



Canadian Cancer Society
Société canadienne
du cancer

February 2, 2017

Clerk to Panel on Health Services
Legislative Council Secretariat
1 Legislative Council Road
Central, Hong Kong S.A.R., China
panel_hs@legco.gov.hk

Dear Panel on Health Services:

On behalf of the Canadian Cancer Society, I am writing to express support for the implementation of 85% picture health warnings on tobacco packages in Hong Kong.

Large, well-designed picture health warnings are recognized internationally as an effective measure both to increase awareness of the health effects of tobacco, and to decrease tobacco consumption. The effectiveness of health warnings increases with size. Implementing new 85% tobacco package health warnings in Hong Kong would be a critical public health measure to reduce disease and death.

If it was the case that the new 85% warnings would be ineffective, then why is the tobacco industry opposed? The tobacco industry knows that the new 85% picture health warnings would reduce sales and tobacco use.

It is understood that Dr. Judith Mackay has already submitted two Canadian Cancer Society items: (1) *Cigarette Package Health Warnings: International Status Report*, 5th ed., Oct. 2016; and (2) "Plain Packaging: International Overview" 2016. These are enclosed for ease of reference.

Hong Kong has previously shown international leadership by implementing picture warnings in 2007, becoming one of the world's first 12 countries/territories to do so. And at the time of implementation in 2007, with a size of 50%, Hong Kong was ranked in a tie for 6th in the world for cigarette package warning size.

Since then Hong Kong has fallen behind and is now ranked between the 57-95 range in the world for package warning size, tied with some other countries/territories, as documented in our 2016 report, *Cigarette Package Health Warnings: International Status Report*.

Moreover, Hong Kong is the only jurisdiction in the world that implemented picture warnings on or before 2007 that has not updated the warnings. Thus the current Hong Kong warnings are extremely stale with consequent reduced effectiveness.

There are now at least 105 countries and territories worldwide that have implemented picture health warnings. This international momentum is significant, and represents a recognition of the importance that governments place on picture health warnings and their effectiveness. In country

after country, governments have had to resist lobbying and misinformation from the tobacco industry. In Hong Kong, as in countries/territories, it is essential that public health prevail.

Nepal has already implemented a 90% size; Thailand and India have implemented 85%, Australia 82.5%, Sri Lanka 80% and Uruguay 80%. Vanuatu will be implementing 90% in 2017. If all of these countries can require such larger warnings, then so can Hong Kong. We urge Hong Kong to stand firm against tobacco industry lobbying. The health, wellbeing and lives of a vast number of Hong Kong residents are at stake.

We agree that this submission can be made available to the media and the public, and can be uploaded on to the Legislative Council website.

Yours truly,



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encl.

Plain Packaging – International Overview

Canadian Cancer Society
October 11, 2016

Plain packaging would prohibit brand colours, logos and graphics on tobacco packages, thus eliminating the package as mini-billboards that promote tobacco. Required health warnings would appear on packages, but the branded part of the package would have a standard colour for all brands, such as the drab brown required in Australia (see images on page 3). Package dimensions would be standardized, thus eliminating Slims and Superslims packs targeting women.

Plain packaging would (1) eliminate promotional aspects of packaging; (2) curb deceptive messages conveyed through packaging; (3) enhance the effectiveness of health warnings; (4) reduce tobacco use. Plain packaging would build on existing packaging regulation that requires health warnings, that requires toxic emission messages on package sides, and that prohibits misleading descriptors “light” and “mild”.¹

International developments

Summary: Plain packaging has been implemented in Australia (2012), the United Kingdom (May 20, 2016) and France (May 20, 2016), has been adopted in Hungary for implementation May 20, 2018, has been adopted in Ireland awaiting commencement date, and is under formal consideration in Ireland, New Zealand, Norway, Slovenia, Canada, Uruguay, Thailand, Singapore, Belgium, Romania, Turkey, Finland, Sweden, and South Africa. Expressions of support for implementation of plain packaging have also been made by the governments of Mauritius,² Kenya,³ Gambia,⁴ and Botswana.⁵

Australia – Plain packaging legislation adopted Dec. 1, 2011 and fully implemented Dec. 1, 2012.⁶ Constitutional challenge dismissed by High Court of Australia Aug. 15, 2012.⁷ A Philip Morris legal claim under bilateral Hong Kong-Australia investment agreement dismissed, as announced Dec. 18, 2015.⁸

United Kingdom – Plain packaging regulations approved March 16, 2015⁹ and came into force May 20, 2016, applying to England, Wales¹⁰ Northern Ireland¹¹ and Scotland.¹² On May 19, 2016, a tobacco industry legal challenge was dismissed.¹³

France – Plain packaging legislation adopted December 17, 2015 and came into force May 20, 2016.¹⁴ This legislation was upheld on Jan. 21, 2016 as constitutional by France’s Constitutional Council.¹⁵ On July 20, 2015, France hosted a 10-country ministerial meeting on plain packaging.¹⁶

Hungary – On August 16, 2016, Hungary adopted a Decree that to require plain packaging effective May 20, 2018.¹⁷

Ireland – Plain packaging legislation enacted March 10, 2015,¹⁸ with some strengthening amendments currently before Parliament¹⁹ and implementation expected in May 2017.

New Zealand – Plain packaging legislation adopted Sept. 14, 2016.²⁰ On May 31, 2016, draft regulations were released for consultation until July 29, 2016, and are awaiting final adoption.²¹ On May 31, 2016, Prime Minister John Key stated that plain packaging would likely be implemented in early 2017.²²

Norway – Government bill introduced in Parliament June 10, 2016.²³

Slovenia – On March 16, 2016, Slovenia provided notification for draft plain packaging legislation.²⁴

Chile – Bill approved by Senate, July 9, 2015, and forwarded to House of Deputies.²⁵

Canada – New Government elected Oct. 19, 2015 committed in electoral platform to implement plain packaging.²⁶ On Nov. 13, 2015, the Prime Minister’s mandate letter to the Minister of Health included

plain packaging as a “top priority”.²⁷ On May 31, 2016, Health Minister Jane Philpott launched a public consultation ending August 31, 2016.²⁸

Uruguay – President stated November 24, 2015 and reiterated on July 8, 2016 that plain packaging is being considered.²⁹ A Philip Morris legal claim under bilateral Switzerland-Uruguay investment agreement dismissed July 8, 2016, regarding significant packaging restrictions (though not plain packaging).³⁰

Thailand – In November, 2015, a Thailand government representative stated that plain packaging was under consideration.³¹

Singapore – On Dec. 29, 2015, Singapore launched a public consultation on plain packaging ending March 29, 2016.³²

Belgium – Public Health Minister announced April 9, 2016 that Belgium to have plain packaging by 2019.³³

Romania – Bill approved by Senate June 7, 2016 includes a provision authorizing government to adopt decision requiring plain packaging. Bill forwarded to Chamber of Deputies.³⁴

Sweden – Health Minister announced, on February 18, 2015, that a Committee examining implementation of the new EU Tobacco Products Directive would consider plain packaging.³⁵

Finland – Government national action plan (June 2014) includes plain packaging as planned measure.³⁶

Turkey – Plain packaging included in government national action plan for 2015-2018.³⁷ In August, 2016, the Health Minister stated that plain packaging is under consideration.³⁸

South Africa – Health Minister stated July 24, 2014 that he wants to implement plain packaging,³⁹ and stated March 18, 2015⁴⁰ and May 31, 2016⁴¹ that legislation will be introduced in Parliament. A bill is expected to be introduced in 2017.⁴²

European Union – new *Tobacco Products Directive* adopted April 3, 2014 explicitly states that 28 EU countries have the option of implementing plain packaging,⁴³ a provision upheld on May 4, 2016 by the European Court of Justice as valid when dismissing a tobacco industry legal challenge.⁴⁴

WHO Framework Convention on Tobacco Control (FCTC)

Guidelines under the FCTC, the international tobacco control treaty, recommend that governments consider implementing plain packaging.⁴⁵ The FCTC has been widely ratified by countries, with 180 Parties to the FCTC.⁴⁶

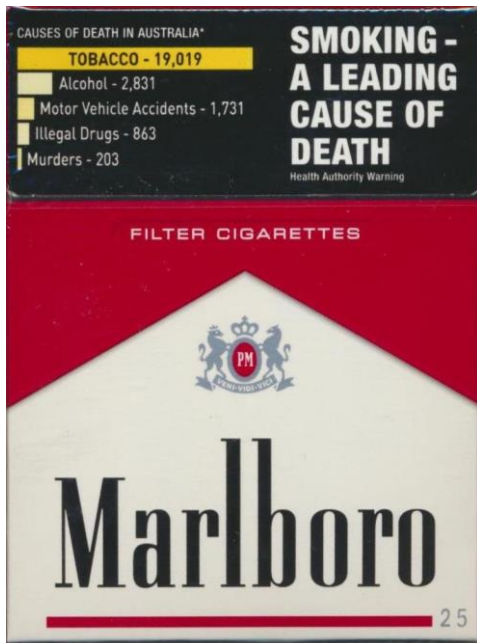
Evidence supports plain packaging

- There is compelling evidence, including extensive studies, supporting implementation of plain packaging. An updated March 2014 evidentiary overview, reviewing 75 empirical studies, was prepared by University of Waterloo Professor David Hammond for the Irish Government.⁴⁷ In the United Kingdom, the Chantler Review (2014)⁴⁸ and the Stirling Review (2011)⁴⁹ provide extensive evidence. A special issue of the journal *Tobacco Control* was published in April 2015 with a series of studies on the Australian experience, providing yet further evidence.⁵⁰ A Post-Implementation Review by the Australian Health Department, released February 2016, concluded that “plain packaging is achieving its aim of improving public health in Australia and is expected to have substantial public health outcomes into the future.”⁵¹ Cancer Council Victoria [in Australia] maintains a website “Plain packaging. The facts”, which includes fact sheets on the Australian experience.⁵²
- If plain packaging would not work to reduce smoking, then why is the industry so strongly opposed?
- The theme for the World Health Organization’s World No Tobacco Day on May 31, 2016 was “Get Ready for Plain Packaging” with WHO releasing materials on plain packaging.⁵³ On May 31, 2016, UN Secretary-General Ban Ki-moon issued a statement endorsing plain packaging.⁵⁴

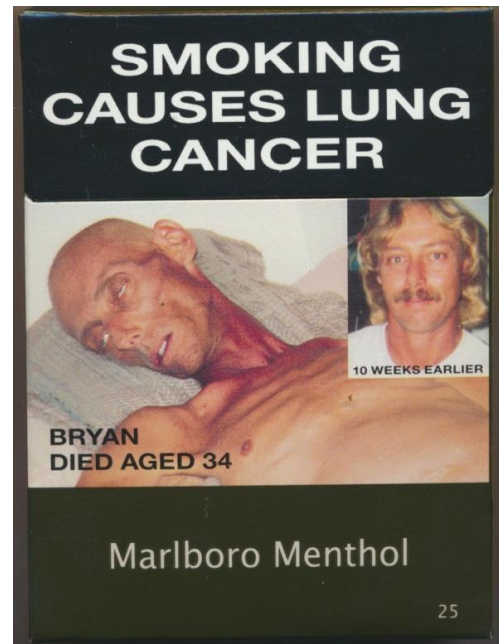
Canadian background

- Plain packaging could be required by regulation under the federal *Tobacco Act*.⁵⁵
- Plain packaging was recommended in 1994 by the House of Commons Standing Committee on Health.⁵⁶

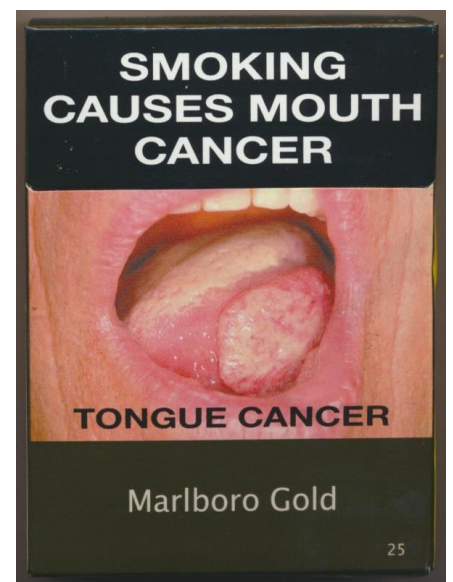
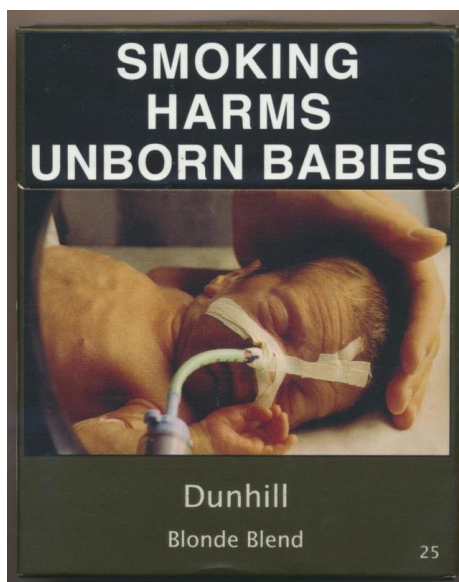
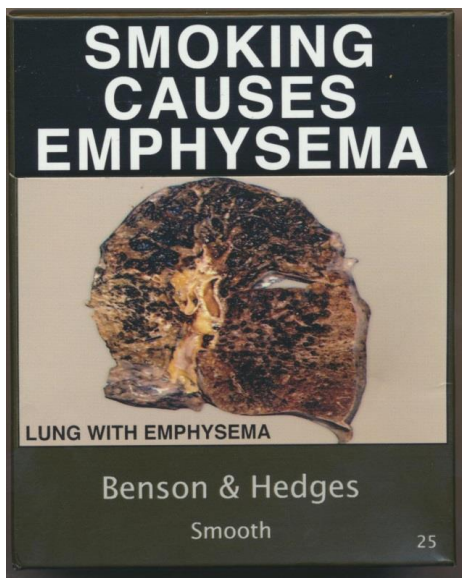
Examples of Plain Packaging from Australia



Before



After



Packages of Benson & Hedges, Dunhill and Marlboro cigarettes in plain packages from Australia

Endnotes

¹ For an international overview of package health warnings, see: Canadian Cancer Society, *Cigarette Package Health Warnings: International Status Report*, Fourth Edition, September 2014.

