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Plain Packaging Opposition in Ireland

The tobacco industry opposition to the introduction of [plain packaging](#) in Ireland has been persistent and consistent in recent years. On 30 March 2015 [Japan Tobacco International](#) (JTI), for example, initiated legal action against the Irish Government to block plain packing legislation, which had already been signed into law by the Irish President.^[1]

The following information documents just some of the tactics the tobacco industry in Ireland has utilised in its opposition campaign.

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Industry Tactics used to Oppose Plain Packaging Legislation

Leveraging Government Access

In May 2013 a tobacco industry delegation gained access to the Taoiseach (Prime Minister) for a formal meeting on tobacco related issues.^[2] ASH Ireland (Action for Smoking and Health), on receiving information regarding this meeting, issued a Freedom of Information (FOI) request, which provided information in regard to

the items for discussion at the meeting.^[3] One of the items mentioned was smuggling, which was viewed as a topic that would inevitably lead to a subsequent discussion on the introduction of plain packaging.^[4]

Third Party Techniques

The Law Society of Ireland

The Law Society of Ireland, many of whose member firms are engaged by the tobacco industry, also made an anti-plain packaging submission to the Joint Committee on Health and Children. This submission by the Law Society immediately created public controversy and after some days, a number of lawyers publicly stated that the Law Society did not represent them or the legal sector generally on this issue.^{[5][6]}

Retailers Against Smuggling

Retailers Against Smuggling (RAS) is an umbrella group of retailers in Ireland that has consistently argued that smuggling will increase if plain packaging is introduced.^[7] On its [website](#) RAS acknowledges that it receives funding from the Irish Tobacco Manufacturers Advisory Committee (ITMAC).

Though not formally acknowledged, it is widely known that ITMAC engages the same Irish public relations firm as RAS - O'Herlihy Communications. ASH Ireland observed that in 2013 the O'Herlihy Communications website disclosed a link between the Communications Company, the Irish Government and ITMAC. However this information has since been removed. Similarly, the RAS website also included a link to a document that cited the contact details of O'Herlihy Communications, which has also subsequently been deleted.

This relationship echoes the model used by the industry in Australia, whereby the [Alliance of Australian Retailers](#), a seemingly independent group of retailers campaigning against plain packaging legislation in the country, was eventually outed for being entirely funded and managed day-to-day by [Philip Morris](#).^[8]

Response to the Irish Government Consultation on Plain Packaging

In Ireland, the tobacco industry made a presentation to the Joint Committee on Health and Children. The Committee was established by the government to enter into consultation on the introduction of the plain packaging legislation.^[9] The tobacco industry's presentation to this committee represented its vigorous opposition to this legislation - pushing the notion of its right to hold its branding and market its product. The main pro-health organisations which include the Irish Heart Foundation, the Irish Cancer Society and ASH

Ireland have refuted this argument. In its submission to this Committee, ASH Ireland highlighted the established fact that tobacco is a unique and lethal product in that it kills 50% of those who use it.^[9]

Legal Threats and Action

Three major tobacco companies, (Philip Morris, Imperial Tobacco and JTI) represented by some of Ireland's major law firms, have publicly threatened to sue the government should it proceed with the legislation.^{[10][6]} This has led to a significant public debate in regard to possible conflict of interest as some of these legal firms also represent different section of Ireland's health services. The Irish Heart Foundation, one of Ireland's leading health charities ended its relationship with Arthur Cox Solicitors on the basis of this possible conflict of interest.^[6] The Irish Minister for Children and Youth Affairs, Dr James Reilly, supported by a range of health focused groups, stated that the status quo on this possible conflict of interest issue is most unsatisfactory.^[11]

International Opposition

It is also known that the tobacco industry in Ireland has endeavoured to generate international support in its opposition to the plain packaging legislation in Ireland. For example, there have been letters in this regard from four US congressmen (Howard Coble, Bob Goodlatte, Tom Marino, George Holding), the Governor of North Carolina Pat McCrory, a pro-tobacco group within the European Parliament^[12] and a range of business interests, many in the packaging area.^[12]

In a letter from Congressman Bob Goodlatte (received under FOI), the congressman stated:

“...such a policy sets a dangerous precedent for other legal products that critics may cite as causing health concerns – for example; alcohol products and food containing sugar or that are high in fat”.^[13]

Media & Misrepresentation of Emerging Evidence from Australia

The industry has also used the Irish media to deliver the message to the public that it has every right to market its products.^[14] The website Plain packs, plain stupid^[15] has been heavily promoted in Ireland.

Additionally, the industry's misrepresentation of positive information on plain packaging emerging from Australia, has been covered in the Irish media.^[15] However, this misrepresentation has received very little traction as health groups responded quickly and accurately to this industry ploy.^[16]

TobaccoTactics Resources

- Plain Packaging
- Plain Packaging in the UK
- Third Party Techniques 
- Countering Industry Arguments against Plain Packaging

Notes

1. ↑ N. O'Connor, [Exclusive: Major tobacco firm launches legal bid to halt Government's controversial plain packaging measures](#) , *Irish Independent*, 30 March 2015, accessed April 2015
2. ↑ A. Beesley, [Taoiseach heavily criticized for meeting tobacco lobby](#) , *The Irish Times*, 24 May 2013, accessed April 2015
3. ↑ Freedom of Information request submitted by ASH Ireland
4. ↑ J. Crown, [John Crown: Big Tobacco is not our friend](#), *Taoiseach* , *Irish Independent*, 26 May 2013, accessed April 2015
5. ↑ A Clatter of the Law blog , [Plain packaging conflicts of interest and the Law Society](#) , 19 August 2014, accessed April 2015
6. ↑ [6.0 6.1 6.2](#) A. Beesley, [Varadkar urges Arthur Cox to sever ties with tobacco industry](#) , *The Irish Times*, 19 February 2015, accessed April 2015
7. ↑ K. Phelan, [Retailers fear surge in illegal cigarettes](#) , *Dublin People*, 29 December 2014, accessed April 2015
8. ↑ A. Davies, [Big Tobacco hired public relations firm to lobby government](#) , *The Sydney Morning Herald*, 11 September 2010, accessed April 2015
9. ↑ [9.0 9.1](#) Houses of the Oireachtas, [Report on hearings in relation to the General Scheme of the Public Health \(standardized Packaging of Tobacco\) Bill](#) , Joint Committee on Health and Children, Volume 1, April 2014, accessed April 2015
10. ↑ [There's now three tobacco giants threatening to sue the government](#) , *The Irish Journal*, 11 March 2015, accessed April 2015
11. ↑ [Big Tobacco is threatening James Reilly but plain packs 'will be in shops by May 2017'](#) , *The Irish*

Journal, 17 February 2015, accessed April 2015

12. ↑ Information on business organisations obtained via Freedom of Information requests by ASH Ireland to the Department of Health, Ireland and Department of An Taoiseach
13. ↑ Letter from Bob Goodlatte to H.E. Ambassador Anne Anderson, Irish Ambassador to the United States of America, received following a FOI request
14. ↑ It's official: Ireland will be the first country in the EU to bring in plain packaging on cigarettes, *The Irish Journal*, 10 June 2014
15. ↑ J. Mallon, Plain packaging won't cut smoking rates, *Irish Examiner*, 6 December 2014
16. ↑ ASH Ireland, ASH Ireland responds to misinformation about the highly successful plain packaging initiative in Australia, Press release, 3 December 2014, accessed April 2015

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This page was last modified on 7 September 2015, at 09:13.

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