

Review of Health Warnings on Tobacco Products in Australia

Discussion Paper

April 2001

Commonwealth Department of Health and Aged Care

Companion document

Evaluation of the Health Warnings and Explanatory Health Messages on
Tobacco Products Executive Summary

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Companion document

Evaluation of the Health Warnings and Explanatory Health Messages on Tobacco Products Executive Summary, Elliott and Shanahan Research, October 2000.

1. Introduction

The most effective policies to reduce smoking are comprehensive, co-ordinated and sustained. Through the World Health Assembly, member states of the World Health Organization (WHO) have supported resolutions to reduce tobacco since 1970. Based on these resolutions, WHO has recommended a ten-point plan for comprehensive tobacco control. Key measures in this approach include regulation of tobacco sales to children, limits to advertising, health education and promotion, use of fiscal policies to create price disincentives to use tobacco, cessation programs and prominent health warnings on tobacco products.

In accord with WHO guidelines, the *National Tobacco Strategy 1999 to 2002–03* (NTS)¹ sets out a nationally agreed and co-ordinated response to tobacco control in Australia and commits governments to taking action across key priority areas. Health warnings on tobacco products form one part of this co-ordinated, comprehensive approach to tobacco control in Australia.

Health warnings on tobacco products are primarily intended to support a comprehensive program that fully informs consumers and prospective consumers about the damage smoking can do to health. Further, the intention is to convey this information in a way that discourages tobacco use. The purpose of the existing legislation covering health warnings was to provide a nationally consistent set of strengthened warnings which would inform people about the adverse health effects of smoking and provide a contact for further information on the harmful effects of smoking. The current regulations have been in place since 1995 which means that the current system of six health warnings has now had more than six years of exposure.

1.1 Review of health warnings

In February 2000 the Commonwealth Minister for Health and Aged Care announced that the government would conduct a review of the health warnings on tobacco products. A review of the current health warnings system is also identified as a priority in the National Tobacco Strategy. The review is being undertaken within the existing legislative framework for the health warnings, that is, as regulations made under the *Trade Practices Act 1974*. Matters to be considered as part of the review and on which community comment is invited are outlined in Section 5.

The review of health warnings is being conducted jointly by the Department of Health and Aged Care and the Department of Treasury. Treasury has policy responsibility for the tobacco health warning regulations and Health has overarching health policy interest. The Australian Competition and Consumer Commission (ACCC) enforces the regulations. The Review is being assisted by a Technical Advisory Group comprising representatives of the Departments of Health and Aged Care and Treasury, the ACCC, the National Expert Advisory Committee on Tobacco (NEACT) and the VicHealth Centre for Tobacco Control (VCTC).

The review of health warnings involves a number of stages as follows:

- Stage 1:** Research project undertaken by an independent research company (Elliott and Shanahan Research) to evaluate the effectiveness of the current health warnings.
- Stage 2:** Development and distribution of a discussion paper on health warnings for public comment.
- Stage 3:** Consideration of comments on the discussion paper and conduct of other research considered appropriate or necessary. Development, market testing and refinement of options for change.

Stage 4: Preparation of a draft Regulation and Regulation Impact Statement, as required as part of the government regulatory process, in consultation with the Office of Regulation Review. Distribution of Regulation Impact Statement for public comment.

Stage 5: Finalisation of new Regulations and submission of Regulations to the Executive Council for approval and, once approved, published in the Commonwealth of Australia Gazette.

Stage 6: Implementation phase-in period.

For additional information on the government regulatory process see www.pc.gov.au/orr/

1.2 Purpose of discussion paper

This discussion paper is one of the first steps in the development of revised health warnings for tobacco products currently prescribed under the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations. These regulations are made under the *Trade Practices Act 1974* (the Act). The product safety and information provisions of the Act allow for the introduction of consumer product information standards to provide consumers using goods information on the quantity, quality, nature or value of goods.

This discussion paper is the commencement of consultation with interested individuals and organisations within the community in the development of new health warnings. Responses to the paper will help shape new health warnings on tobacco products under the Trade Practices Act.

It should be noted that this discussion paper is designed to seek community views on new health warnings. It is not intended to be a complete review of the literature.

1.3 Consultation

You are invited to submit comments or suggestions on future options for health warnings on tobacco products in Australia as discussed in Section 5 of the paper. Supporting rationale or details on the evidence-base for proposed options is encouraged. A feedback guide to assist you to frame your submission accompanies this paper.

Written comments should be submitted by **6 July 2001** to:

The Health Warnings Review
Tobacco and Alcohol Strategies Section
MDP 27
GPO Box 9848
Department of Health and Aged Care
CANBERRA ACT 2600

Emailed submissions can be sent to tobalc@health.gov.au

Please note that the Department of Health and Aged Care is unable to guarantee the confidentiality of any submissions received in relation to this discussion paper as documents held within this Department are subject to the *Freedom of Information Act 1982*.

2. Background

2.1 Tobacco use in Australia

In 1998 approximately 4 million Australians aged 14 years and older were smokers. The proportion of Australians who were recent (regular and occasional) smokers has remained constant between 1995 and 1998 at around 23 per cent². While this prevalence rate is much lower than that in many other countries and an outcome of tobacco control measures that have grown progressively stronger since the 1970s, it is still at a level that causes unacceptable disease and harm.

Of all the licit and illicit drugs, tobacco use accounts for the greatest morbidity and mortality. Tobacco smoking is the single largest preventable cause of premature death and disease in Australia³. The Australian Institute of Health and Welfare estimated that in 1998 tobacco smoking caused 19,019 deaths in Australia. In the Australian Burden of Disease study almost 10% of the total burden of disease in Australia in 1996 was attributable to tobacco smoking⁴. Tobacco is associated with four in every five drug-related deaths and almost three in every five drug-related hospital episodes⁵.

The most frequently occurring tobacco-related conditions are cancers, ischaemic heart disease and chronic obstructive pulmonary disease⁶ — evidence that tobacco smoking is a major risk factor in the majority of the identified National Health Priority Areas. The six National Health Priority Areas are cancer, cardio-vascular disease, injury, mental health, diabetes mellitus and asthma. The National Health Priority Areas initiative aims to focus attention on those areas that continue to contribute most of the burden of illness in the community and where concerted effort could achieve significant gains in the health status of the nation.

In addition to evidence on active smoking, there is now consistent evidence that passive smoking or the breathing of environmental tobacco smoke (ETS) by non-smokers is a serious health risk. The recently released National Response to Passive Smoking⁷ reports that breathing ETS can be a significant cause of illnesses such as bronchitis, pneumonia and other chest illnesses in children and can increase the risk of cardiovascular disease, lung cancer and other lung diseases in adults. Exposure to ETS is particularly significant to people whose respiratory or cardiovascular systems are already compromised, for example, people with chronic bronchitis or ischaemic heart disease⁸.

2.2 Costs of smoking

Many of the diseases associated with smoking are chronic and disabling placing a large burden on the community. Collins and Lapsley report that direct and indirect costs borne by the Australian community associated with tobacco use are in excess of \$12.7 billion per year⁹.

These costs do not include those directly attributable to exposure to ETS. No data is available to estimate the cost of exposure to ETS to the community.

Globally, tobacco use was responsible for 3 million deaths a year in the 1990's and is steadily increasing. That figure is expected to rise to 10 million per year by 2020 or early 2030 with 70% of those deaths occurring in developing countries¹⁰.

2.3 Objectives of Government action

To improve the health of all Australians, governments have developed the *National Tobacco Strategy*. The Strategy is one of a set of action plans developed under the *National Drug Strategic Framework 1999–2002–03*. This Framework aims to reduce the harm caused by licit and illicit drugs in Australia.

The *National Tobacco Strategy* is a national collaborative strategy involving the Commonwealth government and both government and non-government sectors in all States and Territories. The Strategy was endorsed by the Ministerial Council on Drug Strategy (MCDS) in June 1999. The MCDS brings together Commonwealth, State and Territory health and law enforcement Ministers to collectively determine national policies and programs to reduce drug-related harm. The National Tobacco Strategy has four objectives:

- prevent the uptake of tobacco use in non-smokers, especially children and young people;
- reduce the number of users of tobacco products;
- reduce the exposure of users to the harmful health consequences of tobacco products; and
- reduce exposure to tobacco smoke.

The overall goal is to improve the health of all Australians by eliminating or reducing their exposure to tobacco in all its forms.

The Strategy includes a range of tobacco control initiatives under six key strategy areas:

- promoting cessation of tobacco use;
- reducing availability and supply of tobacco;
- strengthening community action;
- reducing tobacco promotion;
- regulating tobacco; and
- reducing exposure to environmental tobacco smoke.

Health warnings do not exist in isolation, but are one component of a comprehensive strategy to reduce tobacco consumption in Australia. The review of health warnings is a commitment under *National Tobacco Strategy* key strategy area of strengthening community action. The objective is to increase the public's awareness of the harms associated with any level of tobacco use.

There are a number of measures under the NTS which will complement the development of new health warnings. These are:

- Development of a voluntary agreement between the Commonwealth Government and Australia's three tobacco manufacturers to facilitate the disclosure of the ingredients of tobacco products and to facilitate making such information publicly available. Information supplied by Philip Morris, Imperial Tobacco Australia and British American Tobacco Australia on the ingredients of their cigarettes sold in Australia has been posted on the Department's website and will be updated annually. The information lists ingredients by brand for over 160 brands of cigarettes.
- The National Tobacco Campaign was launched in 1997 and now sits under the umbrella of the National Tobacco Strategy. The Campaign is a collaborative effort involving the Commonwealth Government, State and Territory governments and non-government

organisations. The Campaign is cessation focussed and targets smokers aged 18–40 years. The Campaign utilises a range of measures including television commercials, radio, an Internet site, print and outdoor advertising, and marketing of the Quitline support service for smokers. A new phase of the Campaign aiming to increase the relevance of the campaign to younger smokers was launched in May 2000 and will feature again around World No Tobacco Day 2001 (31 May).

- Development of a comprehensive research program to provide the evidence base for further policy development and possible regulatory activity in relation to tobacco and other nicotine delivery products in Australia. This program is being conducted by the Australian Cancer Society.

2.4 International action

There is world-wide interest in new, strengthened health warnings on tobacco products. Strengthened warnings were introduced in Canada from January 2001 involving 16 new graphic health warning messages covering 50 per cent of the display surface and an inside warning with 16 more detailed health information messages. In March 2001, agreement was reached on a European Union tobacco control product directive which requires the size of health warnings to be increased to cover 30 per cent of the front and 40 per cent of the back of the pack. The directive is expected to come into force in September 2002.