English:

<http://www.cancer.ca/~media/cancer.ca/CW/for%20media/Media%20releases/2014/Tobacco%20Warnings%20Oct%202014/CCS-international-package-warnings-report-2014-ENG.pdf>

French:

<http://www.cancer.ca/~media/cancer.ca/CW/for%20media/Media%20releases/2014/Tobacco%20Warnings%20Oct%202014/SCC-rapport-international-mises-en-garde-2014-FR.pdf>

Arabic, Chinese, Portuguese, Russian, Spanish:

http://global.tobaccofreekids.org/en/solutions/international_issues/warning_labels/

Canadian regulations concerning packaging and labelling are as follows:

Tobacco Products Labelling Regulations (Cigarettes and Little Cigars), SOR/2011-177.

<http://www.canlii.org/en/ca/laws/regu/sor-2011-177/latest/sor-2011-177.html>

Tobacco Products Information Regulations, SOR/2000-272.

<http://www.canlii.org/en/ca/laws/regu/sor-2000-272/latest/sor-2000-272.html>

Promotion of Tobacco Products and Accessories Regulations (Prohibited Terms), SOR/2011-178.

<http://www.canlii.org/en/ca/laws/regu/sor-2011-178/latest/sor-2011-178.html>

² Mauritius Government Information Service, Prime Minister's Office, "WNTD: Government's commitment to introduce plain packaging, stressed by Health Minister" June 6, 2016 (news release).

<http://www.govmu.org/English/News/Pages/WNTD-Government%E2%80%99s-commitment-to-introduce-plain-packaging,-stressed-by-Health-Minister.aspx>

³ The Health Cabinet Secretary stated that a formal plan and timeline for implementation of plain packaging will be developed: Pauline Kairu, "New headache for tobacco companies as Health ministry seeks to enforce plain packaging for cigarettes" Daily Nation, May 31, 2016.

<http://www.nation.co.ke/news/-/1056/3227228/-/pitjd4z/-/index.html>

⁴ Arfang MS Camara, "Gambia to Embrace Plain Packaging of Tobacco Products" Daily Observer, August 4, 2016

<https://observer.gm/gambia-to-embrace-plain-packaging-of-tobacco-products/>

⁵ Botswana Ministry of Health, "World no tobacco day" (news item on website) 2016.

http://www.moh.gov.bw/news_events/world_no_tobacco.html

Baboki Kayawe, "Plain, standardised tobacco packaging in the offing" Mmegionline, June 1, 2016.

<http://www.mmegi.bw/index.php?aid=60416&dir=2016/june/01>

⁶ *Tobacco Plain Packaging Act 2011*, No. 148, 2011. <http://www.comlaw.gov.au/Details/C2011A00148>
Trade Marks Amendment (Tobacco Plain Packaging) Act 2011, No. 149, 2011.

<http://www.comlaw.gov.au/Details/C2011A00149>

Tobacco Plain Packaging Regulations 2011, Select Legislative Instrument 2011 No. 263 as amended.

<http://www.tobaccocontrollaws.org/files/live/Australia/Australia%20-%20PP%20Regs%20-%20national.pdf>

⁷ *JT International SA v Commonwealth of Australia* [2012] HCA 43, High Court of Australia, Order August 15, 2012, Reasons October 5, 2012.

<http://www.austlii.edu.au/au/cases/cth/HCA/2012/43.html>

⁸ The text of the decision was not immediately published. See Cancer Council Victoria, "Australia successfully defends plain packaging against Philip Morris legal challenge" Dec. 18, 2015 (news release).

<http://www.cancervic.org.au/about/media-releases/2015-media-releases/december-2015/australia-successfully-defends-plain-packaging.html>

⁹ Enabling legislation approved by Parliament March 13, 2014: *Children and Families Act 2014*, 2014 no. 6, section 94. http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf

The Standardised Packaging of Tobacco Products Regulations 2015, laid before Parliament Feb. 23, 2015, approved by House of Commons March 11, 2015, and approved by House of Lords March 16, 2015. http://www.legislation.gov.uk/ukdsi/2015/9780111129876/pdfs/ukdsi_9780111129876_en.pdf

¹⁰ Welsh Government, “Health Minister gives go-ahead for standardised packaging for cigarettes to be introduced in Wales” (news release) January 29, 2015.

<http://wales.gov.uk/newsroom/healthandsocialcare/2015/packaging/?lang=en>

¹¹ Northern Ireland Department of Health, Social Services and Public Safety, “Standardised Packaging for Tobacco Products to be Introduced in Northern Ireland” (press release) February 2, 2015.

<http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dhssps/news-dhssps-020215-standardised-packaging-for.htm>

¹² Scottish Government, “Plain tobacco packaging” (news release) January 22, 2015.

<http://news.scotland.gov.uk/News/Plain-tobacco-packaging-14da.aspx>

¹³ *British American Tobacco & others v Department of Health*, [2016] EWHC 1169 (Admin), England and Wales High Court of Justice, Queen’s Bench Division, Administrative Court, May 19, 2016.

Summary: <https://www.judiciary.gov.uk/wp-content/uploads/2016/05/bat-v-doh-summary.pdf>

Full judgment: <https://www.judiciary.gov.uk/wp-content/uploads/2016/05/bat-v-doh-judgment.pdf>

¹⁴ Bill relating to health, no. 2302, deposited October 15, 2014; amendment AS1408 on plain packaging approved by National Assembly Social Affairs Committee, March 18, 2015, final approval by Parliament December 17, 2015. For the bill, see (the health bill contains measures beyond tobacco control):

<http://www.assemblee-nationale.fr/14/ta/ta0650.asp>

Décret no 2016-334 du 21 mars 2016 relatif au paquet neutre des cigarettes et de certains produits du tabac, NOR : AFSP1603141D [Decree no 2016-334 of 21 March 2016 relating to plain packaging of cigarettes and of certain tobacco products]

<https://www.legifrance.gouv.fr/jopdf.do?id=JORFTEXT000032276104>

Arrêté du 21 mars 2016 relatif aux conditions de neutralité et d’uniformisation des conditionnements et du papier des cigarettes et du tabac à rouler, NOR : AFSP1607269A [Decision of 21 March 2015 relating to conditions of plain and standardized packaging and cigarette paper and rolling tobacco]

https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000032276123

The French Government had announced Sept. 25, 2014 that it would implement plain packaging. Government of France, “Programme national de réduction du tabagisme” Dossier de presse, Sept. 25, 2014 (French).

http://www.sante.gouv.fr/IMG/pdf/250914_-_Dossier_de_Presse_-_PNRT_2_.pdf

Speech by French Health Minister Marisol Touraine, September 25, 2014 (French):

http://www.sante.gouv.fr/IMG/pdf/250914_-_Discours_Marisol_Touraine_-_PNRT.pdf

¹⁵ Constitutional Council [France], Loi de modernisation de notre système de santé [Law to modernize our health system], Decision n° 2015-727 DC of 21 January 2016.

<http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2016/2015-727-dc/decision-n-2015-727-dc-du-21-janvier-2016.146887.html>

¹⁶ First ministerial meeting on plain tobacco packaging, Paris, July 20th, 2015, Press statement.

http://www.social-sante.gouv.fr/IMG/pdf/150720_-_PS_-_Plain_Packaging_Meeting.pdf

“Plain packaging of tobacco products: a worldwide movement to address a global challenge” Press kit, First ministerial meeting on plain tobacco packaging, Paris, July 20th, 2015, p.7.

http://www.social-sante.gouv.fr/IMG/pdf/150720_-_PK_-_Plain_Packaging_Meeting.pdf

¹⁷ The implementation date is May 20, 2018 and the manufacturer level, and May 20, 2019 at the retail level. Decree 239/2016 of 16 August 2016, *Amendment to Government Decree 39/2013 of 14 February 2013 on the manufacture, placement on the market and control of tobacco products, combined warnings and the detailed rules for the application of the health-protection fine*. See Hungary Gazette, August 16, 2016, starting at p.11993 (Hungarian):

<http://www.magyarkozlony.hu/dokumentumok/2da534225ced907f63e73ebef84fa62923926ad7/megtekintes>

On September 21, 2015, Hungary had notified a draft Decree to the European Commission: *Amendment to Government Decree 39/2013 of 14 February 2013 on the manufacture, placement on the market and control of tobacco products, combined warnings and the detailed rules for the application of the health-protection fine* (the 'Implementation Decree')" (Draft). (Available in English and other languages.) The draft Decree also includes implementation of many of the provisions in the new EU Directive.

<http://ec.europa.eu/growth/tools-databases/tris/en/index.cfm/search/?trisaction=search.detail&year=2015&num=529&mLang=EN>

¹⁸ *Public Health (Standardised Packaging of Tobacco) Bill* 2014, Bill Number 54 of 2014, introduced in the Seanad (Senate) June 11, 2014, approved by Senate June 25, 2014, approved with amendments by Dail (lower house) Feb. 26, 2015, bill as amended approved by Seanad March 3, 2015. The bill was signed by the President March 10, 2015. Some Ministerial regulations/orders are still needed, such as to specify the base colour of packages.

<http://www.oireachtas.ie/viewdoc.asp?DocID=26331&&CatID=59>

On Nov. 20, 2015, Ireland gave notification to the European Commission of draft *Public Health (Standardised Packaging of Tobacco) Regulations* 2016.

<http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2015&num=650>

¹⁹ Amendments to plain packaging legislation included in *Health (Miscellaneous Provisions) Bill* 2016 (Number 9 of 2016) presented in Dail Jan. 15, 2016, approved at second stage and referred to Committee, October 5, 2016.

<https://www.oireachtas.ie/documents/bills28/bills/2016/916/b916d.pdf>

²⁰ *Smoke-free Environments (Tobacco Standardised Packaging) Amendment Act* 2016, 2016 no 43, adopted Sept 14, 2016.

<http://www.legislation.govt.nz/act/public/2016/0043/latest/DLM5821008.html>

²¹ New Zealand Ministry of Health, "Standardised Tobacco Products and Packaging Draft Regulations. Consultation document" May 31, 2016.

<https://www.health.govt.nz/publication/standardised-tobacco-products-and-packaging-draft-regulations>

²² "Plain tobacco packaging likely early next year" *Otago Daily Times*, May 31, 2016.

<http://www.odt.co.nz/news/politics/385188/plain-tobacco-packing-likely-early-next-year>

²³ Bill 142L, *Amendments to the Tobacco Control Act (implementation of Directive 2014/40 /EU and standardised tobacco packaging*, introduced in Norwegian Parliament June 10, 2016.

<https://www.regjeringen.no/contentassets/67c3412a150845349d390b075a3ec4b1/no/pdfs/prp201520160142000dddpdfs.pdf>

Government plain packaging consultation began March 17, 2015, and ended June 9, 2015, see Norwegian Ministry of Health and Care Services, "Norway consults on standardised tobacco packaging and FCTC Article 5.3" (press release) March 17, 2015.

<https://www.regjeringen.no/en/aktuelt/norway-consults-on-standardised-tobacco-packaging-and-fctc-article-5.3/id2401001/>

Consultation documents (Norwegian):

<https://www.regjeringen.no/nb/dokumenter/horing-av-forslag-til-innforing-av-standardiserte-tobakkspakninger-og-gjennomforing-av-tobakkskonvensjonen-artikkel-5.3-i-norge/id2401022/>

On May 5, 2015, Norway provided notification for draft amendments for plain packaging: Draft amendments to Act No. 14 of 9 March 1973 relating to Prevention of the Harmful Effects of Tobacco (Standardised packaging) and draft amendment to Regulations no 141 of 6 February 2003 on the contents and labelling of Tobacco products. Notification provided to European Commission May 5, 2015. Norway is not a member of the EU, but is a member of the European Free Trade Association.

