

EVIDENCE BRIEF

Plain packaging of tobacco products:
measures to decrease smoking initiation
and increase cessation



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Abstract

Evidence shows that the packaging of tobacco products is designed for badge products targetting specific groups, particularly women and young people, and that attractive packaging tends to weaken warnings about the harmful health effects of the products. To preserve the effectiveness of the health warnings – a requirement under Articles 11 and 13 of the WHO Framework Convention on Tobacco - the guidelines on the implementation of these articles recommend the adoption of plain-packaging measures. Studies have revealed that plain packaging reduces the attractiveness of the product, particularly to women and young people. They also show that, when combined with large pictorial health warnings, plain-packaging measures increase awareness about the risks related to tobacco consumption, encouraging more people to quit and fewer to start. In that these measures merely regulate the use of logos or colours for public health purposes, they are in compliance with international trade and intellectual property law.

Keywords

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Contents

Acknowledgements	vi
Background	1
Objective	1
Evidence	1
Plain packaging reduces the attractiveness of the product, particularly to young people and women	2
Plain packaging combined with large pictorial health warnings increases awareness of the risks related to tobacco consumption	3
Plain-packaging measures encourage more people to quit and fewer to start	4
Legality of plain-packaging measures	4
Arguments of the tobacco industry in relation to plain-packaging measures	5
References	7

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Background

Packaging is designed as a badge product targeted at specific groups, particularly women and young people (1,2). The tobacco industry has always used the packaging of tobacco products as a powerful advertising tool. In addition, it has become the best way of circumventing bans on the advertising, promotion and sponsoring of tobacco products implemented by some governments in accordance with article 13 of the *WHO Framework Convention on Tobacco Control (FCTC)* (3). As a result, in some countries, the packaging of tobacco products has become “the most important promotional vehicle for reaching potential and current smokers” (2,4). The design of a tobacco pack can make its contents appear safe to use, undermining the credibility and effectiveness of health warnings. Psychology and marketing studies show that the colour (5,6,7), shape (5,8,9) and size (5,10,11) of a package have implications for consumer behaviour and the perception of product attributes.

In order to preserve the effectiveness of the health warnings under WHO FCTC article 11 (3) and of the advertising ban under WHO FCTC article 13 (3), the guidelines for the implementation of these articles (12) recommend the adoption of plain-packaging measures to decrease smoking initiation and increase smoking cessation. These consist of diminishing the overall attractiveness of the packages by replacing logos with brand names in a prescribed font, and

by regulating the material used and the shape and size of the packages.

Article 5 of *Directive 2001/37/EC of the European Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products* regulates the labelling of packages with regard to the warnings and information about the dangers to health of tar, nicotine and carbon monoxide levels in cigarettes (13). However, apart from the labelling requirements, the Directive (13) does not regulate factors relating to the shape and appearance of the packaging itself.

A new tobacco-products Directive was adopted in March 2014 and will enter into force in 2016 in the European Union (14). According to the new Directive, it will be possible for Member States to adopt plain-packaging measures at the national level if they wish to do so (14).

Objective

This paper seeks to provide evidence of the effectiveness of plain-packaging measures in smoking prevention and cessation.

Evidence

A review of the scientific literature and survey results on the effectiveness of plain-packaging measures in decreasing smoking initiation and increasing smoking cessation revealed that, to date, Australia, is the only country to

have adopted these measures (in 2014). Despite the short time span that has elapsed, there is evidence showing a sustained 78% increase in calls on the quitline after the introduction of plain-packaging measures, which is not attributable to antitobacco advertising activity, increases in cigarette prices or other identifiable causes (15). A recent study published in the British Medical Journal found that plain packaging reduced the appeal of smoking and encouraged smokers to consider quitting (16).

In addition, in the 1990s, several tobacco manufacturers were obliged to disclose company documents in the context of a lawsuit in the United States of America (17). During the course of the lawsuit, they acknowledged the crucial role played by packaging in tobacco initiation and consumption, thus recognizing the effectiveness of plain-packaging measures in rendering tobacco packs less attractive. The company documents submitted in connection with the lawsuit

were also consulted for the purposes of this brief.