Another international development to consider when developing new health warnings in Australia is the Framework Convention on Tobacco Control currently being developed by member states of the World Health Organisation, including Australia. The Convention will be an international legal instrument intended to circumscribe the global spread of tobacco and tobacco products. The Framework Convention is in the early stage of development with May 2000 to May 2003 identified by the World Health Organization as the period for formal negotiations. The issue of labelling standards for tobacco products is one of the issues to be considered in the development of the Convention.

3. Health warnings on tobacco products in Australia

3.1 Introduction

Australia has a strong tradition of enacting legislation to reduce the effects on health of tobacco products and smoking. Health warnings on tobacco packages have been a feature of the Federal Government's tobacco control measures since 1985 when a nationally agreed system of health warnings was introduced. Previously, health warnings were regulated through State and Territory legislation. At the time, these warnings led the world. They were the largest warnings as well as being the first to explain the harms of tar, nicotine and carbon monoxide. Many countries have since introduced similar warnings and more recently Canada introduced even stronger warnings featuring full colour warnings with pictures covering 50% of the pack.

3.2 Why warn? — The rationale for health warnings

Two main factors compel governments to warn — the level of health risk and harm associated with smoking and the levels of consumer awareness of risk.

Health risks and harm

Smoking is recognised as the largest single preventable cause of disease and premature death in the world. In the next two decades non-communicable diseases such as cardiovascular disease will increase to over 70 per cent of the global burden of disease. The World Health Organization has acknowledged that many factors influence this trend but that one factor overshadows all others: tobacco. Tobacco is set to cause more deaths globally than malaria, HIV/AIDS and tuberculosis together. The Australian experience is not unlike trends globally. Tobacco use is among the leading health indicators and the leading cause of preventable death and disability. Refer to Section 2 for key facts and figures about the impact of tobacco use in Australia.

There is no known safe level of consumption of tobacco products. The evidence suggests that virtually every smoker who smokes regularly for an appreciable part of their life suffers lung damage from their smoking and that 25–40 per cent of such smokers die prematurely because of their smoking. Tobacco, and specifically nicotine in tobacco, is recognised as an addictive substance which means that smokers are unable to fully exercise volitional control over the decision whether to smoke or not¹¹.

Consumer awareness

There is evidence that smokers and potential starters do not fully understand either the nature of the risks or the magnitude of the dangers of tobacco products. Many understand that “smoking is bad for you” but beyond this superficial level of awareness, public knowledge of the health risks of smoking is inadequate^{12 13}.

In the Australian context, consumers have low levels of knowledge about the dangerous contents of tobacco^{14 15 16} and many deny illnesses caused by smoking^{17 18} or have self exempting beliefs¹⁹ although the Elliott and Shanahan study reported an improvement in awareness of the tar, nicotine and carbon monoxide content of cigarettes, and in the potentially damaging effects to health of these ingredients²⁰.

There appears to be universal acceptance of health warnings among those most affected — smokers. Some research suggests that nearly nine out of ten adult smokers support including more health information and making packs less colourful and attractive in order to prevent recruitment of children to smoking²¹. Moreover, smokers have continued to support modifications to cigarette packs that would discourage people from smoking^{22,23}.

In summary, health warnings on tobacco products have the following functions:

- Provide information about health risks of smoking
- Provide information on the benefits of quitting
- Motivate people to quit
- Deter people from starting to smoke or from becoming habitual users
- Help those who have decided to quit to do so.

3.3 Can warnings have an effect?

Quitting smoking is a *process*, not an event, and there are likely to be stages through which people pass before they become successful long-term quitters²⁴. Tobacco smoking is an habitual and addictive behaviour. Expecting health warnings or contents information on tobacco products to have an effect among smokers who have no intention to give up is unlikely. However, provided they are highly visible and provide specific rather than general information²⁵, warnings can have a positive impact on consumers, especially on:

- those contemplating quitting smoking. Australian research suggests that at any given time, approximately 10 per cent of smokers might be in this favourable state of mind, and in the course of a year over 40 per cent reach this state at some time²⁶.
- those who are tempted to try smoking, are experimenting with it or are contemplating taking it up. It is clear from Australian research that these are to be found principally among early adolescents²⁷.

3.4 History of health warnings in Australia

From 1973 to 1994 health warnings on tobacco products in Australia were regulated through State and Territory legislation. In 1973 legislation was enacted in each State and Territory requiring cigarette packets to be labelled with a health warning for the first time. The required health warning was ‘WARNING — SMOKING IS A HEALTH HAZARD’.

In May 1985 Health Ministers in all jurisdictions agreed to a system of four rotating health warnings on all tobacco products. Regulation of the warnings was through separate legislation in each State and Territory. The health warnings were required to appear with equal frequency, in contrasting colours and taking up 15% of the front of all tobacco packages. The warnings were:

SMOKING CAUSES LUNG CANCER
SMOKING CAUSES HEART DISEASE
SMOKING REDUCES YOUR FITNESS
SMOKING DAMAGES YOUR LUNGS

The words “Health Authority Warning” was required after each warning.

On 29 March 1994, the Commonwealth introduced a national system of strengthened health warnings on tobacco products under the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 1994. Under the new system, from 1 January 1995 (from 1 July 1995 for imported products) tobacco products were required to display:

- one of six rotating health warnings printed in black on a white background occupying the top 25% of the front of the pack. The six health warnings are:

SMOKING CAUSES LUNG CANCER,
SMOKING IS ADDICTIVE,
SMOKING KILLS,
SMOKING CAUSES HEART DISEASE,
SMOKING WHEN PREGNANT HARMS YOUR BABY,
YOUR SMOKING CAN HARM OTHERS;

- the words “Government Health Warning” at the end of each warning and explanatory message;
- detailed health information (corresponding with the front of pack warning) printed in black on a white background occupying the top 33% of the back of the pack; and
- information about the tar, nicotine and carbon monoxide content of cigarettes (specifically, the average yields of these substances and an explanation of their health effects) printed in black on a white background and occupying one side of the pack.

The strengthened health warnings also required a national information line number to be printed on the back of the pack. This line was established and became operational from 1 January 1995. The phone line provides recorded information about the health effects of tobacco consumption.

Amendments to the Regulations were introduced on 13 December 1994. These amendments served to clarify any confusion as to the application of the regulation relating to irregular sized and shaped packages.

3.5 The existing legislative framework

The current health warnings are prescribed by the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations. These Regulations are made under the *Trade Practices Act 1974* (the Act). A copy of the Regulations is at Appendix 2.

Part V, Division 1A (the product safety and product information provisions) of the Act are designed to ensure that certain consumer products meet particular standards and/or that specific warning or information labels are supplied with the product. These provisions also provide for the banning or withdrawal from sale of dangerous goods. The Commonwealth Minister for Financial Services and Regulation has the power under the Act to create a mandatory consumer product safety or information standard by regulation or to ban unsafe goods.

It is a breach of the Act to supply goods which do not meet a mandatory standard or which are banned. The Act provides maximum penalties of \$200,000 for corporations and \$40,000 for individuals.

The Australian Competition and Consumer Commission is responsible for enforcement of these mandatory standards and bans. Breaches may be dealt with by administrative action, injunctions, court-enforceable undertakings or prosecutions.

3.6 Scope of the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations

The Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations are prescribed under section 65 of the *Trade Practices Act 1974*.

Section 65D(2) of the Act provides that a regulation may, in respect of goods of a particular kind, prescribe a consumer product information standard consisting of such requirements as to:

- (a) the disclosure of information relating to the performance, composition, contents, methods of manufacture or processing, design, construction, finish or packaging of the goods;
- (b) the form and manner in which that information is to be disclosed on or with the goods;

as are reasonably necessary to give persons using the goods information as to the quantity, quality, nature and value of the goods.

Section 65D(1) of the Act provides that a corporation shall not, in trade or commerce, supply goods that are intended to be used, or are of a kind likely to be used, by a consumer, being goods of a kind in respect of which a consumer product information standard has been prescribed, unless the corporation has complied with that standard in relation to those goods.

3.7 Current requirements of the Regulations

The current Regulations require retail packages of tobacco (including cigarettes, cigars, pipe tobacco and cut tobacco for rolling cigarettes) to contain certain health warnings in relation to the effects of tobacco smoking as well as explanatory statements relating to those health effects. The Regulations also specify the format, positioning, size and orientation of the warning messages on tobacco packaging. The text of a warning message must be printed on a white background within a black rectangular or square border.

The Regulations also provide for messages containing information on the average contents of tar, nicotine and carbon monoxide in tobacco smoke to be printed on the side of packages. The text, position and format of these messages are also specified in the Regulations. Testing methods to be used when determining the average amount of tar, nicotine and carbon monoxide produced by a cigarette are set out in the Regulations.

4. Research Findings

4.1 Overview

Health warnings offer a direct way of communicating information to users and potential users of tobacco products about health effects. Health warnings are regarded as important by all segments of the community, with 7 out of 10 smokers considering health warnings ‘very’ or ‘quite’ important. Over time, there has been a significant increase in the proportion of smokers who agree the labels were ‘very important’. Health warnings on tobacco products have become recognised as an integral element in tobacco control and are one component of an overall program of tobacco control most effective when linked to other strategies, information or communication directed at minimising the use of tobacco.

Awareness and readership of the Australian warnings has not declined since 1996 but there have been decreases in awareness of the information on the side and back of the pack. Moreover, evidence from recent studies suggest that the introduction of new warnings and accompanying explanatory information needs to be considered to both renew interest, increase readership levels and enhance this element of Australia’s tobacco control program²⁹.

4.2 Research underpinning current health warnings

The major body of research by the Centre for Behavioural Research in Cancer (CBRC) in the early 1990s largely established the conceptual arguments and evidence base that underpinned the development of Australia’s current system of health warnings³⁰. Up until this time the body of Australia literature around health warnings and their effectiveness was not extensive.

This research covered a range of issues including:

- The theoretical base for health warnings;
- A review of research findings on the effectiveness of the existing Australian warning messages;
- A series of empirical studies to examine the response of particular target groups to potential warning label changes;
- An examination of warning labels world wide; and
- Identification of the nature, content of health warnings and content labelling which would most effectively communicate the harm associated with smoking.

The CBRC research concluded that health warning information is most likely to influence those who are considering trying out smoking (usually adolescents) and those contemplating giving up smoking (usually mature smokers) and that it is important that all smokers and potential smokers have the opportunity to consider the range of health effects before they make a decision about smoking a cigarette. The report also concluded that to be effective, health warnings need to be noticed, persuasive and provide guidance for appropriate action. To be noticed, health warnings need to stand out from the surrounding pack design and they need to be large enough to be read easily.

CBRC suggested that, to be persuasive, the warnings need to be understood, believed and judged to be personally relevant by the reader. It follows that warnings about a range of ill-effects of smoking that is comprehensive increases the chance that people reading the warnings will find at

least one ill-effect with which they relate. Finally, the effectiveness of any call to action is enhanced by specific instructions about the first step to take to quit³¹. The report put forward a series of recommendations for new health warnings and explanatory messages which led to the 6 warnings currently in place.