<http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2015&num=9009>

See also: Norwegian Ministry of Health and Care Services, "Towards a Tobacco-Free Generation" May 31, 2016 (news release). Link includes 93 minute webcast from May 31, 2016.

<https://www.regjeringen.no/en/aktuelt/towards-a-tobacco-free-generation/id2502147/>

²⁴ Draft Act restricting the use of tobacco and related products. Notification provided to the European Commission on May 26, 2016. Slovenia is a member of the European Union.

<http://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2016&num=135>

²⁵ Bill N° 162/SEC/15 approved by Senate July 9, 2015, and forwarded to House of Deputies.

Implementing regulations would be needed following adoption of the bill.

²⁶ In the Oct. 19, 2015 election, the Liberal Party (which won a majority) included plain packaging in its electoral platform (p.21): <https://www.liberal.ca/files/2015/10/New-plan-for-a-strong-middle-class.pdf>

²⁷ Prime Minister Justin Trudeau, letter to Dr. Jane Philpott, Minister of Health, November 13, 2015 (Minister of Health Mandate Letter). <http://pm.gc.ca/eng/minister-health-mandate-letter>

²⁸ Health Canada, “Minister Philpott Launches Public Consultations on Tobacco Plain Packaging” May 31, 2016 (news release). English: <http://news.gc.ca/web/article-en.do?nid=1077359&tp=1>

French: <http://nouvelles.gc.ca/web/article-fr.do?nid=1077359&tp=1>

Health Canada, “Consultation on “Plain and Standardized Packaging” for Tobacco Products. Potential measures for regulating the appearance, shape and size of tobacco packages and of tobacco products. Document for consultation.” May 2016. (released May 31, 2016)

English: <http://healthycanadians.gc.ca/health-system-systeme-sante/consultations/tobacco-packages-emballages-produits-tabac/document-eng.php>

French: <http://canadiensensante.gc.ca/health-system-systeme-sante/consultations/tobacco-packages-emballages-produits-tabac/document-fra.php>

²⁹ Vázquez anunció más medidas para luchar contra el tabaquismo [Vazquez announces more measures to combat smoking], El Diario, November 24, 2015.

<http://eldiario.com.uy/2015/11/24/vazquez-anuncio-mas-medidas-para-luchar-contr-el-tabaquismo/>

“Próxima etapa de la campaña antitabaco: las cajillas planas” [Next stage in the anti-tobacco campaign: Plain packs], El Pais, July 10, 2016.

<http://www.elpais.com.uy/informacion/proxima-etapa-campana-antitabaco-cajillas.html>

³⁰ *Philip Morris Brands Sàrl, Philip Morris Products S.A. and Abal Hermanos S.A. v. Oriental Republic of Uruguay*, International Centre for Settlement of Investment Disputes, ICSID Case No. ARB/10/7, July 8, 2016. The Philip Morris claim was brought under a bilateral Switzerland-Uruguay trade and investment treaty. ICSID is an arbitration body affiliated with the World Bank.

http://www.tobaccofreekids.org/content/press_office/2016/2016_07_08_uruguay.pdf

³¹ World Trade Organization, Trade Policy Review Body, “Trade Policy Review, Thailand, Minutes of the Meeting, Revision”, November 24 and 26, 2015, document WT/TPR/M/326/Add.1/Rev.1, dated April 8, 2016.

https://docs.wto.org/dol2fe/Pages/FE_Search/DDFDDocuments/228032/q/WT/TPR/M326A1R1.pdf

World Trade Organization, Trade Policy Review Body, “Trade Policy Review, Report by the Secretariat, Thailand” Document WT/TPR/S/326, October 10, 2015.

[https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?Query=\(%20wt/tp/s/*\)%20and%20\(\(%20@Title=%20thailand%20\)%20or%20\(@CountryConcerned=%20thailand\)\)&Language=ENGLISH&Context=FomerScriptedSearch&languageUIChanged=true](https://docs.wto.org/dol2fe/Pages/FE_Search/FE_S_S006.aspx?Query=(%20wt/tp/s/*)%20and%20((%20@Title=%20thailand%20)%20or%20(@CountryConcerned=%20thailand))&Language=ENGLISH&Context=FomerScriptedSearch&languageUIChanged=true)

Achara Deboonme, “Thailand faces tough fight on plain packaging”, The Nation, August 16, 2016.

<http://www.nationmultimedia.com/opinion/Thailand-faces-tough-fight-on-plain-packaging-30293004.html>

³² The Dec. 29, 2015 Singapore Health Promotion Board announcement of the consultation can be seen here:

http://www.hpb.gov.sg/HOPPortal/content/conn/HOPUCM/path/Contribution%20Folders/uploadedFiles/HPB_Online/News_and_Events/News/2015/PublicConsult.pdf

The Singapore Government had previously announced that it would initiate a consultation by the end of 2015; see Parliamentary Secretary to the Minister of Health, statement in Singapore Parliament, March 12, 2015: <http://sprs.parl.gov.sg/search/report.jsp?currentPubID=00007492-WA>

³³Ministre des affaires sociales et santé publique, « Plan anti-tabac avec interdiction de fumer en voiture en présence d'enfants et augmentation des accises » 9 avril 2016 (communiqué). [Minister of Social Affairs and Public Health, "Anti-tobacco plan with smoking ban in vehicles with children and excise increases" April 9, 2016 (news release).

<http://www.maggiedeblock.be/2016/04/09/anti-rook-beleidsplan-met-rookverbod-in-wagen-met-kinderen-en-accijnsverhoging/>

³⁴ *Law regarding the conditions for manufacturing, presentation and selling of tobacco products and modifying the Law no. 349/2002 regarding prevention and counteracting the effects of tobacco consumption*, PLx 272/2016, approved by Senate June 7, 2016, forwarded to Chamber of Deputies.

³⁵ Radio Sweden, "A smoke-free Sweden by 2025?" February 18, 2015, includes audio of interview with Minister of Public Health Gabriel Wikström.

<http://sverigesradio.se/sida/artikel.aspx?programid=2054&artikel=6096581>

³⁶ Finland Ministry of Social Affairs and Health, "Roadmap to a Tobacco-Free Finland: Action Plan on Tobacco Control" 2014 (published June 27, 2014).

http://www.stm.fi/en/publications/publication/-/_julkaisu/1886404#en

³⁷ Government of Turkey, Turkish National Tobacco Control Program and Plan of Action 2015-2018, p.27, item 1.1.

http://www.thsk.gov.tr/dosya/birimler/tutun_mucadele_db/dokumanlar/29012015/ulusal-tutun-kontrol-programi-eylem-planı.pdf

³⁸ "Youth smoking on rise as authorities mull measures" Daily Sabah, August 27, 2016.

<http://www.dailysabah.com/nation/2016/08/27/youth-smoking-on-rise-as-authorities-mull-measures>

³⁹ Wendell Roelf, "S.Africa plans plain cigarette packaging by 2015 – minister" Reuters, July 24, 2014.

<http://in.reuters.com/article/2014/07/24/safrica-tobacco-idINL6N0PZ4FZ20140724>

⁴⁰ The Minister of Health made this statement at the 16th World conference on Tobacco or Health held in Abu Dhabi, United Arab Emirates, March 18, 2015. https://www.youtube.com/watch?v=4z9EHS_LehE

⁴¹ "No branding, logos or colours - SA gets tough on cigarettes" City Press, May 31, 2016.

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<http://www.sabc.co.za/news/a/fc2250004cf71adfa110f500ab741406/Will-introduction-of-plain-packaging-of-tobacco-products-benefit-SA-20163105>

⁴² Rahima Essop, "Health dept pushes for plain packaged tobacco products" Eyewitness News May 31, 2016. <http://ewn.co.za/2016/05/31/Health-department-pushes-for-plain-packaging-of-tobacco-products>

⁴³ *Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC*, Article 24(2).

http://ec.europa.eu/health/tobacco/docs/dir_201440_en.pdf

⁴⁴ *Philip Morris Brands and Others*, European Court of Justice, May 4, 2016, Case C-547-14.

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30d5b4ac128357df4fc8b24389847d7897f5.e34KaxiLc3qMb40Rch0SaxuTa350?text=&docid=177724&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=185180>

On December 23, 2015, the Advocate General of the European Court of Justice had released an opinion concluding that the EU Directive was valid, including the option to implement plain packaging. This opinion, was preliminary to the May 4, 2016 judgment of the European Court of Justice.

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30ddfe90e0aea11f458dbae3c7bf29452f35.e34KaxiLc3qMb40Rch0SaxuSahr0?text=&docid=173256&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=493911>

⁴⁵ Conference of the Parties to the WHO Framework Convention on Tobacco Control, “Guidelines for implementation of Article 11 of the WHO Framework Convention on Tobacco Control (Packaging and labelling of tobacco products), paragraph 46.

http://www.who.int/fctc/guidelines/article_11.pdf?ua=1

Conference of the Parties to the WHO Framework Convention on Tobacco Control, “Guidelines for implementation of Article 13 of the WHO Framework Convention on Tobacco Control (Tobacco advertising, promotion and sponsorship), paragraphs 15-17. http://www.who.int/fctc/guidelines/article_13.pdf?ua=1

⁴⁶ For a list of Parties, see: http://www.who.int/fctc/signatories_parties/en/

⁴⁷ David Hammond, "Standardised Packaging of Tobacco Products: Evidence Review. Prepared on behalf of the Irish Department of Health" March 2014.

<http://health.gov.ie/blog/publications/standardised-packaging-d-hammond/>

⁴⁸ Sir Cyril Chantler, “Standardised Packaging of Tobacco: Report of the independent review undertaken by Sir Cyril Chantler” April 2014.

<http://www.kcl.ac.uk/health/10035-TSO-2901853-Chantler-Review-ACCESSIBLE.PDF>

⁴⁹ C. Moodie, M. Stead, L. Baulda, A. McNeill, K. Angusa, K. Hinds, I. Kwan, J. Thomas, G. Hastings and A. O’Mara-Eves, “Plain tobacco packaging: a systematic review”, 2011, University of Stirling: Stirling, Scotland, United Kingdom http://phrc.lshtm.ac.uk/papers/PHRC_006_Final_Report.pdf

⁵⁰ *Tobacco Control*, April 2015, Volume 24, Supplement 2

http://tobaccocontrol.bmj.com/content/24/Suppl_2.toc

⁵¹ Australian Department of Health, “Post-Implementation Review Tobacco Plain Packaging 2016” released February 26, 2016.

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⁵² Cancer Council Victoria, “Plain packaging. The facts.” (website)

<http://www.cancervic.org.au/plainfacts/default.asp>

See also Quit Victoria, Cancer Council Victoria, “Plain packaging of tobacco products: a review of the evidence” August 12, 2011.

https://www.cancervic.org.au/downloads/mini_sites/Plain-facts/TCUCCVEvOverview_FINALAUG122011.pdf

⁵³ World Health Organization, “World No Tobacco Day: Get ready for plain packaging. Plain packaging of tobacco products to reduce demand, to save lives” May 31, 2016.

<http://www.who.int/campaigns/no-tobacco-day/2016/en/>

⁵⁴ United Nations Secretary-General, “Secretary-General, in Message for International Observance, Supports Plain Packaging of Tobacco Products to Reduce Demand, Ensure Healthy Lives” May 27, 2016.

<http://www.un.org/press/en/2016/sgsm17794.doc.htm>

⁵⁵ *Tobacco Act*, Statutes of Canada 1997, chapter 13, sections 23, 33.

<http://www.canlii.org/en/ca/laws/stat/sc-1997-c-13/latest/sc-1997-c-13.html>

⁵⁶ House of Commons Standing Committee on Health, “Towards Zero Consumption: Generic Packaging of Tobacco Products” Report of the House of Commons Standing Committee on Health, 1994.

OCTOBER 2016

CIGARETTE PACKAGE HEALTH WARNINGS

INTERNATIONAL STATUS REPORT



Canadian
Cancer
Society

Société
canadienne
du cancer

FIFTH EDITION

Larger, pictorial health warnings and plain packaging: The growing worldwide trend

This report – Cigarette Package Health Warnings: International Status Report – provides an international overview ranking 205 countries/jurisdictions based on warning size, and lists those that have finalized requirements for pictorial warnings. Regional breakdowns are also provided. This report is in its fifth edition, with the fourth edition dated September 2014.

There has been tremendous progress internationally in implementing package health warnings, with many countries increasing warning size, more countries requiring pictorial warnings, and an increasing number of countries requiring two, three, four or even more rounds of pictorial warnings. The worldwide trend for larger, pictorial health warnings is growing and unstoppable, with many more countries in the process of developing such requirements. There is also enormous international momentum for implementation of plain packaging.