The following information is based on the above evidence.

Plain packaging reduces the attractiveness of the product, particularly to young people and women.

Studies have revealed that plain packaging is found to be dull and to increase negative feelings about smoking. They consistently show that plain packaging decreases the attractiveness of both tobacco products and smoking, particularly to women and adolescents (Boxes 1, 2).

Box 1. France: plain and standardized packaging judged dull and unattractive

In a study conducted in France in 2010 (18), smokers were asked to compare a plain pack of cigarettes with a regular branded pack. When given the plain packs, more than 77% of the respondents described them as “dull” and 63% as “ugly”; 66% said that they did not feel like purchasing such packs, and 60% found that the packs did not catch their attention. Women tended more than men to find plain packs “repelling” (18). Women and young people (under 25 years of age) were inclined to perceive regular packaging as more effective in encouraging smoking and conveying positive information about tobacco products.

Box 2. United Kingdom: plain packaging increases negative feelings about smoking

In a study conducted in the United Kingdom in 2011, a number of smokers between 18 and 35 years of age agreed to use cigarettes in plain packs (dark-brown packaging with pictorial warnings and a fictive brand name) for two weeks, and cigarettes in regular packs for another two weeks (19). The results showed that “in comparison with branded packaging, plain packaging increased negative perceptions and feelings both about the pack and about smoking”. Most of the participants in the study perceived the plain pack as being “not stylish, unfashionable, cheap, uncool, unattractive, of poor quality and unappealing”. In contrast, their perceptions of the packs they usually smoked were much more positive. They also reported feeling, for example, more embarrassed, ashamed and unaccepted when smoking cigarettes in plain packs. Some also rated their experiences in smoking cigarettes from regular packs as more “enjoyable” and “satisfying” than those connected with cigarettes from plain packs (19).

Plain packaging combined with large pictorial health warnings increases awareness of the risks related to tobacco consumption

Studies conducted in Australia, Canada, France, New Zealand, the United Kingdom and the United States show that, when added to plain packaging, pictorial health warnings are more noticeable

(19, 20), easier to see (19) and easier to remember than the same warnings on packs with brand logos. (2,21,22,23,24). In addition, health warnings on plain packs are perceived as being more serious and credible (19,25,26,27). These findings suggest that brand imagery undermines the impact of health warnings (28), and that plain packaging enhances their effectiveness. This conclusion is consistent with the results of studies carried out around the world over a number of years, regardless of whether they were conducted among children, young people, women, smokers or non-smokers.

Plain-packaging measures encourage more people to quit and fewer to start

Already in 1992, a Canadian expert panel came to the conclusion that making tobacco packaging less attractive and improving the effectiveness of consumer information on the risks of tobacco use could result in lowering the rates of tobacco consumption and smoking uptake and raising those of smoking cessation (Box 3) (29).

Box 3. Canada: statement by an expert panel, 1992

In 1992, Health Canada commissioned an expert panel to examine plain and generic packaging of tobacco products and the role it plays in marketing, consumer choice, and uptake or cessation of smoking. The panel found that “plain and generic packaging of tobacco products ... through its impact on image formation and retention, recall and recognition, knowledge, and consumer attitudes and perceived utilities, would likely depress the incidence of smoking uptake by non-smoking teens, and increase the incidence of smoking cessation by teen and adult smokers...” (29).

As early as in 1987, the tobacco industry itself recognized that plain packaging reduces the appeal of smoking (Box 4).

Box 4. Information disclosed by the tobacco industry in the context of the Minnesota lawsuit, 1987

“... when we offered them Marlboros at half price – in generic brown boxes – only 21% were interested, even though we assured them that each package was... identical (except from the different packaging) to what they normally bought at their local tobacconist. How to account for the difference? Simple. Smokers put their cigarettes in and out of their pockets 20 to 25 times a day. The package makes a statement. The consumer is expressing how he wants to be seen by others (17,26,27).”

These conclusions were confirmed in subsequent studies conducted in Canada, France and the United Kingdom (Boxes 5-7).