More detail can be found in the report: 'Health Warnings and Contents Labelling on Tobacco Products' by the Centre for Behavioural Research in Cancer, Anti-cancer Council of Victoria, 1992.

4.3 Evaluation of current health warnings

Borland and Hill conducted research to assess the awareness of the new warnings introduced in 1995 and on changes in knowledge and attitudes since their introduction. The research involved the collection of baseline data in 1994 and follow up data in 1995. One study, which examined the effects of the new warnings on smoking behaviour, concluded that the new health warnings were more potent at stimulating both thoughts about negative effects of smoking and the appropriate consequent action of not smoking the planned cigarette³². Another study found that after five months during which a mix of pack with new and old warnings were available, there were high levels of awareness of the new health warnings among smokers. The increased size of the warnings was the most prominent element of the new warnings. The messages "Smoking in Pregnancy Harms Your Baby" and "Smoking Kills" were the most frequently recalled messages. The research concluded that the new warnings had improved community knowledge relevant to an assessment of the risks associated with smoking and had increased the salience of knowledge of health consequences³³.

In 1996 Elliott and Shanahan Research conducted an evaluation of the health warning messages on tobacco products and the tobacco information line³⁴. The evaluation included a literature review, a nationwide telephone survey of over 2,000 Australians with a bias towards smokers and a qualitative exploration of community response to the strengthened labelling and the tobacco information line. Elliott and Shanahan found that the new health warning labels had some direct effects on the smoking population including:

- 6 out of 10 smokers believed that the health warnings and health information on tobacco packs had improved their knowledge of the health effects of tobacco consumption;
- over 5 out of 10 smokers considered that the health warnings have raised their concerns about smoking;
- 78% believed that they had some effect on their behaviour;
- 33% of smokers (46% of ex-smokers) believe the labels have helped them smoke less;
- 45% of recent ex-smokers believe that the warnings have helped them give up smoking; and
- one third of smokers felt that the health messages had made them think about the health effects when they bought cigarettes.

In 2000, Elliott and Shanahan Research were commissioned by the Department of Health and Aged Care to conduct a further assessment of the current health warnings and explanatory health messages on tobacco products after six years of exposure. The research included an exploration of community perceptions³⁵. The objective of the evaluation was to determine the effectiveness and impact on consumers over time. The evaluation explored the impact of the content of the health warnings and explanatory messages and the size, colour and location of the warnings. Phase 1 of the evaluation included a literature review and a qualitative study. Phase 2 included a quantitative survey of over 1,000 people including current smokers, recent ex-smokers, ex-

smokers and non-smokers and in-depth interviews with tobacco control experts. The evaluation draws some comparisons with baseline data from the 1996 research.

The 2000 study affirmed that after six years of exposure the current messages are stale and there is a need to update the current health warnings to include new information on the health effects of tobacco. Recall of the specific warning labels or awareness of the health messages had not varied significantly since 1996 with the three most frequently recalled messages being “Smoking causes lung cancer”, “Smoking when pregnant harms your baby” and “Smoking kills”. Despite this level of awareness of the health warnings, there was agreement that they had become less noticeable over time and that the warnings had lost some of their potency. This led Elliott and Shanahan to suggest that the introduction of new warnings and accompanying explanatory information should be considered in order to renew interest, increase readership levels and to optimise quitting attempts. The evaluation also found that there was an increase in the proportion of smokers agreeing that health warnings should be stronger and an acknowledgment among smokers that smoking has affected their health or increased their health risk.

More detail can be found in the companion document to this discussion paper and the full Elliott and Shanahan report at www.health.gov.au/tobacco

4.4 Canadian research

During the late 1990s and 2000, Health Canada commissioned a range of research to inform the development of new health warnings on tobacco products in Canada. This included extensive public opinion research, focus group testing and quantitative studies to design and test the new messages. The research covered a range of areas including consumer attitudes toward proposed cigarette package design, views on health warning messages on the flip/slide and inserts, views on the relative importance of the size, content and pictures of health warning messages and attitudes towards tobacco regulations.

The research found that text health messages used over the past number of years were not as effective as necessary given the serious risks which arise from tobacco use³⁶. The research found strong support for the new larger health warnings with pictures.

A list of reports from the Canadian research is provided in the references. Full copies of these reports are available on Health Canada’s website at www.hc-sc.gc.ca/hppb/tobacco

5. Directions for New Health Warnings

5.1 Introduction

Section 5 briefly discusses the scope of possible new health warnings in Australia and broad issues to be considered for each possible area of change under the current Regulations. These include:

- Content of health warning messages
- Format, colour and graphics
- Position and coverage
- Rotation
- Inserts and other information
- Product information
- Quitting help and advice

The Department of Health and Aged Care is interested in receiving comments and evidence-based submissions in response to the areas above. The consultation process is outlined in Section 1 and in the accompanying feedback guide.

Readers are reminded that this discussion paper represents preliminary consultation only — it is a first step. Comments on the paper will assist in developing feasible options for change. These will then be tested in order to more clearly define future options. A regulatory impact statement, which is mandatory for all reviews of existing regulation, will then be developed to assess the costs and benefits of proposed options and provide a recommendation supporting the most effective and efficient option. See Section 1 for more details on the review process.

5.2 Content of health warning messages

Six prescribed warnings are currently required on tobacco products:

SMOKING CAUSES LUNG CANCER,
SMOKING IS ADDICTIVE,
SMOKING KILLS,
SMOKING CAUSES HEART DISEASE,
SMOKING WHEN PREGNANT HARMS YOUR BABY,
YOUR SMOKING CAN HARM OTHERS.

The text of the warnings and corresponding explanatory messages are detailed in Schedule 1 of the Regulations ([Appendix 2](#))

Australian research provides some insight into the issues to be considered in the introduction of new health warning messages. In one study of 508 smokers, CBRC found that most adult smokers wanted more information on smoking and health placed on cigarette packs³⁷. In another study CBRC report that warnings have higher perceived impact when they are structured as short, simple and unambiguous statements³⁸. Important elements identified included the nature of smoking as addictive and harmful to self and others and the effect on fitness, disease risk and mortality.

A further important principle is salience, with information designed to ‘fit’ the smoker’s stage of change in smoking behaviour likely to be the most effective³⁹. It follows that since not all messages are equally relevant and effective for all sub-groups in the population, provision of a range of information designed to meet the needs of target groups should enhance overall effectiveness. For instance, for those contemplating uptake, relevant messages may include health and other consequences of smoking, the addictive nature of tobacco and the dangers of passive smoking, whereas relevant messages for contemplating quitters include the benefits of quitting and how to quit⁴⁰.

In their 1996 report, Elliott and Shanahan suggested that to increase the noticeability and effectiveness of the warnings, introduction of new messages over time and more frequent rotation should be considered. More positive messages which hinge on the importance and benefits received from quitting should also be considered⁴¹.

The 2000 Elliott and Shanahan evaluation affirmed the need to update the current health warnings to include new information about the health effects of tobacco. The report suggested the introduction of new warnings on a more regular basis, messages that are gender and age specific, messages containing more personalised information rather than statistics and the provision of tangible warnings, for example “Your taste buds will improve in 2 days”⁴².

Appendix 3 provides examples of some possible new messages. These are not current policy, but are provided as examples. New health warnings for Australia will be rigorously market tested. To comment on the examples please refer to the feedback guide.

5.3 Format, colour and graphics

The type and size of text for the warning and the requirements for the background, border and ‘Government Health Warning’ authorisation are currently specified in Part 3 Section 9 a), b) and c) on Page 6 of the Regulations at [Appendix 2](#). The Regulations also prescribe the colour of the warning to be black text on a white background with a black border.

Previous research suggests that contrast and a larger font is important for legibility.

In order to introduce new, fresh health warnings with enhanced legibility, readability noticeability and salience, consideration could be given to:

- Changing or enlarging the font size
- Changing the case of the warning to upper and lower case
- Changing the colour of the warning
- Changing the background colour/contrast
- Changing the border colour or format
- Including a graphic or picture

Research has considered a range of possibilities in relation to colour and format. CBRC, in a study involving adolescents, reported that the warning, which would render a pack least likely to want to be seen with, was one which was long, printed on a fluorescent background with a ‘zigzag’ edge⁴³. Warning size was the most potent single manipulation followed by use of fluorescent backgrounds. Overall the report recommended the use of a background colour of either white or a colour that provides strong contrast and no or minimal adverse effects on legibility⁴⁴. The 1996 Elliott and Shanahan evaluation suggested consideration of changing the colour of the warnings to contrast with pack design and increase noticeability. For the same

reasons, the 2000 Elliott & Shanahan evaluation recommended consideration of enlarging the font size and changes to the colour of the warning (for example red or fluorescent)⁴⁵.

The existing Australian health warnings do not include any graphics or pictures. Canada was recently the first country in the world to introduce health warnings accompanied by pictures. The current Canadian warnings include 16 rotating messages with pictures in full colour.

Research which informed the Canadian warnings found that warnings with bigger pictures were more visually effective than those with smaller pictures and colour pictures were more effective than black and white and further, that strong support existed for graphic images of health effects on cigarette packages. This study found that the proposed new warning designs were about 2 times as legible and 3.5 times as effective as the existing warnings. Size of the printed word was the principle factor determining legibility with doubling the size of the letters more than doubling the legibility⁴⁶.

Another study found that increasing the size and emotional content of warning messages, including the use of message enhancing pictures, has the potential to encourage smokers to stop smoking and deter more non-smokers from starting to smoke⁴⁷. Warning messages with pictures were, on average, 60 times more encouraging to stop/not start smoking than messages without pictures. This study also found that increasing the size of health warning messages to 60% of the principal display surface of cigarette packages is not likely to increase the time taken to recognise the brand of cigarettes on store shelves. Other issues to take into account when considering changes to format and colour include legibility, visual effectiveness, and size and design of the surrounding pack.

In Australia, Elliott and Shanahan suggested in 1996 that consideration of the introduction of visuals may increase the appeal and interest of the warning messages⁴⁸. In 2000, Elliott and Shanahan found general community support for Canadian style warnings with some respondents spontaneously suggesting the incorporation of visual and photos on the pack⁴⁹.

Appendix 3 provides examples of a variety of possibilities in relation to format and colour, including two examples of Canadian-style warnings. To comment on the examples please refer to the feedback guide.

5.4 Position and coverage

Current regulations require the warning message to be printed on the face of the package so that the background is not further than 3 millimetres from the top of the packet. The explanatory message is required to be printed on the face of the pack opposite to the warning message and no further than 3 millimetres from the top of the pack.

We know that salience and impact of the warnings is affected by positioning on the pack. Research strongly supports maintaining the position of the health warning on the front of the cigarette pack as the most effective and acceptable for placement of any health messages^{50,51}. CBRC recommended placement of the warning at the top of the pack as the most likely to be seen prior to purchase⁵².