Report highlights include:

- More than 100 countries/jurisdictions worldwide have now required pictorial warnings, with fully 105 countries/jurisdictions having done so. This represents a landmark global public health achievement. By the end of 2014, 77 countries/jurisdictions had implemented pictorial warnings. Canada was the first country to implement pictorial warnings in 2001.

- Altogether 58% of the world's population is covered by the 105 countries/jurisdictions that have finalized pictorial warning requirements.

- Nepal now has the largest warning requirements in the world at 90% of the package front and back. Vanuatu will implement 90% pictorial warnings in 2017. India and Thailand are tied for third, requiring 85% pictorial warnings. In the 2014 report, Thailand was top ranked at 85%.

- In total 94 countries/jurisdictions have required warnings to cover at least 50% of the package front and back (on average), up from 60 in 2014 and 24 in 2008. There are now 43 countries/jurisdictions with a size of at least 65% (on average) of the package front and back.

- Progress since the last report in 2014 includes Nepal implementing 90% pictorial warnings (up from 75%); India requiring 85% pictorial warnings (up from 20% (on average) – 40% front, 0% back), thus improving India's ranking from 136th to 3rd; Myanmar requiring 75% pictorial warnings (no previous warning requirement on package front/back); Lao improving from 30% text to 75% pictures; and Uruguay implementing its 8th round of pictorial warnings (Uruguay's size is 80%). The new Directive for the 28-country European Union (EU) requires pictorial warnings to cover 65% of the package front and back, and was intended to go into effect May 20, 2016; 22 EU countries have transposed this provision into national law, while 6 EU countries are in the process of doing so.

- Four countries have now finalized requirements for plain packaging, and at least 14 countries are in the process of, or formally considering, doing so. Australia implemented plain packaging in 2012; the United Kingdom and France implemented at the manufacturer level May 20,

2016, and Hungary will implement in 2018. The 14 countries where plain packaging is in process or under formal consideration are: New Zealand, Ireland, Norway, Slovenia, Canada, Uruguay, Thailand, Singapore, Belgium, Romania, Turkey, Finland, Chile, and South Africa.

- Here are the top countries in terms of health warning size as an average of the front and back:

			front	back
1st	90%	Nepal	90%	90%
1st	90%	Vanuatu	90%	90% (2017)
3rd	85%	India	85%	85%
3rd	85%	Thailand	85%	85%
5th	82.5%	Australia	75%	90%
6th	80%	Sri Lanka	80%	80%
6th	80%	Uruguay	80%	80%
8th	75%	Brunei	75%	75%
8th	75%	Canada	75%	75%
8th	75%	Lao P.D.R.	75%	75%
8th	75%	Myanmar	75%	75%

Well-designed package warnings are a highly cost-effective means to increase awareness of the health effects and to reduce tobacco use, as recognized by Guidelines to implement Article 11 (packaging and labelling) adopted under the WHO Framework Convention on Tobacco Control (FCTC). A picture says a thousand words. Pictures can convey a message with far more impact than can a text-only message. For size, the effectiveness of warnings increases with size. A larger size allows for bigger and better pictures, a larger font size, and/or additional information, including cessation information.

Plain packaging would curb the industry's use of the package as a promotional vehicle, would reduce the appeal of tobacco products, would increase the effectiveness of package warnings, would curb package deception, and would decrease tobacco use. Plain packaging is recommended for consideration by international guidelines under the FCTC.

Countries Requiring Pictorial Warnings

At least 105 countries/jurisdictions have finalized requirements for pictorial warnings. The listing below includes the year of implementation, including different years where there have been two or more rounds of pictorial warnings.

1. **Canada** (2001; 2012)
2. **Brazil** (2002; 2004; 2009)
3. **Singapore** (2004; 2006; 2013)
4. **Thailand** (2005; 2007; 2010; 2014)
5. **Venezuela** (2005; 2009; 2014)
6. **Jordan** (2006; 2013)
7. **Australia** (2006, rotation of 2 sets every 12 months; 2012, rotation of 2 sets every 12 months)
8. **Uruguay** (2006; 2008; 2009; 2010; 2012; 2013; 2014; 2015)
9. **Panama** (2006; 2009; 2010; 2012; 2014; 2015; 2016)
10. **Belgium** (2006; rotation of 3 sets every 12 months starting 2011; 2016*)
11. **Chile** (2006; 2007; 2008; 2009; 2010; 2011; 2012; 2013; 2016)¹¹
12. **Hong Kong (S.A.R. China)** (2007)
13. **New Zealand** (2008; rotation of 2 sets every 12 months)
14. **Romania** (2008)
15. **United Kingdom** (2008; 2016*)
16. **Egypt** (2008; 2010; 2012; 2014; 2016)
17. **Brunei** (2008; 2012)
18. **Cook Islands** (2008)⁶
19. **Iran** (2009)
20. **Malaysia** (2009; 2014)
21. **Taiwan, China** (2009; 2014)
22. **Peru** (2009; 2011; 2014; 2015; 2016)
23. **Djibouti** (2009)
24. **Mauritius** (2009)
25. **India** (2009; 2011; 2013; 2016)
26. **Cayman Islands (UK)** (2009)
27. **Latvia** (2010; 2016*)
28. **Pakistan** (2010)
29. **Macedonia, The F.Y.R.** (2010)
30. **Switzerland** (2010, rotation of 3 sets every 24 months)
31. **Liechtenstein** (2010, rotation of 3 sets every 24 months)
32. **Mongolia** (2010; 2013)
33. **Colombia** (2010; 2011; 2012; 2013; 2014; 2015; 2016)
34. **Turkey** (2010)
35. **Mexico** (2010; 2011; 2012; 2013; 2014; 2015; 2016)⁵
36. **Norway** (2011)
37. **Malta** (2011; 2016*)
38. **France** (2011; 2016*)
39. **Guernsey** (2011)
40. **Spain** (2011)
41. **Bolivia** (2011; 2015)
42. **Jersey** (2012)
43. **Ukraine** (2012)
44. **Honduras** (2012; 2013; 2014)¹³
45. **Madagascar** (2012; 2013; 2015; 2016)
46. **Denmark** (2012; 2016*)
47. **Ecuador** (2012; 2013; 2014; 2015; 2016)
48. **Argentina** (2012; 2014; 2016)
49. **El Salvador** (2012; 2015)
50. **Bahrain** (2012)
51. **Kuwait** (2012)
52. **Oman** (2012)
53. **Qatar** (2012)
54. **Saudi Arabia** (2012)
55. **United Arab Emirates** (2012)
56. **Hungary** (2012; 2016*)³
57. **Macau (S.A.R. China)** (2013)
58. **Iceland** (2013)
59. **Ireland** (2013; 2016*)
60. **Russia** (2013; 2017)
61. **Kazakhstan** (2013; 2017)
62. **Seychelles** (2013; 2016)
63. **Fiji** (2013)
64. **Vietnam** (2013)
65. **Montenegro** (2013)
66. **Indonesia** (2014)
67. **Nepal** (2014; 2015)
68. **Costa Rica** (2014; 2015; 2016)
69. **Jamaica** (2014)
70. **Suriname** (2014)
71. **Yemen** (2014)
72. **Samoa** (2014)
73. **Sri Lanka** (2015)²
74. **Solomon Islands** (2015)
75. **Turkmenistan** (2015)
76. **Namibia** (2015)
77. **Chad** (2015)
78. **Philippines** (2016)
79. **Lao P.D.R.** (2016)
80. **Myanmar** (2016)
81. **Austria** (2016*)
82. **Bulgaria** (2016*)
83. **Czech Republic** (2016*)
84. **Estonia** (2016*)
85. **Finland** (2016*)
86. **Germany** (2016*)
87. **Greece** (2016*)
88. **Italy** (2016*)
89. **Lithuania** (2016*)
90. **Netherlands** (2016*)
91. **Poland** (2016*)
92. **Portugal** (2016*)
93. **San Marino** (2016*)
94. **Slovakia** (2016*)
95. **Sweden** (2016*)
96. **Cambodia** (2016)
97. **Bangladesh** (2016)
98. **South Korea** (2016)
99. **Kenya** (2016)
100. **Greenland (Denmark)** (2016)
101. **Khartoum (Sudan)** (2016)
102. **Kyrgyzstan** (2016; 2017)
103. **Vanuatu** (2017)
104. **Armenia** (2017)
105. **Belarus** (2017)

* For EU countries implementing the new Directive 2014/40/EU (and for San Marino where packages follow the new EU Directive) there is a rotation of 3 sets of warnings every 12 months.



Nepal



India



Thailand



Uruguay



Sri Lanka

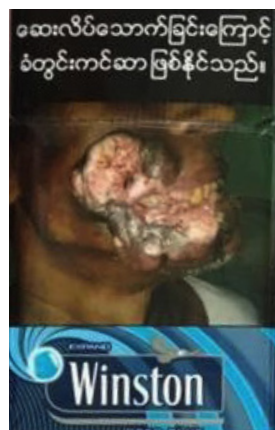
Size Rankings — Average of Package Front and Back

This listing indicates the world leaders in terms of size as an average of the package front and back. Only those countries exceeding 60% on average are listed here (a full table begins on page 8). For each country the size (including a border, if required) is indicated in parentheses for the front, followed by the back. For example, (60%, 70%) means 60% of front and 70% of back.

90% Nepal (90%, 90%)	75% Myanmar (75%, 75%)	65% Mexico (30%, 100%)
90% Vanuatu (90%, 90%)	70% Chad (70%, 70%)	65% Venezuela (30%, 100%)
85% India (85%, 85%)	70% Kiribati (70%, 70%)	63% Gabon (60%, 65%)
85% Thailand (85%, 85%)	65% EU countries (65%, 65%)	60% Ecuador (60%, 60%)
82.5% Australia (75%, 90%)	65% San Marino (65%, 65%)	60% Jamaica (60%, 60%)
80% Sri Lanka (80%, 80%)	65% Togo (65%, 65%)	60% Cook Islands (30%, 90%)
80% Uruguay (80%, 80%)	65% Turkey (65%, 65%)	60% Fiji (30%, 90%)
75% Brunei (75%, 75%)	65% Turkmenistan (65%, 65%)	60% New Zealand (30%, 90%)
75% Canada (75%, 75%)	65% Mauritius (60%, 70%)	60% Samoa (30%, 90%)
75% Lao P.D.R. (75%, 75%)	65% Brazil (30%, 100%)	



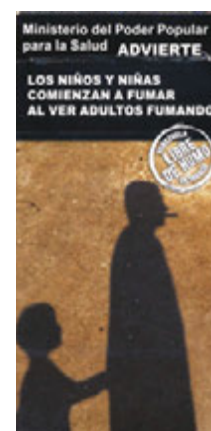
Brunei



Myanmar



Canada



Venezuela (Back)

Regional breakdown for pictorial health warnings

- | | |
|---|--|
| <p>6 African Region (AFRO)
Chad, Kenya, Madagascar, Mauritius, Namibia, Seychelles</p> <p>18 Americas Region (AMRO)
Argentina, Bolivia, Brazil, Canada, Cayman Islands (UK), Chile, Colombia, Costa Rica, Ecuador, El Salvador, Honduras, Jamaica, Mexico, Panama, Peru, Suriname, Uruguay, Venezuela</p> <p>13 Eastern Mediterranean Region (EMRO)
Bahrain, Djibouti, Egypt, Iran, Jordan, Khartoum (Sudan), Kuwait, Oman, Pakistan, Qatar, Saudi Arabia, U.A.E., Yemen</p> <p>7 South East Asian Region (SEARO)
Bangladesh, India, Indonesia, Myanmar, Nepal, Sri Lanka, Thailand</p> | <p>42 European Region (EURO)
Armenia, Austria, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Greenland (Denmark), Guernsey, Hungary, Iceland, Ireland, Italy, Jersey, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Liechtenstein, Macedonia The F.Y.R., Malta, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Slovakia, Spain, Sweden, Switzerland, Turkey, Turkmenistan, Ukraine, United Kingdom</p> <p>19 Western Pacific Region (WPRO)
Australia, Brunei, Cambodia, Cook Islands, Fiji, Hong Kong (S.A.R., China), Lao P.D.R., Macau (S.A.R., China), Malaysia, Mongolia, New Zealand, Philippines, Samoa, Singapore, Solomon Islands, South Korea, Taiwan (China), Vanuatu, Vietnam</p> |
|---|--|

Size Rankings — Front of Package

This listing indicates the world leaders in terms of the largest size just for the front of the package. Warnings located on the front of the package are more visible than on the back. Though this listing is similar to the rankings based on the average size of the front and back, there are some differences.

90% Nepal	75% Brunei	65% EU countries	60% Jamaica
90% Vanuatu	75% Canada	65% San Marino	60% Mauritius
85% India	75% Lao P.D.R.	65% Togo	55% Cambodia
85% Thailand	75% Myanmar	65% Turkey	53% Namibia
80% Sri Lanka	70% Chad	65% Turkmenistan	
80% Uruguay	70% Kiribati	60% Ecuador	
75% Australia	70% Solomon Islands	60% Gabon	

Regional Breakdown — Largest Sizes by Region (Average of Front/Back)

For each country there is indicated in parentheses the size (including a border, if required) on the front, followed by the back. For example, (30%, 90%) means 30% of front and 90% of back. The regions indicated on this page are the six regions used by WHO.