Legality of plain-packaging measures

The use of plain-packaging measures is in compliance with international intellectual property law, namely the World Trade Organization (WTO) Treaty on Trade Related Aspects of Intellectual Property (TRIPS) (31). The basic purpose

Box 5. Canadian study, 2008

A study among young people in Canada in 2008 showed specifically that plain tobacco packaging had an impact on smoking initiation, one third of the respondents stating that people their age would be less likely to start smoking if all tobacco products were sold in plain packaging (28,29).

Box 6. French study, 2010

When asked to compare plain packs of cigarettes with regular packs, 65% of the respondents in a study conducted in France in 2010 were of the opinion that plain packaging would be significantly more effective in preventing adolescents from smoking; 60% felt that it would be more effective in encouraging smoking cessation and reducing consumption (18).

Box 7. British study, 2011

After smoking cigarettes in plain packaging for a period of two weeks, young adult respondents in a British study conducted in 2011 were more likely to forgo a cigarette and indicate that they wished to quit (19). A separate study revealed that plain packaging combined with large pictorial warnings (covering 75% of the pack) decreased young adults' desire to smoke (30).

of intellectual property law is to prevent the use of trademarks by non-owners. In the case of plain packaging, it would protect trademark owners against the unauthorized use of their trademarks, and they would continue to own them. Plain-packaging measures would merely regulate the use of logos or colours for the purposes of public interest and public health, which is specifically allowed under international intellectual property law. In Australia, the Supreme Court has recognized that the adoption of plain packaging complies with intellectual property rights of tobacco companies under Australian law (32) and the European Court of Justice has ruled that there is no absolute right to the use of a trademark under EU law (33).

Arguments of the tobacco industry in relation to plain-packaging measures

The tobacco industry is strongly opposed to the adoption of plain-packaging measures; its main arguments are addressed in Table 1.

Table 1. Arguments of the tobacco industry contra public health with regard to plain-packaging measures

Tobacco industry	Public health
Plain packaging would increase counterfeiting of cigarettes by making packs easier to copy.	Plain packaging measures would always be coupled with pictorial health warnings, and would be as difficult to counterfeit as packs with brand logos. Illicit trade can be counteracted through the use of chips and invisible ink on tobacco products. These are fully compatible with plain-packaging measures.
Tobacco products would become cheaper as a result of plain packaging, and consumption would increase.	Governments can always compensate any drop in price decided by the tobacco industry by increasing taxes. This is in line with Article 6 of WHO FCTC, which requires State Parties to implement “tax policies and, where appropriate, price policies, on tobacco products so as to contribute to the health objectives aimed at reducing tobacco consumption...” (3).
Plain-packaging measures would be lengthy and difficult to implement.	Plain-packaging measures relate to simplifying packaging design, and would, therefore, be even easier to implement than pictorial health warnings. Experience has shown that the average implementation time for pictorial warnings is 9-12 months after the adoption of plain-packaging measures (34). In addition, the tobacco industry has been changing the design of its packs on a regular basis for decades, and would, therefore, be able to make the simple changes entailed by plain, standardized packaging. Such measures would not incur costs for governments as these would be borne by the tobacco industry alone.
Plain-packaging measures violate intellectual property law, particularly WTO TRIPs (31) adopted by WTO Member States.	Plain-packaging measures are in compliance with international intellectual property law (WTO TRIPS (31)). The basic purpose of intellectual property law, including WTO TRIPS (31), is to prevent the misuse of trademarks (that is, the use of trademarks by non-owners).
Plain-packaging measures violate intellectual property law as they prevent tobacco companies from using their trademarks.	The adoption of plain-packaging measures does not preclude trademark ownership or the protection of trademark owners against the unauthorized use of their trademarks. Plain-packaging measures merely regulate the use of logos or colours for the purposes of public interest and public health, which is allowed under both international intellectual property law and EU law. It should be noted that the Supreme Court of Australia has ruled that, under Australian law, the use of plain packaging respects the intellectual property rights of tobacco companies (32).

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