Coverage is the amount of area taken up by the health warning and explanatory message. The current regulations require that the warning must cover at least 25 per cent of the area of the face on which it is printed (usually the front). The explanatory message must cover at least 33 per cent (usually the back of the pack).

There is an international trend towards increasing the amount of area taken up by the health warning. The new Canadian regulations require warnings to cover 50 per cent of the front and back of the pack⁵³. A recent European Parliament directive requires warnings to cover at least

30 per cent of the front and 40 per cent of the back of the pack⁵⁴. The Elliott & Shanahan evaluation in 2000 recommended that the warnings be enlarged and the amount of space devoted to the warning be increased⁵⁵.

Consideration could be given to enlarging the area taken up by the warning on the front of the pack and the area taken up by the explanatory message on the back of the pack. This will result in larger health warnings. Advantages of larger warnings are that they are more easily noticed and read, pictures can be included and more information can be provided in the explanatory message. Issues to consider in relation to coverage area include the optimal size in terms of legibility, the size and design of the pack. Consideration could also be given to using the top, side and bottom of the pack, which are currently not used for health information.

Appendix 3 provides examples of a range of sizes of health warnings and various positions for health warnings on the front and back of the pack. To comment on the examples please refer to the feedback guide.

5.5 Rotation

The current regulations require that each warning message and corresponding explanatory message must be printed in rotation on retail packages of tobacco, so that, during the period of 12 months beginning on 1 January in each year, each message appears as nearly as possible on an equal number of retail packages of each kind of tobacco.

People eventually become habituated to specific health warnings through frequent exposure. This can lead to reduced effectiveness. Both Elliott and Shanahan studies^{56 57} and other research⁵⁸ affirmed this and suggested the introduction of new health warnings on a more regular basis and that more frequent changeover or rotation of health warnings would improve the effectiveness of health messages on packages and prevent the messages becoming stale.

Consideration could be given to implementing a staggered roll out of a set of new warnings so that 6 warnings are introduced in the first year and 6 in the second year. Each 6 warnings would be rotated as per current rotation system. Another option could be to rotate a set of 16 warnings with 4 messages rotating each six months.

To comment on issues relating to the rotation of health warning messages please refer to the feedback guide.

5.6 Inserts and other information

The current regulations do not cover inserts or other information. However, package warning and consumer information inserts are common for many other products such as foods and pharmaceuticals. Inserts carrying further information about risks involved in using the product could be useful as an avenue for providing consumers with additional information about the health effects of smoking. Elliott and Shanahan suggested either the inclusion of inserts or outer pack reference for information on quitting and related issues⁵⁹.

Research conducted by Health Canada to examine consumer responses to health warning messages on tobacco packaging flip/slide and inserts (leaflets) found that recall and notice of the insert messages is higher than that for messages carried on the flip/slide. Both formats were seen, by a majority of smokers as effective in providing information to smokers⁶⁰. As a result, the new Canadian regulations include the requirement for messages to be printed on the slide of a package or on a leaflet inserted in the packet for other types of packs. Some of these messages contain information on the addictiveness of tobacco and provide quitting advice, others provide additional information on smoking related diseases such as lung cancer, other lung diseases,

strokes and others covers the issues of smoking when pregnant and environmental tobacco smoke.

To comment on issues relating to inserts and other information please refer to the feedback guide.

5.7 Product information

Australia is among most jurisdictions internationally who require cigarettes to be labelled with yields of tar, carbon monoxide and nicotine, as measured under standard testing conditions. The current regulations require the *average* levels of tar, nicotine and carbon monoxide contained in each cigarette to be printed on the side of the packet. The text, position, format, background, average tar, nicotine and carbon monoxide content of cigarettes and text of the explanatory message are specified in Part 3, Section 17 of the Regulations ([Appendix 2](#)). There is no other listing of ingredients required by the Regulations.

The current regulations specify that if, when tested in accordance with standard methods published by the International Standards Organisation, the average level for each substance is below the following levels — 16mg-tar, 1.5mg-nicotine, and 20mg-carbon monoxide, then the average figures to be listed are to be selected from the table provided in Schedule 3 of the Regulations. If the average level for each substance exceeds the stipulated level then the actual average amounts of each substance are to be listed.

Many claim current testing methods are not a reliable indicator of the amount of tar, nicotine and carbon monoxide delivered to consumers because the machines used in testing do not occlude ventilation holes in the same manner as smokers do. There is a risk that many smokers are reassured by the tar readings on cigarettes and it is believed that many smokers have changed to low-tar brands in preference to quitting^{61 62}. At this time, there are no alternative internationally approved testing methods or standards relating to yield information. However, the question of nicotine regulation is being examined initially in Australia under a program of research into nicotine regulation. The program is to be managed by the Australian Cancer Society on behalf of the Commonwealth Department of Health and Aged Care.

A related issue is that few consumers appear to understand the meaning of the numbers listed on cigarette packs, and that they rely heavily on descriptors such as 'light' and 'mild' for cues as to what they perceive to be relative product harm⁶³. A 2001 study which examined nicotine yield from machine-smoked cigarettes and nicotine intakes in smokers, concluded that current approaches to characterising tar and nicotine yields of cigarettes provide a simplistic guide to smokers' exposure that is misleading to consumers⁶⁴. The regulation and/or prohibition of terms perceived to be misleading are beyond the scope of this review. However, the prospect of regulating for tobacco packages to carry suitably strengthened, more frequent and prominent health warnings and consumer information that actively counter the perceptions some consumers hold about lower yields and descriptors being associated with a 'safer' cigarette, could be considered within the context of the current review.

To comment on issues relating to product information please refer to the feedback guide. Your thoughts on health warnings to counter consumer perception around tar yield and descriptors on packages are also invited.

5.8 Quitting help and advice

The current Regulations require the number for a national telephone information line to be included at the end of the text of each health warning. The tobacco information line was established to support the introduction of the health warnings on tobacco products in 1994. The number, included at the end of each warning message, links the caller to *recorded* information about the harmful effects of tobacco consumption.

There is clear evidence that carrying out the intention to change health behaviour can be enhanced if instructions about an appropriate response are available at the critical moments of decision (ie. smokers need to have available the first step in a chain of behaviours that will lead them to quitting at the moment they decide to make a quit attempt)⁶⁵. A 2000 study, which examined strategies to increase tobacco-use cessation, found that telephone support was effective as part of a multi-component intervention in both clinical and community settings and strongly recommended the inclusion of telephone support as part of cessation intervention⁶⁶.

An evaluation of the tobacco information line involving a survey of 4000 Australians conducted in 1995 found a clear preference among smokers for a help line rather than an information line, with an interactive means of communication as opposed to a pre-recorded message⁶⁷. This would appear to be borne out in studies that demonstrate extensive use is made of Quitlines by smokers when they are widely publicised and they benefit from doing so^{68 69}.

The Elliott and Shanahan evaluation in 2000 indicated that only a small percentage (7%) of respondent smokers had ever called the information line. Some stakeholders interviewed felt that the inclusion of the Quitline, an established and nationally recognised number, on tobacco packets is necessary in assisting smokers to quit⁷⁰. This measure would also integrate the health warnings regime with the National Tobacco Campaign.

To comment on issues relating to quitting help and advice please refer to the feedback guide.

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Appendix 1 Abbreviations and Glossary of Terms

Abbreviations

ACCC	Australian Competition and Consumer Commission
CBRC	Centre for Behavioural Research in Cancer
ETS	environmental tobacco smoke
MCDS	Ministerial Council on Drug Strategy
NEACT	National Expert Advisory Group on Tobacco
NTS	National Tobacco Strategy
RIS	Regulation Impact Statement
VCTC	VicHealth Centre for Tobacco Control
WHO	World Health Organization

Glossary of Terms

Cardiovascular Disease

Cardiovascular disease describes diseases relating to the heart and blood vessels, including coronary heart disease, stroke, heart failure and peripheral vascular disease. It can affect blood supply to the heart (possibly causing angina or heart attack) or to the brain (which may lead to stroke). Cigarette smoking is one of the major modifiable risk factors for cardiovascular disease.

Centre for Behavioural Research in Cancer

The Centre for Behavioural Research in Cancer is part of the Anti-Cancer Council of Victoria. The overall and long-term aim of the Centre is to provide a first class behavioural science research program which will advance cancer prevention, detection and rehabilitation. The Centre's objectives are to conduct applied research particularly to underpin and evaluate preventive and educational interventions against cancer, to collaborate actively in epidemiological studies, particularly in the measurement of behavioural parameters, to develop professional expertise and interest in cancer problems among academic staff and students and to encourage extramural (academic) research relevant to the behavioural sciences.

Chronic obstructive pulmonary disease

The term 'chronic obstructive pulmonary disease' refers to a group of diseases (such as bronchitis and emphysema) that obstruct airflow, and lead to progressive loss of lung function. There is a strong relationship between lung cancer and chronic obstructive pulmonary disease. The most important risk factor for chronic obstructive pulmonary disease is smoking.

Descriptors

Words such as “light”, “mild”, “ultralight”, used on cigarette packets to describe the “strength” of cigarettes.

Environmental tobacco smoke

A combination of exhaled mainstream tobacco smoke and sidestream smoke from the burning tip of a cigarette.

Evidence-based practice

Evidence-based practice involves integrating the best available evidence with professional expertise to make decisions.

Explanatory message

The explanatory message on the back of a cigarette packet product provides additional information relating to the warning message on the front of the packet. It includes a contact number for further information.

International Standards Organisation

The International Standards Organisation is a non-governmental organisation that promotes the development of standardisation and related activities in the world. It strives to facilitate international exchange of goods and services, and to develop cooperation in the spheres of intellectual, scientific, technological and economic activity. The organisation’s work results in international agreements which are published as International Standards.

Ischaemic heart disease

The term ‘ischaemic heart disease’ refers to heart disease that has developed as a result of lack of oxygen. Lack of oxygen can bring about heart attacks, angina (chest pain), or dysrhythmias (abnormal heart rhythms). Smokers are at greater risk of developing ischaemic heart disease than non-smokers.

Licit Drug

A drug whose production, sale or possession is not prohibited. ‘Legal drug’ is an alternative term.

Ministerial Council on Drug Strategy

The peak policy and decision-making body in relation to licit and illicit drugs in Australia, the Ministerial Council on Drug Strategy brings together Commonwealth, State and Territory Ministers responsible for health and law enforcement to collectively determine national policies and programs to reduce drug-related harm. The Ministerial Council ensures that the Australian approach to harmful drug use is nationally coordinated and integrated. Its collaborative approach is designed to achieve national consistency in policy principles, program development and service delivery.