South East Asian Region (SEARO)

90%	Nepal (90%, 90%)
85%	India (85%, 85%)
85%	Thailand (85%, 85%)
80%	Sri Lanka (80%, 80%)
75%	Myanmar (75%, 75%)
50%	Bangladesh (50%, 50%)

European Region (EURO)

65%	EU countries (65%, 65%)
65%	San Marino (65%, 65%)
65%	Turkey (65%, 65%)
65%	Turkmenistan (65%, 65%)
56%	Liechtenstein (48%, 63%)
56%	Switzerland (48%, 63%)

Americas Region (AMRO)

80%	Uruguay (80%, 80%)
75%	Canada (75%, 75%)
65%	Brazil (30%, 100%)
65%	Mexico (30%, 100%)
65%	Venezuela (30%, 100%)
60%	Ecuador (60%, 60%)
60%	Jamaica (60%, 60%)

Western Pacific Region (WPRO)

90%	Vanuatu (90%, 90%)
82.5%	Australia (75%, 90%)
75%	Brunei (75%, 75%)
75%	Lao P.D.R. (75%, 75%)
70%	Kiribati (70%, 70%)
60%	Cook Islands (30%, 90%)
60%	Fiji (30%, 90%)
60%	New Zealand (30%, 90%)
60%	Samoa (30%, 90%)

Eastern Mediterranean Region (EMRO)

50%	Bahrain (50%, 50%)
50%	Djibouti (50%, 50%)
50%	Egypt (50%, 50%)
50%	Iran (50%, 50%)
50%	Kuwait (50%, 50%)
50%	Oman (50%, 50%)
50%	Qatar (50%, 50%)
50%	Saudi Arabia (50%, 50%)
50%	U.A.E. (50%, 50%)
50%	Yemen (50%, 50%)

African Region (AFRO)

70%	Chad (70%, 70%)
65%	Togo (65%, 65%)
65%	Mauritius (60%, 70%)
63%	Gabon (60%, 65%)
58%	Namibia (53%, 63%)
50%	Cameroon (50%, 50%)
50%	Ghana (50%, 50%)
50%	Madagascar (50%, 50%)
50%	Seychelles (50%, 50%)



Namibia (Back)



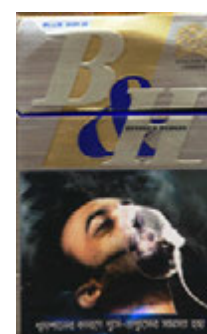
Japan



Turkmenistan



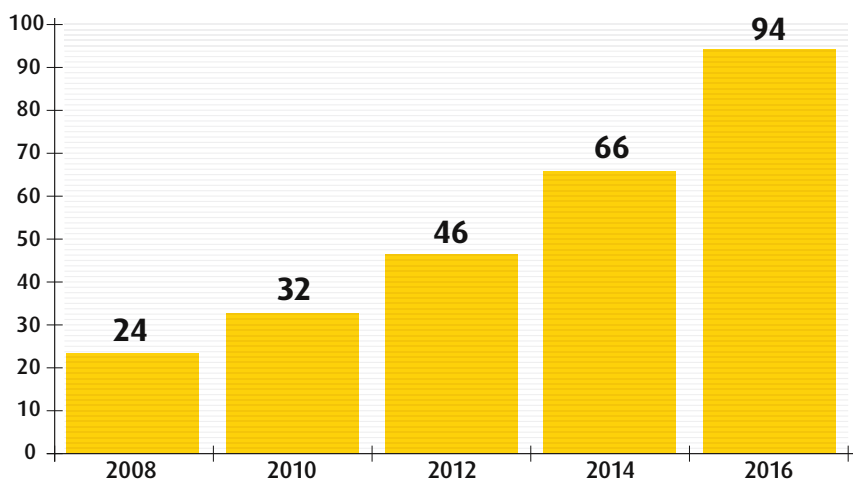
Vietnam



Bangladesh

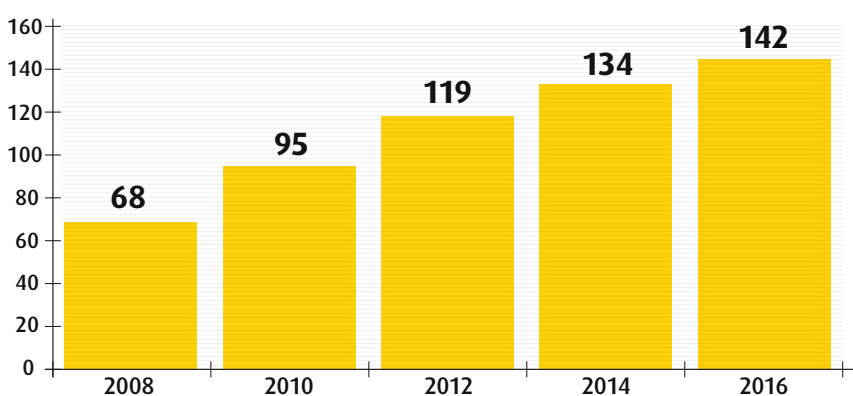
50%+

Countries /jurisdictions
requiring warnings of
at least 50% of package
front /back (on average)



30%+

Countries /jurisdictions
requiring warnings on
at least 30% of package
front /back (on average)



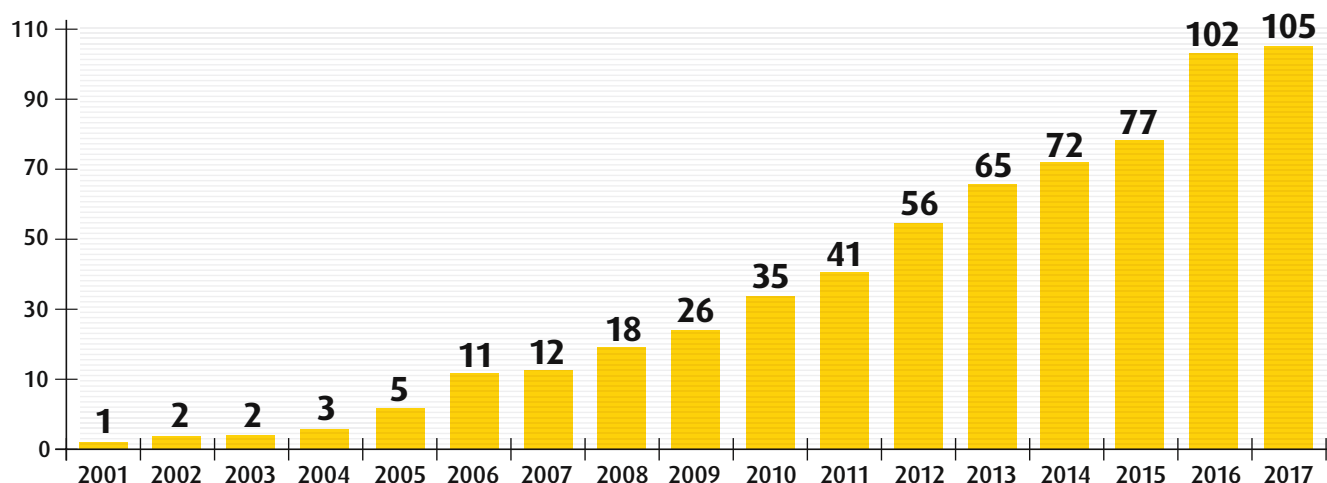
Obligations under the WHO Framework Convention on Tobacco Control

Pursuant to Article 11 of the WHO Framework Convention on Tobacco Control (FCTC),⁴⁶ the international tobacco control treaty, Parties to the Convention must require that all packages of tobacco products carry health warnings describing the harmful effects of tobacco use or other appropriate messages which “should be 50% or more of the principal display areas but shall be no less than 30% of the display areas” and may be in the form of or include pictorial warnings. For most cigarette packages, the “principal display areas” are the front and back of the package. Warnings must be in the national language or languages, must be rotated (a single warning is insufficient), must apply to cartons and other outer packages sold to consumers, and must be applied to all categories of tobacco products. Non-health messages (e.g. “Quit, save money”) may be included. Under the FCTC, no exceptions are allowed for duty-free stores, or for small volume brands. Each Party must implement warning requirements pursuant to Article 11 within three years after the FCTC comes into force for that Party.

Article 11 also has a provision regarding emission information elsewhere on the package, with the Article 11 Guidelines providing that qualitative information should be used without tar and nicotine ISO yield numbers. Further, Article 11 requires Parties to ensure that the industry’s use of the package is not “false, misleading, deceptive or likely to create an erroneous impression”. More than 100 countries/jurisdictions have specifically prohibited “light” and “mild” descriptors, and often other misleading descriptors as well.



Countries/Jurisdictions Requiring Pictorial Warnings on Cigarette Packages



Effectiveness of Warnings Increases with Larger Size, Use of Pictures

Health warnings on packages of tobacco products are a highly cost-effective means of health communication. Package warnings reach every smoker (and consumers of other tobacco products) every day. Warnings are always working — 24 hours per day, 7 days per week. A pack a day smoker would take his or her pack out 20 times per day, 7300 times per year. Warnings are also seen by those around the consumers, such as family, friends and co-workers.

Effective package warnings increase awareness of the health effects and reduce tobacco use. As a result of health warnings, consumers receive more information, not less. Consumers are entitled to be fully informed of the many health effects of tobacco products, and the package is the best way to do that. Studies show that consumers, including children, underestimate the health effects, in low, middle and high income countries.

Health departments determine the content of warnings, but the tobacco industry pays the cost. With such an extraordinary reach, it is not surprising that so many governments are improving package warning requirements. The tobacco industry opposes larger, pictorial warnings as a way to protect sales volumes — if such warnings would not work, then why is the industry so often opposed? An abundance of research studies⁴⁵ as well as country experience provide overwhelming evidence about the beneficial impact of larger, pictorial warnings.

Larger size is more effective

The FCTC Article 11 Guidelines⁴⁶ recognize that the effectiveness of health warnings increases with size, and that “Parties should consider [...] more than 50%” and “aim to cover as much of the principal display areas as possible”. A larger size means that warnings are more visible, more important, and have more impact.

A larger size allows for bigger and better pictures, a larger font size and/or additional information, including cessation information. Further, a larger size makes it more difficult for the branded promotional part of the package to distract the consumer’s attention away from the warning. That larger sizes are more effective is confirmed by the considered decisions of governments worldwide where the trend is very much to increase warning size.

A picture says a thousand words

Pictures can convey a message with far more impact than can a text-only message. A picture really does say a thousand words. Pictures are particularly significant for individuals who are illiterate or who have low literacy, an aspect especially important in many countries. Pictures are also important to immigrants, temporary workers as well as individuals from minority language groups who may not yet be able to read the national language(s).

Where tobacco advertising is not yet banned, tobacco companies use colour pictures in tobacco advertising. Further, the tobacco industry has often printed colour pictures on packages. If tobacco companies have used pictures to promote tobacco products, then governments should be able to use pictures to discourage tobacco use.

The feasibility of implementing pictorial warnings has been demonstrated in more than 100 countries/jurisdictions. If these countries can do it, then all countries can. It is notable that often in the very same cigarette factory some packages have pictorial warnings and some do not, depending on the country of destination.

To ensure better visibility and impact, pictorial warnings should be placed on both the front and back of the package (not just one of these), and should be placed at the top of the front/back, not the bottom, as provided in the Article 11 Guidelines.⁴⁶ The table on pages 8–11 lists sizes for both the package front and back, recognizing that the front is more important due to greater visibility.

