).

4b. Do you believe that standardised packaging of tobacco products has the potential to increase the effectiveness of health warnings on the packaging of tobacco products?

Yes

Please provide an explanation for the answer you provided and evidence if available.:Currently, all the tobacco industry promotion on the package, by way of colours, logos, etc, distract from the health warning, whether it be graphic, or even more so, if only text as in many countries. Tobacco industry promotion on the packs serves to diminish the effectiveness of the health warning.

4c. Do you believe that standardised packaging of tobacco products has the potential to reduce the ability of tobacco packaging to mislead consumers about the harmful effects of smoking?

Yes

Please provide an explanation for the answer you provided and evidence if available.:This particularly applies to cigarettes targeting women, with seductive, pretty white, pink, clean colours.

4d. Do you believe that standardised packaging of tobacco products has the potential to affect the tobacco-related attitudes, beliefs, intentions and behaviours of children and young people?

Yes

Please provide an explanation for the answer you provided and evidence if available.:This is shown by all the evidence to date, e.g. Tobacco packaging as promotion. Crawford Moodie, Gerard Hastings. Tob Control 2010;19 168-170.<http://tobaccocontrol.bmj.com/cgi/content/extract/19/2/168?etoc>

If you believe that requiring standardised tobacco packaging could also have other public health benefits, please tell us here.

If you believe that requiring standardised tobacco packaging could also have other public health benefits, please tell us here.:One benefit would be if all tobacco logos and imagery be banned concurrently on non-tobacco products in countries that still allow such items to be sold.

5. Do you believe that requiring standardised tobacco packaging would have trade or competition implications?

No

Please provide an explanation for the answer you provided and evidence if available.:1. Plain packaging will inevitably become the norm as country after country follows Australia's example. So within a period of time, there would be no competitive issues. Some countries have to lead the way, such as Singapore banning tobacco advertising in 1970, or Hong Kong banning smokeless tobacco in 1987.2. The law deals with domestic and imported international brands equally, so there are no unequal trade issues involved.

6. Do you believe that requiring standardised tobacco packaging would have legal implications?

No

Please provide an explanation for the answer you provided and evidence if available.:1. In the last few years, the tobacco industry is launching legal challenges in almost every country attempting serious legislation, in countries ranging from Iran and the Philippines to Guatemala and South Africa. (see The Tobacco Atlas, Chapter 20: Legal challenges and litigation, page 82-83, and at tobaccoatlas.org)2. This is intimidating to countries (including those contemplating such measures), delays legislation, and diverts government funds that should be used on tobacco control. As this is now par for the course, it is vital the tobacco industry do not paralyse the introduction of tobacco control measures by threats of legislation. 3. According to the databased of international laws (TobaccoControlLaws.org and <http://global.tobaccofreekids.org>) none of these legal threats has yet been successful, so the tobacco industry is behaving like a paper tiger.4. The International Covenant on Civil and Political Rights gives the specific exception of public health in clauses of freedom of speech. Most other UN conventions ranging from the Rights of the Child to CEDAW enshrine the principle of the right to health.

7. Do you believe that requiring standardised tobacco packaging would have costs or benefits for manufacturers, including tobacco and packaging manufacturers?

Yes

Please provide an explanation for the answer you provided and evidence if available.:1. Since health warnings were first introduced decades ago, all changes in packet design carry some cost, as when any new health warnings are introduced or updated and the pack has to be changed to comply with legal requirements. However, most countries give a lead time for the changes to be implemented, so that old stocks can be sold off (this should not be more than one year).2. Plain packaging will (or should) require virtually NO design by the industry - that is the purpose of the legislation, so they do not need to pay a creative team to be always thinking up new images. In this, the tobacco industry should save money.

8. Do you believe that requiring standardised tobacco packaging would have costs or benefits for retailers?

Do not know or have no view

Please provide an explanation for the answer you provided and evidence if available.:It should certainly not have any detrimental effect; if smokers quit over time, then in theory they could lose sales, but this would be gradual over time, allowing adjustment.

9. Do you believe that requiring standardised tobacco packaging would increase the supply of, or demand for, illicit tobacco/non-duty paid tobacco in the United Kingdom?

No

Please provide an explanation for the answer you provided and evidence if available.:1. The onus of reducing crime is quite separate from the responsibility of governments to protect the health of its citizens.2. All the evidence on smuggling shows that it is remarkably unaffected by even price increases, happening over most of the world's borders, often in several directions over the same border.

10. Those travelling from abroad may bring tobacco bought in another country back into the United Kingdom for their own consumption, subject to UK customs regulations. This is known as "cross-border shopping". Do you believe that requiring standardised tobacco packaging would have an impact on cross-border shopping?

No

Please provide an explanation for the answer you provided and evidence if available.:1. The duty free limit will take care of that, and the amount be revised (in Hong Kong currently 19 sticks only, ie an opened carton).

11. Do you believe that requiring standardised tobacco packaging would have any other unintended consequences?

Yes

Please provide an explanation for the answer you provided and evidence if available.:In a very positive direction. If the UK were to follow Australia, not only would it support the decisions of the Australian government, but also then many other European countries would follow suit, as would some in Asia. Low and middle countries are not capable of taking on this issue ahead of the field, lacking even such basics as legal advice on such matter, so need the example of high income countries in addition to Australia.

12. Do you believe that requiring standardised tobacco packaging should apply to cigarettes only, or to cigarettes and hand-rolling tobacco?

Cigarettes and hand-rolling tobacco

Please provide an explanation for the answer you provided and evidence if available.:There are no safe tobacco products, so no rationale for exempting any product - and not just hand-rolling tobacco; it should apply to smokeless tobacco, cigars, water pipes; in fact, any tobacco product allowed into the UK.

13. Do you believe that requiring standardised packaging would contribute to reducing health inequalities and/or help us to fulfil our duties under the Equality Act 2010?

Do not know or have no view

Please provide an explanation for the answer you provided and evidence if available.:1. As the measures would influence all, independent of socio-economic status, it would certainly not make the health inequalities worse.2. If it discouraged smoking, then this could have greater benefit for the poor, who smoke more in most countries.

14. Please provide any comments you have on the consultation-stage impact assessment. Also, please see the specific impact assessment questions at Appendix B of the consultation document and provide further information and evidence here to answer these questions if you can.

Comments on consultation-stage impact assessment:1. Tiessen J et al (2010) Assessing the Impacts of Revising the Tobacco Products Directive. Rand Europe (page 151)

15. Please include any further comments on tobacco packaging that you wish to bring to our attention. We also welcome any further evidence about tobacco packaging that you believe to be helpful.

Further comments:1. The UK has a commendable history on tobacco control, exporting tobacco control to Hong Kong, for example, which has then been expanded to much of Asia.2. The UK supported the WHO FCTC most credibly.3. In general, public opinion shows, in most countries, that the public support tobacco control measures. In the UK, a recent poll by YouGov for ASH found that 62% of adults in England supported plain packaging while just 11% opposed the measure. Even among smokers for every five who oppose plain packaging, there are six who support it. (10,000 adults sampled online between 27th February and 16th March 2012; results weighted for, and representative of, 18+ population in England). 4. The UK has a responsibility not only to the health of its own people, but also in an exemplar role for many other countries.5. There will be more smokers in the world for the next 2 decades at least, because of the population pyramid in the low and middle income countries - simply, there will be more people. So, even if the prevalence is reduced, the tobacco companies will be virtually guaranteed to be selling more cigarettes in the foreseeable future. This is not a dying industry, so I don't think we need not overly concern ourselves with tobacco industry profits.