National Drug Strategic Framework

The National Drug Strategic Framework is a strategy to reduce the harm caused by drugs in our community. It outlines the policy principles and priority areas for the National Drug Strategy over the period 1998–99 to 2002–03. The Framework was prepared under the direction of the Ministerial Council on Drug Strategy (MCDS). The Council brings together Commonwealth, State and Territory Ministers responsible for health and law enforcement to collectively determine national policies and programs designed to reduce the harm caused by drugs to individuals, families and communities in Australia.

National Expert Advisory Group on Tobacco

The National Expert Advisory Group on Tobacco provides expert advice to the government matters on matters of national tobacco policy to decrease the health, social and economic costs of tobacco in Australia. The Group also advises on the development and implementation of the national tobacco strategy. The National Expert Advisory Group on Tobacco reports to the Ministerial Council on Drug Strategy through the Intergovernmental Committee on Drugs.

National Tobacco Campaign

The National Tobacco Campaign is a collaborative anti-tobacco campaign funded by the Federal Government in association with State and Territory governments, QUIT Campaigns and Anti-Cancer Councils. The Campaign utilises seven television commercials, radio, Internet site, print and outdoor advertising, public relations, a non-English strategy and a service provider strategy. A new phase of the campaign was launched on 31 May 2000 (World No Tobacco Day). This phase of the campaign consists of two new television commercials aimed at increasing the relevance of the campaign to younger smokers.

Nicotine yield

The average amount of nicotine from a cigarette as measured in accordance with International Standards Organisation testing methods.

Nicotine intake

The amount of nicotine taken into a person's body when they smoke a cigarette.

Regulatory Impact Statement

The Regulatory Impact Statement (RIS) is a document prepared by a government department, agency, statutory authority or board responsible for a regulatory proposal or review of existing regulations. The preparation of the RIS follows consultation with affected parties and requires an assessment of the costs and benefits of each option, followed by a recommendation supporting the most effective and efficient option.

Smokers

In the 1998 National Drug Strategy Household Survey smokers were defined as follows:

Recent smoker

A recent smoker is a person who smoked tobacco daily or who smoked tobacco at least occasionally in the past 12 months.

Recent regular smoker

A recent regular smoker was a recent smoker who consumes cigarettes at least daily or most days in the past 12 months.

Recent occasional smoker

A recent occasional smoker was a recent smoker who consumed cigarettes less than daily or most days in the past 12 months.

Tobacco control

Refers to a range of supply, demand and harm reduction strategies that aim to improve the health of Australians by eliminating or reducing their exposure to tobacco in all its forms.

Tobacco Information Line

The Tobacco Information Line was established to support the introduction of the health warnings on tobacco products in 1994. The number, included at the end of each health warning message on tobacco products, links the caller to recorded information about the harmful effects of tobacco consumption.

Uptake

The commencement of drug use.

VicHealth Centre for Tobacco Control

The VicHealth Centre for Tobacco Control was set up in late 1999 with funding from the Victorian Health Promotion Foundation. It is a consortium of the Anti-Cancer Council of Victoria with the Centre for Public Policy, the University of Melbourne, and the Institute of Public Health and Health Services Research at Monash University. It is housed at the Anti-Cancer Council as part of its Cancer Control Research Institute. The VicHealth Centre for Tobacco Control aims to contribute to the decline in smoking levels, particularly in population groups with high smoking levels. The Centre conducts legal, economic and social research and development activities to identify and promote innovative ways of reducing exposure to tobacco, thereby reducing the adverse health and social effects of tobacco use in Australia.

Appendix 2 Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations



Statutory Rules 1994 No. 83¹

Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Trade Practices Act 1974*.

Dated 29 March 1994.

BILL HAYDEN
Governor-General

By His Excellency's Command,

JEANETTE McHUGH
Minister for Consumer Affairs

PART 1—PRELIMINARY

Citation

1. These Regulations may be cited as the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

FR663 (98/697) Cat. No. 94 4329 X

Application

2. (1) Part 2 of these Regulations applies to tobacco (other than tobacco for export and cigars sold singly) that is manufactured in Australia, or imported into Australia, on or after 1 April 1994 but before 1 January 1995.

(2) Part 3 of these Regulations applies to tobacco (other than tobacco for export and cigars sold singly) that is manufactured in Australia, or imported into Australia, on or after 1 January 1995.

Interpretation

3. In these Regulations, unless the contrary intention appears:

“cigar” means a roll of cut tobacco for smoking, enclosed in tobacco leaf or the leaf of another plant;

“cigarette” means a roll of cut tobacco for smoking, enclosed in paper;

“retail package” has the meaning given by regulation 4;

“tobacco” includes cigarettes and cigars (other than cigars sold singly).

Meaning of “retail package”

4. (1) In these Regulations, “retail package”:

- (a) means a package in which tobacco is sold at retail; and
- (b) subject to subregulation (2), in the case where several packages are contained inside a larger package (for example, packets of cigarettes in a carton), and the whole is offered for retail sale as one unit, includes the larger package and each smaller package.

(2) In these Regulations, “retail package” does not include:

- (a) a display case that is not sold with the tobacco displayed in it; or
- (b) a wrapper on, or a container containing, a single cigar.

(3) For the purposes of these Regulations, if a retail package is normally sold wrapped in a wrapper (including but not limited to a transparent wrapper) that is normally removed from the package

when the package is opened, the wrapper is not part of the retail package.

PART 2—ARRANGEMENTS FROM 1 APRIL 1994 TO 31 DECEMBER 1994

Retail packages must bear certain labels

5. A retail package of tobacco must bear labels that are in accordance with the terms of the Schedule to the Health (Tobacco Warning Labels) Regulations 1986 of the State of Victoria, as those Regulations were in force on 31 August 1993.

PART 3—ARRANGEMENTS FROM 1 JANUARY 1995

Division 1—General

Interpretation

6. (1) In this Part, unless the contrary intention appears:

“corresponding explanatory message”, in relation to a warning message, means the explanatory message that appears in the same item in Schedule 1 as the warning message;

“explanatory message” means a message set out in Column 3 of Schedule 1;

“face”, in relation to a retail package of which the outer surface includes 2 or more flat areas that are bounded by edges of the package, means any of those flat areas;

“flip-top pack” means a retail package of the kind commonly called a flip-top pack or hinge-top pack;

“irregular package” means a retail package (other than a pouch) that has only 1 flat surface, or no flat surfaces;

“pouch” means a retail package that is:

- (a) made from flexible material; and
- (b) takes the form of a rectangular pocket with a flap that covers the opening;

“soft pack” means a retail package of the kind commonly called a soft pack or soft cup;

“warning message” means a message set out in Column 2 of Schedule 1.

[Gaps, etc, created by opening package to be disregarded]

(2) For the purposes of these Regulations, unless the contrary intention appears, openings, gaps or edges that are created in a face of a retail package when the package is opened are to be disregarded.

[Decorative ridges, bulges, etc., to be disregarded]

(3) For the purposes of these Regulations, unless the contrary intention appears, a surface that bears decorative ridges, embossing, bulges or other irregularities but is otherwise flat is taken to be flat.

[Shape of certain kinds of package]

(4) For the purposes of these Regulations:

- (a) a soft pack is taken to be a solid that has all its faces rectangular and that has edges equal in length to the edges of the smallest rectangular solid inside which the pack will fit when it is not compressed; and
- (b) a face that has rounded corners but is otherwise square or rectangular is taken to be square or rectangular, as the case requires.

[Surface area of an irregular package]

(5) For the purposes of these Regulations, the surface area of an irregular package is the area that would be covered by the outer layer of the package if it were opened out and pressed flat.

[Cylindrical packages]

(6) To avoid doubt, it is declared that a reference in these Regulations to a cylindrical package includes a package that is, in one plane, elliptical, rather than circular, in cross-section.

[Adhesive labels]

(7) For the purposes of these Regulations, a message that is printed on an adhesive label attached to a retail package in accordance with regulation 14 is taken to be printed on the package to which the label is attached.

Retail package must bear warning message and, in certain cases, explanatory message

7. Subject to this Division, a retail package of tobacco must bear:

- (a) a warning message and the corresponding explanatory message; or
- (b) if permitted or required by another provision of these Regulations:
 - (i) a warning message, the same warning message repeated and the corresponding explanatory message; or
 - (ii) a warning message and the same warning message repeated.

Messages on certain smaller packages

8. (1) If the largest face of a retail package (other than an irregular package):

- (a) has an area of 40 square centimetres or less; and
- (b) would, but for this subregulation, be required to bear an explanatory message;

then:

- (c) an explanatory message need not be printed on that face; and
- (d) both that face and the face on which the warning message is to be printed must bear the same warning message.

(2) An irregular package that has a total surface area of 145 square centimetres or less must bear a warning message printed on the package twice.

Format of warning message and explanatory message

9. A warning message or an explanatory message must be in the following format:

- (a) the text must be printed:
 - (i) within a black rectangular or square border of which the lines are no wider than an upper-case letter "T" in the type size used for the text of the message; and
 - (ii) on a white background within the border referred to in subparagraph (i);
- (b) the text must be printed in the type face known as Helvetica, in upper-case and lower-case letters as the text of the message is set out in Schedule 1, in type that is:
 - (i) clear and legible; and
 - (ii) subject to paragraph (c), of the same height throughout the message; and
 - (iii) black; and
 - (iv) of normal weight; and
 - (v) of such a size that the text as nearly as possible fills the background on which it is printed; and
- (c) the words "Government Health Warning" must be in type of a point size not greater than 50% of the point size of the type used for the remainder of the message.

Position of warning message and explanatory message

- 10. (1) A warning message is to be printed:
 - (a) on a retail package of a kind mentioned in Schedule 2:
 - (i) on the face of the package specified in Schedule 2 for a package of that kind; and
 - (ii) so that the upper edge of the background is no further than 3 millimetres below the upper edge of that face; or
 - (b) on an irregular package:
 - (i) in the case of an irregular package that has a total surface area less than 145 square centimetres—in two places as far apart as possible; or

(ii) in any other case—anywhere on the outside of the package.

(2) An explanatory message is to be printed on a retail package (other than a pouch or an irregular package):

- (a) on the face of the package that is opposite to the face on which the warning message is to be printed; and
- (b) so that the upper edge of the background is no further than 3 millimetres below the upper edge of that face.

(3) In the case of a pouch, the explanatory message must be printed:

- (a) if the flap is, in area, at least 33 $\frac{1}{3}$ % of the area of the face on which the warning message is to be printed—on the outside of the flap; or
- (b) in any other case—on the face that is not covered or partly covered by the flap when the package is closed.

(4) If an irregular package is required by these Regulations to carry an explanatory message, the explanatory message must be printed on the outside of the package in a position as nearly as possible opposite to the warning message.

Area to be covered by warning message and explanatory message

11. (1) A warning message must cover:

- (a) in the case of a warning message printed on an irregular package—at least 15% of the total surface area of the package; or
- (b) in any other case—at least 25% of the area of the face on which it is printed.