International Rankings

	Rank	Country / Jurisdiction	Pictorial Warnings	Average	Front	Back	EU Member States	Less Than 30% Minimum Size	Article 11 FCTC Deadline	Pictorial Warnings Year(s)
1	1	Nepal	✓	90	90	90				2014, 2015
2	1	Vanuatu	✓	90	90	90				2017
3	3	India	✓	85	85	85				2009, 2011, 2013, 2016
4	3	Thailand	✓	85	85	85				2005, 2007, 2010, 2014
5	5	Australia (1)	✓	82.5	75	90				2006, 2012
6	6	Sri Lanka (2)	✓	80	80	80				2015
7	6	Uruguay	✓	80	80	80				2006, 2008, 2009, 2010, 2012, 2013, 2014, 2015
8	8	Brunei	✓	75	75	75				2008, 2012
9	8	Canada	✓	75	75	75				2001, 2012
10	8	Lao P.D.R.	✓	75	75	75				2016
11	8	Myanmar	✓	75	75	75				2016
12	12	Chad	✓	70	70	70				2015
13	12	Kiribati		70	70	70				
14	14	Austria	✓	65	65	65	✓			2016
15	14	Belgium	✓	65	65	65	✓			2006, 2011, 2016
16	14	Bulgaria	✓	65	65	65	✓			2016
17	14	Czech Republic	✓	65	65	65	✓			2016
18	14	Denmark	✓	65	65	65	✓			2012, 2016
19	14	Estonia	✓	65	65	65	✓			2016
20	14	Finland	✓	65	65	65	✓			2016
21	14	France	✓	65	65	65	✓			2011, 2016
22	14	Germany	✓	65	65	65	✓			2016
23	14	Greece	✓	65	65	65	✓			2016
24	14	Hungary (3)	✓	65	65	65	✓			2012, 2016
25	14	Ireland	✓	65	65	65	✓			2013, 2016
26	14	Italy	✓	65	65	65	✓			2016
27	14	Latvia	✓	65	65	65	✓			2010, 2016
28	14	Lithuania	✓	65	65	65	✓			2016
29	14	Malta	✓	65	65	65	✓			2011, 2016
30	14	Netherlands	✓	65	65	65	✓			2016
31	14	Poland	✓	65	65	65	✓			2016
32	14	Portugal	✓	65	65	65	✓			2016
33	14	San Marino (4)	✓	65	65	65	*			2016
34	14	Slovakia	✓	65	65	65	✓			2016
35	14	Sweden	✓	65	65	65	✓			2016
36	14	Togo		65	65	65				
37	14	Turkey	✓	65	65	65				2010
38	14	Turkmenistan	✓	65	65	65				2015
39	14	United Kingdom	✓	65	65	65	✓			2008, 2016
40	40	Mauritius	✓	65	60	70				2009
41	41	Brazil	✓	65	30	100				2002, 2004, 2009
42	41	Mexico (5)	✓	65	30	100				2010, 2011, 2012, 2013, 2014, 2015, 2016
43	41	Venezuela	✓	65	30	100				2005, 2009, 2014
44	44	Gabon		63	60	65				
45	45	Ecuador	✓	60	60	60				2012, 2013, 2014, 2015, 2016
46	45	Jamaica	✓	60	60	60				2014
47	47	Cook Islands (6)	✓	60	30	90				2008
48	47	Fiji	✓	60	30	90				2013
49	47	New Zealand (7)	✓	60	30	90				2008

	Rank	Country / Jurisdiction		Pictorial Warnings			Average Front / Back		EU Member States	Less Than 30% Minimum Size	Article 11	Article 11	Article 11	Pictorial Warnings
							Front	Back						Year(s)
50	47	Samoa	✓	60	30	90								2014
51	51	Namibia (8)	✓	58	53	63								2015
52	52	Liechtenstein (9)	✓	56	48	63		*		#				2010
53	52	Switzerland (10)	✓	56	48	63		*		#				2010
54	54	Cambodia	✓	55	55	55								2016
55	55	Malaysia	✓	55	50	60								2009, 2014
56	56	Solomon Islands	✓	50	70	30								2015
57	57	Albania		50	50	50								
58	57	Argentina	✓	50	50	50				#				2012, 2014, 2016
59	57	Armenia	✓	50	50	50								2017
60	57	Bahrain	✓	50	50	50								2012
61	57	Bangladesh	✓	50	50	50								2016
62	57	Belarus	✓	50	50	50								2017
63	57	Bolivia	✓	50	50	50								2011, 2015
64	57	Cameroon		50	50	50								
65	57	Chile (11)	✓	50	50	50								2006,2007,2008,2009,2010,2011,2012,2013,2016
66	57	Costa Rica	✓	50	50	50								2014, 2015, 2016
67	57	Djibouti	✓	50	50	50								2009
68	57	Egypt	✓	50	50	50								2008, 2010, 2012, 2014, 2016
69	57	El Salvador	✓	50	50	50								2012, 2015
70	57	Ghana (12)		50	50	50								
71	57	Honduras (13)	✓	50	50	50								2012,2013,2014
72	57	Hong Kong (S.A.R., China)	✓	50	50	50				#				2007
73	57	Iran	✓	50	50	50								2009
74	57	Kazakhstan	✓	50	50	50								2013, 2017
75	57	Kuwait	✓	50	50	50								2012
76	57	Kyrgyzstan	✓	50	50	50								2016, 2017
77	57	Macau (S.A.R., China)	✓	50	50	50				#				2013
78	57	Madagascar	✓	50	50	50								2012,2013,2015,2016
79	57	Mongolia	✓	50	50	50								2010, 2013
80	57	Oman	✓	50	50	50								2012
81	57	Panama	✓	50	50	50								2006, 2009, 2010, 2012, 2014, 2015, 2016
82	57	Peru	✓	50	50	50								2009, 2011, 2014, 2015, 2016
83	57	Philippines	✓	50	50	50								2016
84	57	Qatar	✓	50	50	50								2012
85	57	Russian Federation	✓	50	50	50								2013, 2017
86	57	Saudi Arabia	✓	50	50	50								2012
87	57	Seychelles	✓	50	50	50								2013, 2016
88	57	Singapore	✓	50	50	50								2004, 2006, 2013
89	57	South Korea (Republic of Korea)	✓	50	50	50								2016
90	57	Suriname	✓	50	50	50								2014
91	57	Ukraine	✓	50	50	50								2012
92	57	United Arab Emirates	✓	50	50	50								2012
93	57	Viet Nam	✓	50	50	50								2013
94	57	Yemen	✓	50	50	50								2014
95	95	Guernsey (14)	✓	48	43	53	*							2011
96	95	Iceland	✓	48	43	53	*							2013
97	95	Jersey (14)	✓	48	43	53	*							2012
98	95	Norway	✓	48	43	53	*							2011
99	95	Romania (15)	✓	48	43	53	✓							2008
100	95	Slovenia (15)		48	43	53	✓							
101	95	Spain (15)	✓	48	43	53	✓							2011
102	102	Lebanon (16)		45	45	45								

	Rank	Country / Jurisdiction		Pictorial Warning		Average Front / Back		EU Member States	Less Than 30% Minimum Size	Article 11 FCTC Deadline	Pictorial Warnings Year(s)
103	103	Jordan (17)	✓	43	43	43					2006, 2013
104	103	Nigeria (18)		43	43	43					
105	105	Bosnia and Herzegovina		43	35	50	*				
106	106	Comoros		40	40	40					
107	106	Indonesia	✓	40	40	40			#		2014
108	106	Pakistan (19)	✓	40	40	40					2010
109	106	Uzbekistan		40	40	40					
110	110	Kenya	✓	40	30	50					2016
111	111	Luxembourg (15)		39	32	45	✓				
112	111	Cyprus (15)		39	32	45	✓				
113	111	Greenland (Denmark)	✓	39	32	45			#		2016
114	111	Kosovo		39	32	45	*		#		
115	115	China (20)		35	35	35					
116	115	Taiwan, China	✓	35	35	35			#		2009, 2014
117	116	Croatia (15)		35	30	40	✓				
118	116	Faroe Islands (Denmark)		35	30	40	*		#		
119	116	Macedonia, The F.Y.R.	✓	35	30	40	*				2010
120	116	Moldova, Republic of		35	30	40	*				
121	116	Montenegro	✓	35	30	40	*				2013
122	116	Serbia		35	30	40	*				
123	123	Azerbaijan		30	30	30					
124	123	Benin		30	30	30					
125	123	Bermuda (UK)		30	30	30			#		
126	123	Colombia	✓	30	30	30					2010, 2011, 2012, 2013, 2014, 2015, 2016
127	123	Congo, Republic of		30	30	30					
128	123	D. R. Congo		30	30	30					
129	123	Eritrea (21)		30	30	30			#		
130	123	Ethiopia		30	30	30					
131	123	Gambia		30	30	30					
132	123	Georgia		30	30	30					
133	123	Israel		30	30	30					
134	123	Japan		30	30	30					
135	123	Khartoum (state in Sudan)	✓	30	30	30			#		2016
136	123	Maldives		30	30	30					
137	123	Mali		30	30	30					
138	123	Nauru		30	30	30					
139	123	Rwanda		30	30	30					
140	123	Tonga		30	30	30					
141	123	Uganda		30	30	30					
142	142	Cuba (22)		30	0	60			#		
143	143	Mozambique		28	30	25			#		
144	144	Libya		25	50	0		X	Sep. 5, 2008		
145	145	South Africa (23)		21	16	26		X	Jul. 18, 2008		
146	146	Zimbabwe		20	15	25		X	Mar 4. 2018		
147	147	Algeria		15	15	15		X	Sep. 28, 2009		
148	148	Cayman Islands (UK) (24)	✓	15	0	30			#		2009
149	149	Guatemala		13	25	0		X	Feb. 14, 2009		
150	150	West Bank and Gaza Strip		10	20	0			#		
151	151	Morocco (25)		5	0	10			#		
152	152	Zambia (26)		3	3	3		X	Aug. 21, 2011		
153	153	Afghanistan (27)		0	0	0		X	Nov. 11, 2013		
154	153	Andorra (28)		0	0	0			#		
155	153	Angola		0	0	0		X	Dec. 19, 2010		

	Rank	Country / Jurisdiction	Pictorial Warning	Average Front / Back	EU Member States	Less Than 30% Minimum Size	Article 11 FCTC Deadline	Pictorial Warnings Year(s)
156	153	Antigua and Barbuda	0	0	0	X	Sep. 3, 2009	
157	153	Bahamas	0	0	0	X	Feb. 1, 2013	
158	153	Barbados	0	0	0	X	Feb. 1, 2009	
159	153	Belize	0	0	0	X	Mar. 15, 2009	
160	153	Bhutan (29)	0	0	0		Feb. 27, 2008	
161	153	Botswana	0	0	0	X	May 1, 2008	
162	153	Burkina Faso (30)	0	0	0	X	Oct. 29, 2009	
163	153	Burundi	0	0	0	X	Feb. 20, 2009	
164	153	Cape Verde	0	0	0	X	Jan. 2, 2009	
165	153	Central African Republic	0	0	0	X	Feb. 5, 2009	
166	153	Côte d'Ivoire	0	0	0	X	Nov. 11, 2013	
167	153	D.P.R. Korea (31)	0	0	0	X	Aug. 14, 2008	
168	153	Dominica	0	0	0	X	Oct. 22, 2009	
169	153	Dominican Republic	0	0	0	#		
170	153	Equatorial Guinea	0	0	0	X	Dec. 16, 2008	
171	153	Grenada	0	0	0	X	Nov. 12, 2010	
172	153	Guinea	0	0	0	X	Feb. 5, 2011	
173	153	Guinea-Bissau	0	0	0	X	Feb. 5, 2012	
174	153	Guyana	0	0	0	X	Dec. 14, 2008	
175	153	Haiti	0	0	0	#		
176	153	Iraq	0	0	0	X	Jun. 15, 2011	
177	153	Lesotho	0	0	0	X	Apr. 14, 2008	
178	153	Liberia	0	0	0	X	Dec. 14, 2012	
179	153	Malawi	0	0	0	#		
180	153	Marshall Islands	0	0	0	X	Mar. 8, 2008	
181	153	Mauritania	0	0	0	X	Jan. 26, 2009	
182	153	Micronesia	0	0	0	X	Jun. 16, 2008	
183	153	Monaco (32)	0	0	0	#		
184	153	Nicaragua	0	0	0	X	Jul. 8, 2011	
185	153	Niger (33)	0	0	0	X	Aug. 25, 2008	
186	153	Niue	0	0	0	X	Sep. 1, 2008	
187	153	Palau	0	0	0	X	Feb. 27, 2008	
188	153	Papua New Guinea	0	0	0	X	Aug. 23, 2009	
189	153	Paraguay	0	0	0	X	Dec. 27, 2009	
190	153	Saint Kitts and Nevis	0	0	0	X	Sep. 19, 2014	
191	153	Saint Lucia	0	0	0	X	Feb. 5, 2009	
192	153	Sao Tome and Principe	0	0	0	X	Jul. 11, 2009	
193	153	Senegal (34)	0	0	0	X	Apr. 27, 2008	
194	153	Sierra Leone	0	0	0	X	Aug. 20, 2012	
195	153	Somalia	0	0	0	#		
196	153	South Sudan	0	0	0	#		
197	153	St Vincent and the Grenadines	0	0	0	X	Jan. 27, 2014	
198	153	Sudan (35)	0	0	0	X	Jan. 29, 2009	
199	153	Swaziland	0	0	0	X	Apr. 13, 2009	
200	153	Tajikistan	0	0	0	X	Sep. 19, 2016	
201	153	Tanzania	0	0	0	X	Jul. 29, 2010	
202	153	Trinidad and Tobago (36)	0	0	0	X	Feb. 27, 2008	
203	153	Tunisia	0	0	0	X	Sep. 5, 2013	
204	153	Tuvalu	0	0	0	X	Dec. 25, 2008	
205	153	United States of America	0	0	0	#		

Countries/jurisdictions that are not Parties to the FCTC. * Countries/jurisdictions that follow the EU Directive 2001/37/EC (San Marino follows EU Directive 2014/40/EU)

In the table, the indicated average size for the front and back has been rounded; for example 17.5% appears as 18%. In the case of Australia, the average size has not been rounded. Other countries: The following two countries are not listed in this report: Timor-Leste,³⁷ Syrian Arab Republic.