(2) An explanatory message must cover:

- (a) in the case of an explanatory message printed on an irregular package—at least 20% of the total surface area of the package; or
- (b) in any other case—at least 33 $\frac{1}{3}$ % of the area of the face on which it is printed.

Orientation of a message

12. The text of a warning message or an explanatory message must be oriented as follows:

- (a) if the face on which the message is to be printed has other text printed on it, and all, or the majority of, that other text is oriented in one direction—the text must be oriented in that direction; or
- (b) if paragraph (a) does not apply—the text may be oriented in any direction.

Messages not to be obscured etc.

13. (1) If a message that is required by these Regulations to be printed on a retail package is likely to be obscured or obliterated by a wrapper on the package, the message must be printed on both the wrapper and the package.

(2) A message (other than a message on a carton) must not be likely to be obliterated, removed or rendered permanently unreadable when the retail package on which it is printed is opened in the normal way.

Use of adhesive labels

14. (1) A message that is required by these Regulations to be printed on a retail package may be printed on an adhesive label that is affixed to the retail package.

(2) Subregulation (1) does not apply to a flip-top pack or a soft pack after 30 June 1996.

- (3) An adhesive label referred to in subregulation (1) must:
 - (a) comply with these Regulations in all respects other than as specifically set out in this regulation; and
 - (b) be affixed to the face of the package on which the message that it bears is required to be printed, but may be affixed anywhere on that face; and
 - (c) be fastened firmly to the retail package so as not to be easily removable.

(4) An adhesive label referred to in subregulation (1) may be affixed in any orientation.

Messages to appear in rotation

15. (1) Each warning message and (where required by these Regulations) the corresponding explanatory message must be printed in rotation on retail packages of tobacco, so that, during the period of 12 months beginning on 1 January in each year, each message appears as nearly as possible on an equal number of retail packages of each kind of tobacco.

(2) Tobacco is of different kinds for the purposes of subregulation (1) if:

- (a) it is sold under different brand names; or
- (b) it is sold under one brand name but is distinguished in one or more of the following ways:
 - (i) containing or not containing menthol;
 - (ii) being otherwise differently flavoured;
 - (iii) having different contents of tar;
 - (iv) allegedly differing in "mildness";
 - (v) having or not having filter tips or cork tips;
 - (vi) being sold in retail packages containing different numbers of pieces;
 - (vii) being of different length or mass.

Division 2—Retail packages containing cigarettes

Application of Division

16. This Division applies to a retail package containing cigarettes.

Message to be printed on the side of a retail package of cigarettes

[Sides of certain packages]

17. (1) For the purposes of this regulation, a reference to the sides of a retail package containing cigarettes is a reference:

- (a) in the case of a cylindrical retail package—to those parts of the curved surface of the package that, if the vertical centre-line of the largest brand-name on the curved surface of the package is taken to be at 0°, extend:
 - (i) from 60° to 120°; and
 - (ii) from 240° to 300°;
 around the circumference of a flat face of the package; and
- (b) in the case of a package that has 2 faces that are hexagonal or octagonal, and of which all the other faces are square or rectangular—to the square or rectangular faces of the package, other than the front and the back; and
- (c) in the case of a carton—to the larger 2 of the 4 faces other than the front and the back;
- (d) in any other case—to the surfaces of the package, other than the back and the front, that are vertical when the package is held so that the axis of the cigarettes within it is vertical.

[Front and back]

- (2) For the purposes of subregulation (1):
 - (a) the front of a retail package (other than an irregular package) is that face of the package on which the warning message is required to be printed; and
 - (b) the back of a retail package (other than an irregular package) is the face:
 - (i) on which the explanatory message is required to be printed; or
 - (ii) on which the explanatory message would, but for subregulation 8 (1), be required to be printed.

[Text of message for side of package]

(3) The following message must be printed on a retail package of cigarettes:

"The smoke from each cigarette contains, on average:
[xx] milligrams or less of tar—condensed smoke containing many chemicals, including some that cause cancer;
[yy] milligrams or less of nicotine—a poisonous and addictive drug;
[zz] milligrams or less of carbon monoxide—a deadly gas which reduces the ability of blood to carry oxygen."

[Position of message]

- (4) The message required by subregulation (3):
- (a) in the case of a retail package other than an irregular package—must be printed:
- (i) if both or all of the sides of the package are the same in area—on one side of the package; or
 - (ii) if one side of the package is larger than the other or others—on the larger or largest side; or
 - (iii) if 2 or more sides of the package are larger than the other or others—on one of those larger sides; or
- (b) in the case of an irregular package—may be printed anywhere on the package.

[Format of message]

- (5) The message required by subregulation (3) must be printed:
- (a) in the type face known as Helvetica, in type that is:
- (i) clear and legible; and
 - (ii) black; and
 - (iii) of normal weight; and
 - (iv) of such a size that the text as nearly as possible fills the background on which it is printed; and
- (b) in upper and lower case, as the text of the message is set out in subregulation (3); and

- (c) if the message is required to appear on the side of the package, oriented so that the lines of type making up the message are parallel to the largest edges of the face on which the message is printed; and
- (d) on a rectangular or square background of the kind set out in subregulation (6).

[Background]

- (6) The background referred to in paragraph (5) (d):
 - (a) must be white; and
 - (b) must occupy:
 - (i) in the case of a retail package other than a flip-top pack, a carton or an irregular package—the whole of one side; or
 - (ii) in the case of a flip-top pack—the whole of one side except the part of that side that forms part of the top; or
 - (iii) in the case of a carton—at least 25% of the side on which the message is printed; or
 - (iv) in the case of an irregular package—at least 9% of the total surface area of the package.

[Average tar, nicotine and carbon monoxide content of cigarette]

(7) When the message required by subregulation (3) is printed on a retail package, “[xx]”, “[yy]” and “[zz]” are to be replaced by:

- (a) the average amount of tar, nicotine or carbon monoxide, respectively, produced by a cigarette of the kind contained in the retail package, when cigarettes of that kind are tested according to the testing methods specified in regulation 18; or
- (b) if, when cigarettes of that kind are tested according to those testing methods:
 - (i) the average amount of tar produced by a cigarette does not exceed 16 milligrams; and
 - (ii) the average amount of nicotine produced by a cigarette does not exceed 1.5 milligrams; and
 - (iii) the average amount of carbon monoxide produced by a cigarette does not exceed 20 milligrams;

a figure worked out by taking from the column of Schedule 3 that relates respectively to tar, nicotine, or carbon monoxide the lowest figure that is greater than the average amount of tar, nicotine, or carbon monoxide, respectively, produced by a cigarette of that kind.

Testing methods

18. (1) The testing methods to be used for the purpose of subregulation 17 (7) to determine the average amount of tar, nicotine and carbon monoxide produced by a cigarette are the following standard methods published by the International Standards Organisation:

- (a) tar—ISO 4387 (Determination of total and nicotine-free dry particulate matter using a routine analytical smoking machine);
- (b) nicotine—ISO 10915 (Cigarettes—determination of nicotine in smoke condensates—gas chromatographic method);
- (c) carbon monoxide—ISO 8454 (Cigarettes—determination of carbon monoxide in the vapour phase of smoke (NDIR method)).

(2) The testing methods specified in subregulation (1) are to be used in accordance with the following standards published by the International Standards Organisation:

- (a) ISO 3308 (Routine analytical cigarette-smoking machine—definitions and standard conditions);
- (b) ISO 8243 (Cigarettes—sampling);
- (c) ISO 3402 (Tobacco and tobacco products—atmosphere for conditioning and testing).

Division 3—Cigars

Application of Division

19. This Division applies to a retail package containing cigars.

Packages of cigars must bear certain messages

- 20.** A retail package containing cigars must bear:
- (a) a warning message, and the corresponding explanatory message, in accordance with Division 1; or
 - (b) a warning message, the warning message repeated, and the corresponding explanatory message, in accordance with regulation 21; or
 - (c) a warning message, and the corresponding explanatory message, in accordance with regulation 22.

Messages on package with hinged lid

21. (1) A warning message and explanatory message may be printed on a retail package in accordance with this regulation if and only if the package has a hinged lid formed by one face of the package.

(2) A retail package containing cigars bears a warning message and the corresponding explanatory message in accordance with this subregulation if:

- (a) the warning message is printed on both the outside of the lid and the base of the package; and
- (b) each warning message occupies at least 25% of the area of the face on which it is printed; and
- (c) the explanatory message is printed on the inside surface of the lid; and
- (d) the explanatory message occupies at least 33% of the area of the inside surface of the lid; and
- (e) the warning message and the explanatory message are otherwise in accordance with Division 1.

Messages on other packages of cigars

22. A retail package containing cigars bears a warning message and the corresponding explanatory message in accordance with this regulation if:

- (a) the warning message is printed on the face of the package that is specified in Schedule 2 for a package of that kind; and

- (b) the corresponding explanatory message is printed on the face of the package that is opposite to the face on which the warning message is, under paragraph (a), to be printed; and
 - (c) the areas occupied by the warning message and the explanatory message are as set out in the item of Schedule 4 that applies to that package; and
 - (d) the warning message and the explanatory message are otherwise in accordance with Division 1.
-

SCHEDULE 1

Regulation 6

**WARNING MESSAGES
AND EXPLANATORY MESSAGES**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item number	Warning message	Explanatory message
1	<p>SMOKING CAUSES LUNG CANCER Government Health Warning</p>	<p>SMOKING CAUSES LUNG CANCER. Tobacco smoke contains many cancer-causing chemicals including tar. When you breathe the smoke in, these chemicals can damage the lungs, and can cause cancer. Lung cancer is the most common cancer caused by smoking. Lung cancer can grow and spread before it is noticed. It can kill rapidly. For more information, call 13 2190. Government Health Warning</p>
2	<p>SMOKING IS ADDICTIVE Government Health Warning</p>	<p>SMOKING IS ADDICTIVE. Nicotine, a drug in tobacco, makes smokers feel they need to smoke. The more you smoke, the more your body will depend on getting nicotine and you may find yourself hooked. It may be difficult to give up smoking once you are hooked on nicotine. For more information, call 13 2190. Government Health Warning</p>

SCHEDULE 1—continued

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item number	Warning message	Explanatory message
3	SMOKING KILLS Government Health Warning	SMOKING KILLS. In Australia, tobacco smoking causes more illness and early death than using any other drug. Tobacco smoking causes more than four times the number of deaths caused by car accidents. For more information, call 13 2130. Government Health Warning
4	SMOKING CAUSES HEART DISEASE Government Health Warning	SMOKING CAUSES HEART DISEASE. Tobacco smoking is a major cause of heart disease. It can cause blockages in the body's arteries. These blockages can lead to chest pain and heart attacks. Heart attack is the most common cause of death in Australia. Smokers run a far greater risk of having a heart attack than people who don't smoke. For more information, call 13 2130. Government Health Warning

SCHEDULE 1—continued

Column 1	Column 2	Column 3
Item number	Warning message	Explanatory message
5	<p>SMOKING WHEN PREGNANT HARMS YOUR BABY Government Health Warning</p>	<p>SMOKING WHEN PREGNANT HARMS YOUR BABY. Poisons in tobacco smoke reach your baby through the bloodstream. If you smoke when you are pregnant, you greatly increase the chance of having a baby of low birth-weight. Smoking may lead to serious complications which could harm your baby. For more information, call 13 2130. Government Health Warning</p>
6	<p>YOUR SMOKING CAN HARM OTHERS Government Health Warning</p>	<p>YOUR SMOKING CAN HARM OTHERS. Tobacco smoke causes cancer and poisons people. People who breathe in your tobacco smoke can be seriously harmed. Your smoking can increase their risk of lung cancer and heart disease. Children who breathe your smoke may suffer asthma attacks and chest illnesses. For more information, call 13 2130. Government Health Warning.</p>

SCHEDULE 2

Regulation 10

POSITIONS ON RETAIL PACKAGES WHERE WARNING MESSAGE IS TO BE PRINTED

Column 1 Item	Column 2 Type of retail package	Column 3 Face of the package on which warning message is to be printed
1	Flip-top pack	That face that includes the front face of the flip-top
2	Soft pack	If the brand name is printed on only one of the largest faces, or is printed in larger type on one of those faces, that face; otherwise, either of the largest faces
3	Any other retail package (except a pouch) all of the faces of which are rectangular or square	If one of the largest faces of the package forms, or forms part of, a lid, that face; otherwise, that one of the largest faces of the package that is towards a person who holds the package for the purpose of removing the contents
4	Pouch	That one of the largest faces of the folded package that is not overlapped by the flap of the package
5	Cylindrical package containing cigarettes or cigars	That part of the curved surface of the package that extends one-twelfth of the circumference of the package each side of the vertical centre line of the brand name label on that surface (or, if that label appears more than once on that surface, the larger or largest of those labels)
6	Cylindrical package containing tobacco	That one of the circular faces that forms, or forms part of, the lid

SCHEDULE 2—continued

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Item	Type of retail package	Face of the package on which warning message is to be printed
7	Package in the shape of a hexagonal or octagonal prism, containing cigarettes or cigars	That one of the rectangular faces of the package that bears the brand name label; or, if that label appears on more than one of those faces, the face on which the larger or largest of those labels appears

SCHEDULE 3

Subregulation 17 (7)

**FIGURES FOR DESCRIBING AVERAGE AMOUNTS OF TAR,
NICOTINE AND CARBON MONOXIDE**

Tar (milligrams)	Nicotine (milligrams)	Carbon monoxide (milligrams)
1	0.2	2
2	0.3	3
4	0.4	5
8	0.8	10
12	1.2	15
16	1.5	20

SCHEDULE 4

Paragraph 22 (c)

**AREAS TO BE OCCUPIED BY MESSAGES ON CERTAIN
PACKAGES OF CIGARS**

Column 1 Item	Column 2 Area of front and back face of package (cm ²)	Column 3 Area to be occupied by warning message (cm ²)	Column 4 Area to be occupied by explanatory message (cm ²)
1	less than 70	15	20
2	not less than 70 but less than 90	20	27
3	not less than 90 but less than 110	25	33
4	not less than 110 but less than 130	30	40
5	not less than 130 but less than 150	35	46
6	not less than 150 but less than 170	40	53
7	not less than 170 but less than 250	53	70
8	not less than 250 but less than 330	73	96
9	330 or greater	73	96

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 31 March 1994.



Statutory Rules 1994 No. 498¹

Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Trade Practices Act 1974*.

Dated 6 December 1994.

BILL HAYDEN
Governor-General

By His Excellency's Command,

JEANNETTE McHUGH
Minister for Consumer Affairs

1. Amendment

1.1 The Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations are amended as set out in these Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act 1901*, s. 48.]

71214 (940222) Cat. No. 94 3485 6

2 *Trade Practices (Consumer Product Information Standards) (Tobacco) 1994 No. 408*

2. Regulation 2 (Application)

2.1 Omit the regulation, substitute:

Application

“2. (1) Part 2 of these Regulations applies to tobacco (other than tobacco for export and cigars sold singly) that is:

- (a) manufactured in Australia on or after 1 April 1994 but before 1 January 1995; or
- (b) imported into Australia on or after 1 April 1994 but before 1 July 1995.

“(2) Part 3 of these Regulations applies to tobacco (other than tobacco for export and cigars sold singly) that is:

- (a) manufactured in Australia on or after 1 January 1995; or
- (b) imported into Australia on or after 1 July 1995.”.

3. Part 2 (Heading)

3.1 Omit the heading, substitute:

“PART 2—ARRANGEMENTS FROM 1 APRIL 1994 TO 31 DECEMBER 1994 (AUSTRALIAN TOBACCO) OR TO 30 JUNE 1995 (IMPORTED TOBACCO)”.

4. Part 3 (Heading)

4.1 Omit the heading, substitute:

“PART 3—ARRANGEMENTS FROM 1 JANUARY 1995 (AUSTRALIAN TOBACCO) OR FROM 1 JULY 1995 (IMPORTED TOBACCO)”.

5. Regulation 6 (Interpretation)

5.1 Subregulation 6 (1) (definition of “irregular package”):

Omit the definition.

5.2 Subregulation 6 (1) (definition of “pouch”):

Omit the definition, substitute:

“ ‘pouch’ means a retail package that:

- (a) is made from flexible material; and
- (b) takes the form of a rectangular pocket with a flap that covers the opening;”.

5.3 Subregulation 6 (3):

Omit the subregulation, substitute:

[Flat areas may include decorative ridges, bulges, etc.]

“(3) Unless the contrary intention appears, an area of a surface that bears decorative ridges, embossing, bulges or other irregularities, but is otherwise flat, is taken to be a flat area for the purposes of these Regulations.”.

5.4 Subregulation 6 (5):

Omit the subregulation, substitute:

[Surface area of a retail package]

“(5) For the purposes of these Regulations, the surface area of a retail package is the area that would be covered by the outer layer of the package if it were opened out and pressed flat.”.

6. Regulation 8 (Messages on certain smaller packages)

6.1 Subregulation 8 (1):

Omit “(other than an irregular package):”, substitute “(other than a retail package of a kind described in item 8 of Schedule 2):”.

4 *Trade Practices (Consumer Product Information Standards) (Tobacco) 1994 No. 408*

6.2 Subregulation 8 (2):

Omit the subregulation, substitute:

"(2) A retail package of a kind described in item 8 of Schedule 2:

- (a) is not required to bear an explanatory message; and**
- (b) must bear a warning message printed on the package twice."**

7. Regulations 10 and 11

7.1 Omit the regulations, substitute:

Position of warning message and explanatory message

"10. (1) For a retail package of a kind described in item 1 or 2 of Schedule 2:

- (a) the warning message is to be printed:**
 - (i) on the face of the package specified in the relevant item; and**
 - (ii) so that the upper edge of the background is no further than 3 millimetres below the upper edge of the face on which the message is printed; and**
- (b) the explanatory message is to be printed:**
 - (i) on the face of the package that is opposite to the face on which the warning message is to be printed; and**
 - (ii) so that the upper edge of the background is no further than 3 millimetres below the upper edge of the face on which the message is printed.**

"(2) For a retail package of a kind described in item 3, 5, 6 or 7 of Schedule 2:

- (a) the warning message is to be printed on the face of the package specified in the relevant item; and**
- (b) the explanatory message is to be printed on the face of the package that is opposite to the face on which the warning message is to be printed.**

"(3) For a pouch described in item 4 of Schedule 2, the warning message is to be printed on the face of the pouch specified in the item.

"(4) If the flap of a pouch described in item 4 of Schedule 2 is, in area, less than 33 $\frac{1}{3}$ % of the area of the face on which the warning message is to be printed, the explanatory message is to be printed:

- (a) on the face that is partly covered by the flap when the package is closed; and
- (b) not in the area that is covered by the flap when the package is closed.

"(5) If the flap of a pouch described in item 4 of Schedule 2 is, in area, at least 33% of the area of the face on which the warning message is to be printed, the explanatory message is to be printed on the outside of the flap.

"(6) For a retail package of a kind described in item 8 of Schedule 2, the 2 warning messages are to be printed on the package as far apart as possible.

"(7) For a retail package of a kind described in item 9 of Schedule 2:

- (a) the warning message is to be printed on the face of the package specified in the item; and
- (b) the explanatory message is to be printed as far as possible from the warning message on the package.

Area to be covered by warning message and explanatory message

"11. (1) A warning message that is printed on a retail package of a kind described in items 1 to 7 (inclusive) of Schedule 2 must cover at least 25% of the area of the face on which it is printed.

"(2) An explanatory message that is printed on a retail package of a kind described in items 1 to 7 (inclusive) of Schedule 2 must cover at least 33 $\frac{1}{3}$ % of the area of the face on which it is printed.

6 *Trade Practices (Consumer Product Information Standards) (Tobacco) 1994 No. 408*

“(3) A warning message that is printed on a retail package of a kind described in item 8 or 9 of Schedule 2 must cover at least 15% of the total surface area of the package.

“(4) An explanatory message that is printed on a retail package of a kind described in item 9 of Schedule 2 must cover at least 20% of the total surface area of the package.”.

8. Regulation 17 (Message to be printed on the side of a retail package of cigarettes)

8.1 Paragraph 17 (2) (a):

Omit “(other than an irregular package)”, substitute “(other than a retail package of a kind described in item 8 or 9 of Schedule 2)”.

8.2 Paragraph 17 (2) (b):

Omit “(other than an irregular package)”, substitute “(other than a retail package of a kind described in item 8 or 9 of Schedule 2)”.

8.3 Subregulation 17 (4):

Omit the subregulation, substitute:

[Position of message—general]

“(4) The message required by subregulation (3) must be printed on a retail package of a kind described in item 1, 2, 3, 5 or 7 of Schedule 2:

- (a) if both or all of the sides of the package are the same in area—on one side of the package; or
- (b) if one side of the package is larger than the other or others—on the larger or largest side; or
- (c) if 2 or more sides of the package are larger than the other or others—on one of those larger sides.

[Position of message—certain retail packages]

“(4A) The message required by subregulation (3) must be printed on a retail package of a kind described in item 8 or 9 of Schedule 2 anywhere on the package.”.

8.4 Subparagraph 17 (6) (b) (iv):
Omit the subparagraph, substitute:

"(iv) In the case of a retail package of a kind described in item 8 or 9 of Schedule 2—at least 9% of the total surface area of the package."