Plain packaging – tremendous international momentum

Plain packaging prohibits brand colours, logos and design elements on packages, and would require that packages only come in a standard shape, material and format. (Plain packaging is also referred to as “standardized packaging”, or “plain and standardized packaging”, or “generic packaging”.) Under plain packaging, health warnings would continue to appear, but the brand portion of the package would have the same colour (e.g. drab brown) for all brands. The brand name would be allowed on packages, but only in a standard location, colour (e.g. light grey), font style and size.

Plain packaging would curb the industry’s use of the package as a promotional vehicle, would reduce the appeal of tobacco products, would increase the effectiveness of package warnings, would curb package deception, and would decrease tobacco use. Packages should not be used as mini-billboards promoting tobacco use. Both the Article 11⁴⁶ and the Article 13⁴⁷ Guidelines under the FCTC recommend that Parties consider implementing plain packaging. Plain packaging is supported by extensive evidence.⁴⁸ The theme for the World Health Organization’s World No Tobacco Day on May

31, 2016 was “Get Ready for Plain Packaging”.⁴⁹ Australia’s world precedent setting plain packaging had full implementation at the retail level as of December 1, 2012.

There is tremendous international momentum on plain packaging. Four countries have now finalized requirements for plain packaging: Australia implemented in 2012; the United Kingdom and France implemented at the manufacturer level May 20, 2016, and Hungary will implement in 2018. At least 14 more countries are in the process of requiring plain packaging or are formally considering doing so: New Zealand, Ireland, Norway, Canada, Slovenia, Uruguay, Thailand, Singapore, Belgium, Romania, Turkey, Finland, Chile and South Africa. Expressions of support for implementation of plain packaging have also been made by the governments of Mauritius,⁵⁰ Kenya,⁵¹ Gambia,⁵² Botswana,⁵³ and Brazil.⁵⁴ The new EU Directive expressly provides that plain packaging is an option for the EU’s 28 member countries.

Below is an overview of status by country.

Australia – Plain packaging legislation adopted Dec. 1, 2011 and fully implemented Dec. 1, 2012.⁵⁵ Constitutional challenge dismissed by High Court of Australia Aug. 15, 2012.⁵⁶ A Philip Morris legal claim under bilateral Hong Kong-Australia investment agreement dismissed Dec. 17, 2015.⁵⁷

United Kingdom – Plain packaging regulations approved Mar. 16, 2015⁵⁸ and came into force May 20, 2016 at the manufacturer level, applying to England, Wales⁵⁹ Northern Ireland⁶⁰ and Scotland.⁶¹ On May 19, 2016, a tobacco industry legal challenge was dismissed.⁶²

France – Plain packaging legislation adopted Dec. 17, 2015 and came into force May 20, 2016 at the manufacturer level.⁶³ This legislation was upheld on Jan. 21, 2016 as constitutional by France’s Constitutional Council.⁶⁴

Hungary – On Aug. 16, 2016, Hungary adopted a Decree requiring plain packaging effective May 20, 2018 at the manufacturer level.⁶⁵

New Zealand – Plain packaging legislation adopted Sept. 14, 2016. On May 31, 2016, draft regulations were released for consultation until July 29, 2016, and are awaiting final adoption.⁶⁶

Ireland – Plain packaging legislation enacted Mar. 10, 2015, with some strengthening amendments currently before Parliament. Draft regulations were notified Nov. 20, 2015. Legislation intended to come into force in 2017.⁶⁷

Norway – Government bill introduced in Parliament June 10, 2016.⁶⁸

Canada – New Government elected Oct. 19, 2015 committed in electoral platform to implement plain packaging.⁶⁹ On Nov. 13, 2015, the Prime Minister’s mandate letter to the Minister of Health included plain packaging as a “top priority”.⁷⁰ On May 31, 2016, Health Minister launched a public consultation ending Aug. 31, 2016.

Slovenia – Draft plain packaging legislation notified Mar. 16, 2016.⁷¹

Chile – Bill approved by Senate, July 9, 2015, and forwarded to House of Deputies.⁷²

Uruguay – President stated Nov. 24, 2015 and reiterated on July 8, 2016 that plain packaging is being considered.⁷³ A Philip Morris legal claim under bilateral Switzerland-Uruguay investment agreement dismissed July 8, 2016, regarding significant packaging restrictions (though not plain packaging).⁷⁴

Thailand – In November 2015, a Thailand government representative stated that plain packaging was under consideration.⁷⁵

Singapore – On Dec. 29, 2015, Singapore launched a public consultation on plain packaging ending Mar. 29, 2016.⁷⁶

Belgium – Public Health Minister announced Apr. 9, 2016 that Belgium to have plain packaging by 2019.⁷⁷

Romania – Bill approved by Senate June 7, 2016 includes a provision authorizing government to adopt decision requiring plain packaging. Bill forwarded to Chamber of Deputies.⁷⁸

Finland – Government national action plan (June 2014) includes plain packaging as planned measure.⁷⁹

Turkey – Plain packaging included in government national action plan for 2015-2018. In August, 2016, the Health Minister stated that plain packaging is under consideration.⁸⁰

South Africa – Health Minister stated July 24, 2014 that he wants to implement plain packaging, and stated Mar. 18, 2015 and May 31, 2016 that legislation will be introduced in Parliament. A bill is expected to be introduced in 2017.⁸¹

European Union – new Tobacco Products Directive adopted April 3, 2014 explicitly states that the 28 EU member countries have the option of implementing plain packaging,⁸² a provision upheld on May 4, 2016 by the European Court of Justice as valid when dismissing a tobacco industry legal challenge.⁸³



AUSTRALIA (FRONT)
Before Plain Packaging



AUSTRALIA (FRONT)
After Plain Packaging



AUSTRALIA (BACK)
After Plain Packaging

“Strip back the glamour and glossy packaging that contain tobacco products, and what is left? A product that kills almost 6 million people every year. Tobacco packaging is a form of advertising and promotion that often misleads consumers and serves to hide the deadly reality of tobacco use. ... plain packaging works.”

WHO Director-General
Dr Margaret Chan,

World No Tobacco Day, May 31, 2016



HUNGARY MOCK-UP



NORWAY MOCK-UP



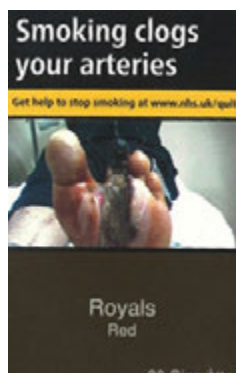
NEW ZEALAND MOCK-UP



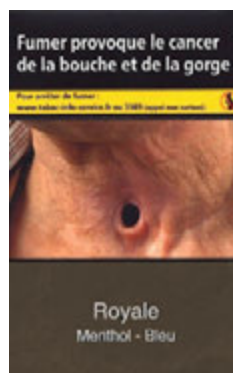
CANADA MOCK-UP



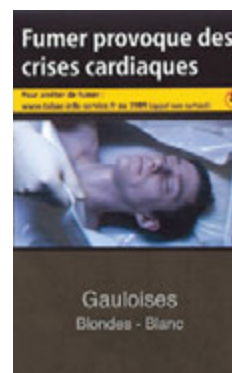
UNITED KINGDOM



UNITED KINGDOM



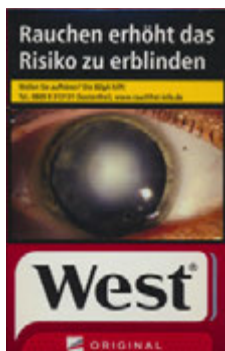
FRANCE



FRANCE



FRANCE



GERMANY



VENEZUELA (BACK)



TURKEY (FRONT)



NEPAL



PERU



ICELAND



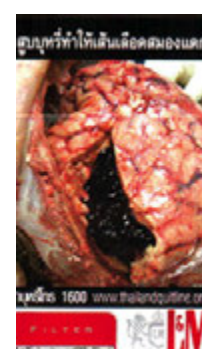
TOGO



KHARTOUM (FRONT)



SAMOA (BACK)



THAILAND



CHILE



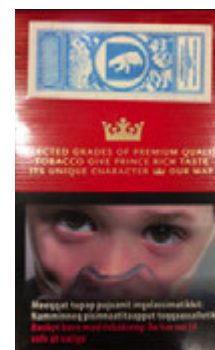
CHINA



PERU



CHAD



GREENLAND (BACK)



INDONESIA



MEXICO (FRONT)



BOLIVIA



SWITZERLAND (BACK)



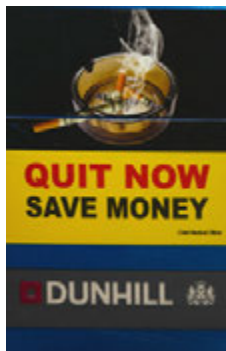
NIGERIA



THAILAND CARTON



MAURITIUS CARTON



JAMAICA (FRONT)



JAMAICA (BACK)



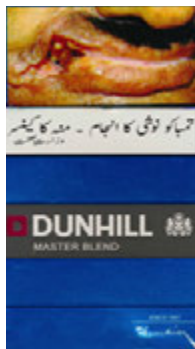
URUGUAY



UAE/GCC



PHILIPPINES



PAKISTAN



SURINAME



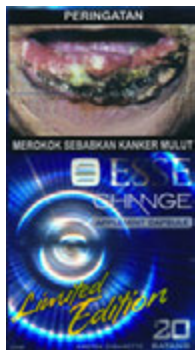
CHILE



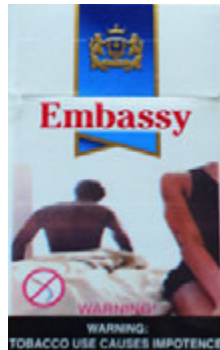
LEBANON



KYRGYZSTAN



INDONESIA



KENYA



CONGO



CANADA



CAMBODIA



EGYPT (WATER PIPE)



IRAN (WATER PIPE)



MADAGASCAR (FRONT)



VENEZUELA (BACK)



TURKMENISTAN



PANAMA



HONDURAS



COLOMBIA



COLOMBIA



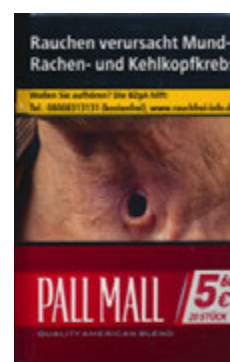
ARGENTINA



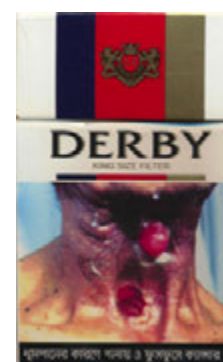
VENEZUELA (BACK)



DJIBOUTI



GERMANY



BANGLADESH



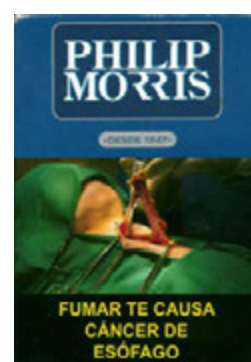
GERMANY



BELGIUM



MEXICO (FRONT)



ECUADOR (FRONT)



ECUADOR (BACK)

Information Collection

Considerable effort was made to ensure the accuracy of the information contained in this report. Information obtained as of October 17, 2016 has been included to ensure that the report was as up-to-date as possible before publication. However, for a few countries, it was not possible to confirm national requirements prior to press time. Moreover, national requirements for package warnings are constantly evolving and, as such, it may be that for some countries listed in this report further progress may have been made but is not reflected in this report.

Country information was only included in this report once legal requirements (such as an Act, regulation, or decree) were finalized,

and no further approval steps were needed. For some countries, the transition period for warning implementation on packages has not been completed; however if no further approval steps were needed, these new requirements were included in the report. Where new information for a country could not be confirmed prior to publication, this new information was not included.

This report provides information only for packages of cigarettes, not other tobacco products. Information for cigarette cartons has not been compiled.