9. Schedule 2 (Positions on retail packages where warning message is to be printed)

9.1 Item 3:

Omit the item, substitute:

- "3 Any other retail package (except a pouch) all the faces of which are rectangular or square**
- (a) If one of the largest faces of the package forms, or forms part of, a lid—that face.**
 - (b) In the case of a carton referred to in paragraph 4 (1) (b)—any of the largest faces of the carton.**
 - (c) In any other case—that one of the largest faces of the package that is towards a person who holds the package correctly for the purpose of removing its contents."**

8 *Trade Practices (Consumer Product Information Standards) (Tobacco) 1994 No. 408*

9.2 Add at the end:

- | | | |
|----|--|---|
| “8 | A retail package: | |
| | (a) the shape of which is not described in items 1 to 7 (inclusive); and | The package must bear 2 warning messages, printed as far apart as possible. |
| | (b) the total surface area of which is less than 145 square centimetres | The messages must be printed on the face, or faces, of the package that allow this result to be achieved. |
| 9 | A retail package: | Any face of the package.”. |
| | (a) the shape of which is not described in items 1 to 7 (inclusive); and | |
| | (b) the total surface area of which is at least 145 square centimetres | |

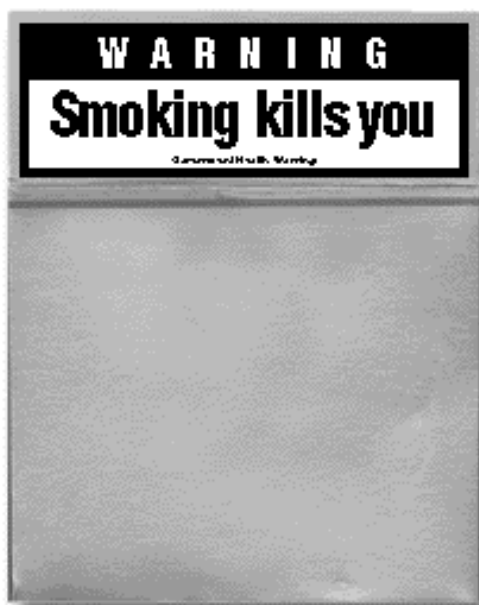
NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 13 December 1994.
2. Statutory Rules 1994 No. 83.

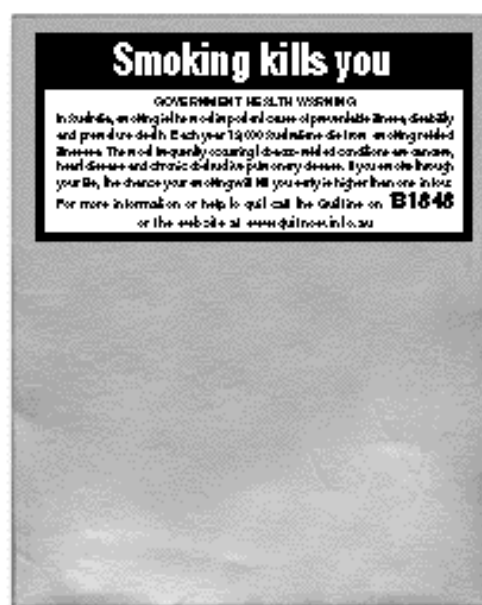
Printed by Authority by the Commonwealth Government Printer

Appendix 3 Examples of possible new health warnings

The following are examples of possible new health warnings. They have been derived from research, images and information from the National Tobacco Campaign and the Canadian experience. These examples are intended to provide readers with an idea of various options in terms of position size, coverage, colour and content. The examples are not current government policy and any new messages will undergo rigorous testing prior to regulation and introduction.

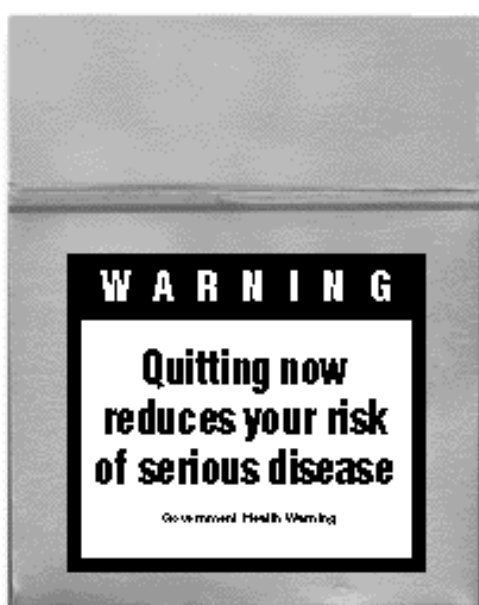


FRONT

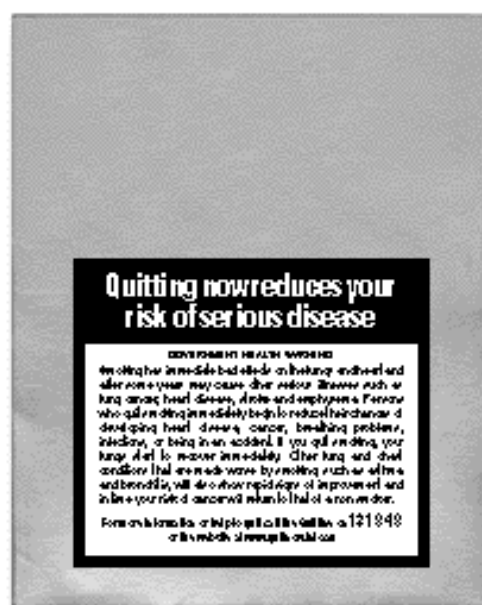


BACK

Example 1



FRONT

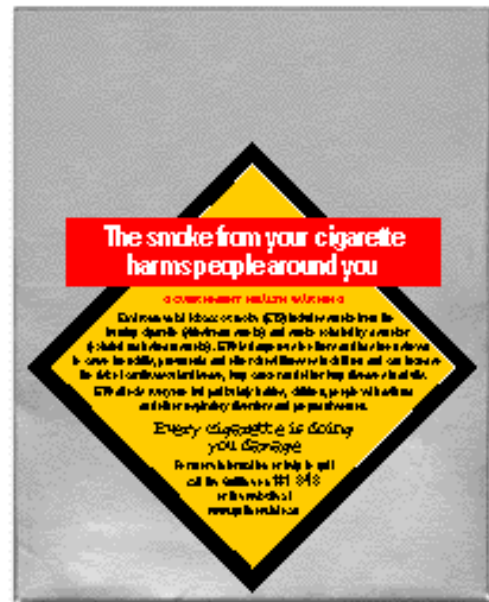


BACK

Example 2



FRONT



BACK

Example 3



FRONT

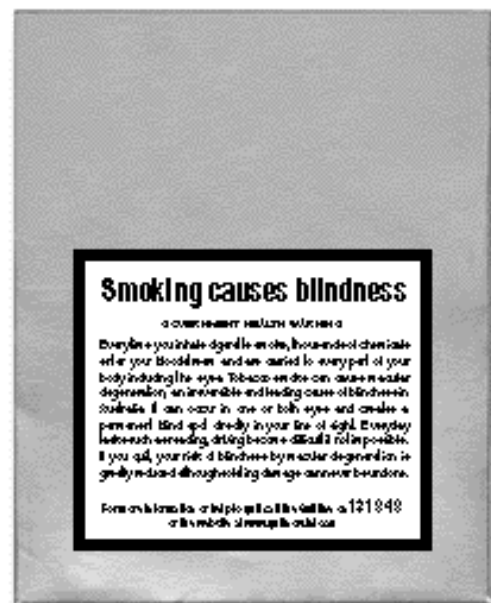


BACK

Example 4



FRONT

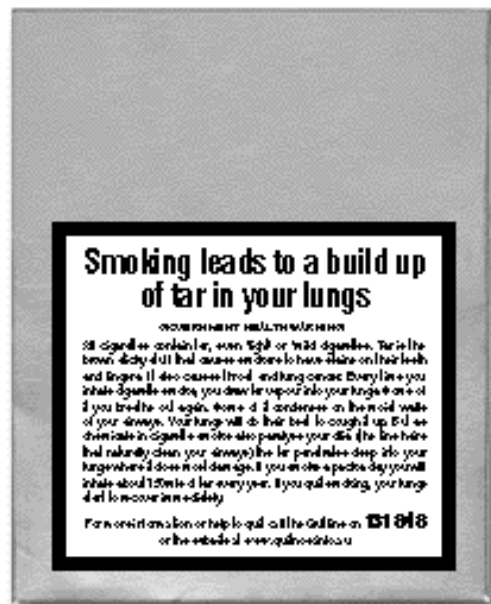


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Example 5



FRONT

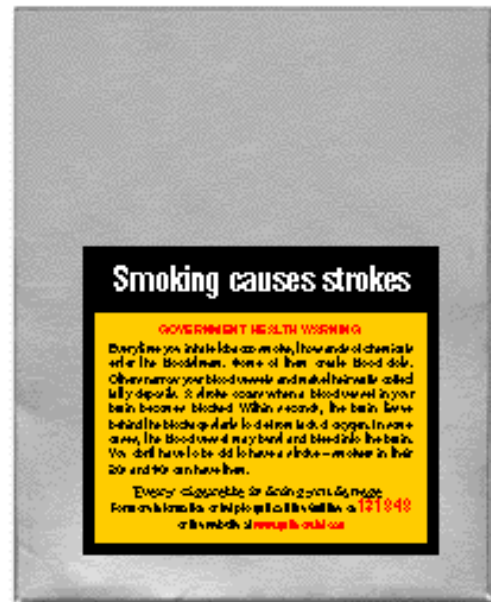


BACK

Example 6

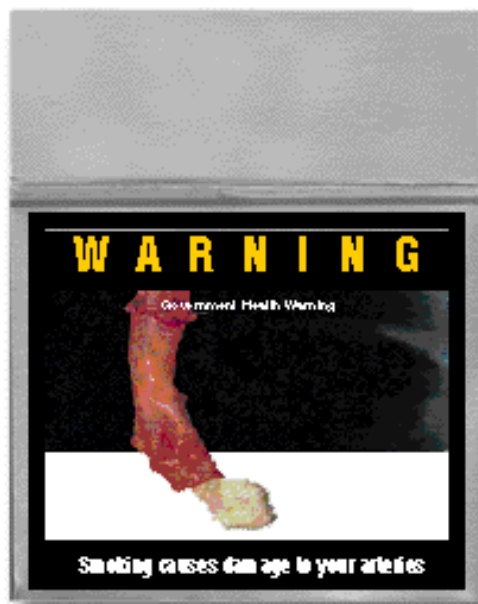


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BACK

Example 7



FRONT



BACK

Example 8

Canadian examples



These examples are reproduced from Health Canada's website at www.hc-sc.gc.ca/english/media/photos/tobacco_labelling/