For more information

Tobacco Labelling Resource Centre

www.tobaccolabels.org

Campaign for Tobacco-Free Kids

http://global.tobaccofreekids.org/en/solutions/international_issues/warning_labels/

www.tobaccocontrollaws.org

Physicians for a Smoke-Free Canada

www.smoke-free.ca/warnings

World Lung Foundation

http://67.199.72.89/packwarning/pw_index.html

FCTC Guidelines for Article 11 (packaging and labelling)

http://www.who.int/fctc/guidelines/adopted/article_11/en/

WHO Framework Convention on Tobacco Control

<http://www.who.int/fctc>

WHO Warnings Database

www.who.int/tobacco/healthwarningsdatabase/en/index.html

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41. Brazil	14. Germany	116. Macedonia, The F.Y.R.	153. Saint Lucia	6. Uruguay
8. Brunei	57. Ghana	57. Madagascar	47. Samoa	106. Uzbekistan
14. Bulgaria	14. Greece	153. Malawi	14. San Marino	1. Vanuatu
153. Burkina Faso	112. Greenland (Denmark)	55. Malaysia	153. Sao Tome and Principe	41. Venezuela
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The Previous European Union Directive — Explanatory Comment

The new EU Directive, 2014/40/EU, requires pictorial warnings covering the top 65% of the package front and back, effective May 20, 2016 at the manufacturer level.^{38, 39} The previous EU Directive, adopted in 2001, specified the warning size as follows, plus a border (3-4mm in width) that is to be in addition to the space for the warnings:

35%	(30% front, 40% back) for unilingual countries
39%	(32% front, 45% back) for bilingual countries ⁴⁰
43%	(35% front, 50% back) for trilingual countries ⁴¹

Once the required border is factored in, the required size in effect increases to the following:⁴²

48%	(43% front, 53% back) for unilingual countries
52%	(45% front, 58% back) for bilingual countries
56%	(48% front, 63% back) for trilingual countries

Many EU countries were not compliant with the 2001 EU Directive that requires the border to be in addition to the warning. Packages were able to be collected from all 28 EU countries to assess compliance. Based on this review, 13 of these 28 EU countries appeared to be in compliance with the Directive in this respect,⁴³ while 15 of 28 were not in compliance because packages indicate that the border has been included in the space for the warning, instead of in addition to the warning.⁴⁴ A limitation of this is that the assessment is based on the packaging material received, and not a comprehensive examination of all brands sold on the market in each country. Some European countries outside the EU continue to implement the 2001 EU Directive.

Notes

1. **Australia:** Rotation of two sets of 7 warnings every 12 months, for both 2006 and 2012 rounds. In addition to the 90% warning on the package back, Australia also requires a fire risk statement, which appears on the bottom 10% of the package back.
2. **Sri Lanka:** There is a partial change every six months to the set of warnings required to appear on packages.
3. **Hungary:** For the first (2012) round, 42 pictorial warnings were to be rotated over 3 years, with the difference between the most and least frequently appearing warnings not allowed to be more than 10%.
4. **San Marino:** Cigarettes are imported from Italy and follow Italian package warning requirements.
5. **Mexico:** The required warnings on packages change every 4 months. In previous years, warnings changed every 3 months or every 6 months.
6. **Cook Islands:** Warnings are to either comply with the Australian or New Zealand requirements (which include pictures), or to require 50% text warnings with specified messages in English and in Cook Islands Maori. In practice, packages have contained pictures as required in Australia/New Zealand.
7. **New Zealand:** Rotation of two sets every 12 months. On May 31, 2016, the New Zealand Government proposed for consultation plain packaging regulations accompanied by an increase in warning size to 75% front, 90% back.
8. **Namibia:** 50% front, 60% back, plus a border of unspecified size. Size estimated based on available packages.
9. **Liechtenstein:** Rotation of one of three sets every 24 months. Liechtenstein is in a customs union with Switzerland. Liechtenstein law requires that tobacco packages depict Switzerland's health warnings.
10. **Switzerland:** Rotation of one of three sets every 24 months.
11. **Chile:** From 2006 to 2012 inclusive, Chile required only one pictorial warning to appear at a time on all packages, with the warning changed every 12 months. Effective 2013, Chile required a series of warnings to appear concurrently.
12. **Ghana:** Warnings are in place through mandatory contractual arrangements between Ghana's Food and Drug Board and tobacco importers/distributors.
13. **Honduras:** The information on rounds of pictorial warnings is based on best available information at press time.
14. **Guernsey, Jersey:** Guernsey and Jersey are Crown dependencies located in the English Channel that are neither part of the UK nor part of the EU.
15. **European Union:** Directive 2014/40/EU provides that the 28 EU member countries must require 65% pictorial warnings at the manufacturer level effective May 20, 2016. Three sets of 14 pictorial warnings are to be changed every 12 months. As of press time, 22 EU member countries had implemented the EU Directive into national law but 6 EU member countries (Croatia, Cyprus, Luxembourg, Romania, Slovenia, Spain) had not yet finished doing so. For these 6 countries, the indicated warning requirements in this report are based on implementation of previous Directive 2001/37/EC (see also subsequent endnotes re EU).
16. **Lebanon:** Size is 40% plus a border, with size estimated based on available packs. The Decree provides for a maximum border width of 3mm, provides no minimum, and provides a mockup with a 3mm width.
17. **Jordan:** Size is 40% plus a border as illustrated in the national standard.
18. **Nigeria:** Size includes a border as illustrated in the national standard.
19. **Pakistan:** Amendments to the *Cigarettes (Printing of Warning) Rules, 2009* and the prescribing of warning content were approved January 29, 2015, and published in The Gazette of Pakistan February 27, 2015, to require 85% pictorial warnings effective March 30, 2015. However, subsequent amendments extended the effective date, and the 85% pictorial warning requirements have not been implemented.
20. **China:** The increase from 30% text warnings to 35% text warnings was effective October 1, 2016.
21. **Eritrea:** *The Proclamation to Provide for Tobacco Control* provides that warnings shall be 30% or more, and should be 50% or more, of the package front and back.
22. **Cuba:** Warnings may appear on either 30% of both the front and back, or 60% of one of the front or back. Packages obtained depict warnings on 60% of the back.
23. **South Africa:** 15% front, 25% back plus a border of unspecified width.
24. **Cayman Islands:** Regulations require a graphic health warning to appear on either front or back. The size shall be at least 30%, and no less than the size required by the country of origin.
25. **Morocco:** Size estimated based on available packs. Legislation requires a warning on the back, but does not specify a minimum size.
26. **Zambia:** Size estimated based on available packs. Legislation requires a warning on the front and back, but does not specify a minimum size.
27. **Afghanistan:** *The Tobacco Control Law*, published February 17, 2015, requires 50% pictorial warnings but does not specify warning content. A Ministry of Public Health Notice to Ministry of Foreign Affairs dated Feb. 9, 2016 re "Health Warning/Pictorial Labeling on Tobacco Products Including Cigarette Package" specifies warning content, but there have been implementation delays.
28. **Andorra:** In practice, packages tend to depict pictorial warnings from France or Spain.
29. **Bhutan:** bans tobacco product sales, but allows importation by individuals of limited quantities for personal consumption provided certain conditions are met, including that the packaging containing a health warning (no minimum warning size specified).
30. **Burkina Faso:** *Joint Administrative Decree No. 2015- No. 366 /MS/MICA concerning setting the procedures for the implementation of Decree No. 2011-1051/PRES/PM/MS/MEF of December 30, 2011, concerning the packaging and labeling of tobacco products in Burkina Faso*, approved April 7, 2015, requires 60% pictorial warnings effective 12 months after coming into force, but there have been implementation delays.
31. **D.P.R. Korea:** *The Tobacco Control Law of DPR Korea*, Decree No.1176 of June 24, 2016 (revised and consolidated), provides that a warning is to be required on packages, but does not specify the size, location or content.
32. **Monaco:** In practice, packs follow France requirements. *The Convention of Neighbours of May 18, 1963*, an agreement between France and Monaco, provides that Monaco will purchase tobacco products for consumption in Monaco from the Service d'Exploitation Industrielle des Tabacs et Allumettes (SEITA) of France.
33. **Niger:** *Decision No. 442 MSP/DGSP/DHP/ES of December 2, 2013 regulating the composition, packaging and labelling of tobacco products in Niger* provides that pictorial warnings are to cover 50% of the package front and back, but the picture content has not yet been specified.
34. **Senegal:** *Law No. 2014-14 concerning the manufacture, packaging, labelling, sale and use of tobacco, dated March 28, 2014*, and *Decree No. 2016-1008 regarding application of Law No. 2014-14 of March 28, 2014 regarding the manufacture, packaging, labelling, sale and use of tobacco*, dated July 26, 2016, provide that pictorial warnings are to cover at least 70% of the front and back, but a Decision specifying the content of warnings has not yet been adopted.
35. **Sudan:** Though there is not a national requirement for warnings to appear on the package front and back, the state of Khartoum requires 30% pictorial warnings on the front/back.
36. **Trinidad and Tobago:** *The Tobacco Control Regulations, 2013*, published January 10, 2014, require 50% pictorial warnings 12 months after publication, but there have been implementation delays.
37. **Timor-Leste:** *Tobacco Control Regime*, Decree-Law No. 14/2016 of June 8, 2016, provides that pictorial warnings shall cover at least 50% of the package external surface area, with the Decree-Law entering into force 180 days after publication. However the content of pictorial warnings has not yet been specified.
38. **EU:** *Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC*.
39. **EU:** Bilingual EU countries that have not yet implemented the new EU Directive 2014/40/EU are Cyprus and Luxembourg; these two countries were non-compliant with the border/size requirement of the previous Directive. Unilingual countries that have not yet implemented the new EU Directive are Croatia, Romania, Slovenia and Spain – Romania, Slovenia and Spain were compliant with the border/size requirement of the previous Directive; Croatia was not.
40. **EU:** Bilingual EU Member States are Cyprus, Finland, Ireland, Luxembourg, Malta.
41. **EU:** Belgium is a trilingual EU Member State. Switzerland, Bosnia and Herzegovina, and Liechtenstein are non-EU countries that require trilingual warnings with EU size requirements pursuant to the 2001 Directive.
42. **EU:** The overall size including the border may vary depending on the package format (e.g. the overall size increases on smaller packages, and on Superslims packages).
43. **EU:** Proper implementation of border/size requirement pursuant to Directive 2001/37/EC, (13): Belgium, Estonia, Finland, France, Hungary, Ireland, Latvia, Portugal, Romania, Slovenia, Spain, Sweden, United Kingdom. The following non-EU countries/jurisdictions have implemented the EU Directive, and have done so properly in terms of the border: Guernsey, Iceland, Jersey, Liechtenstein, Norway, Switzerland.
44. **EU:** Non-compliant with border/size requirement, Directive 2001/37/EC, (15): Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Germany, Greece, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovakia. The following non-EU countries/jurisdictions have implemented the 2001 EU Directive, but are non-compliant in terms of the border: Bosnia and Herzegovina, Faroe Islands, Kosovo, Macedonia The F.Y.R., Moldova, Montenegro, Serbia.
45. See Tobacco Labelling Resource Centre, www.tobaccolabels.org

46. *Guidelines for implementation of Article 11 of the WHO Framework Convention on Tobacco Control (Packaging and labelling of tobacco products)*.

47. *Guidelines for implementation of Article 13 of the WHO Framework Convention on Tobacco Control (Tobacco advertising, promotion and sponsorship)*.

Notes for Plain Packaging

48. For example, see David Hammond, “Standardised Packaging of Tobacco Products: Evidence Review. Prepared on behalf of the Irish Department of Health” March 2014; Sir Cyril Chantler, “Standardised Packaging of Tobacco: Report of the independent review undertaken by Sir Cyril Chantler” April 2014; C. Moodie, M. Stead, et al., “Plain tobacco packaging: a systematic review”, 2011, University of Stirling: Stirling, Scotland, United Kingdom; *Tobacco Control*, April 2015, Volume 24, Supplement 2; Australian Department of Health, “Post-Implementation Review Tobacco Plain Packaging 2016” released February 26, 2016; Cancer Council Victoria, “Plain packaging. The facts.” (website); Quit Victoria, Cancer Council Victoria, “Plain packaging of tobacco products: a review of the evidence” August 12, 2011.

49. World Health Organization, “World No Tobacco Day: Get ready for plain packaging. Plain packaging of tobacco products to reduce demand, to save lives” May 31, 2016.

50. **Mauritius** Government Information Service, Prime Minister’s Office, “WNTD: Government’s commitment to introduce plain packaging, stressed by Health Minister” June 6, 2016 (news release).

51. **Kenya**: Pauline Kairu, “New headache for tobacco companies as Health ministry seeks to enforce plain packaging for cigarettes” Daily Nation, May 31, 2016.

52. **Gambia**: Arfang MS Camara, “Gambia to Embrace Plain Packaging of Tobacco Products” Daily Observer, August 4, 2016.

53. **Botswana** Ministry of Health, “World no tobacco day” (news item on website) 2016; Baboki Kayawe, “Plain, standardised tobacco packaging in the offing” Mmegi online, June 1, 2016.

54. **Brazil**: Natalia Cancian, “Brazil proposes tobacco tracking in Mercosur to prevent illegal trade”, *Folha de S. Paulo*, June 17, 2016; See also, National Commission for Implementation of the Framework Convention on Tobacco Control (CONICQ), “Standardized packaging of tobacco products: Technical notes for tobacco control” 2014. Bills have been introduced by individual members in Congress, in the House of Deputies (PL1744 / 2015; May 28, 2015) and in the Senate (PL769 / 2015, Dec. 3, 2015).

55. **Australia**: *Tobacco Plain Packaging Act 2011*, No. 148, 2011; *Trade Marks Amendment (Tobacco Plain Packaging) Act 2011*, No. 149, 2011; *Tobacco Plain Packaging Regulations 2011*, Select Legislative Instrument 2011 No. 263 as amended.

56. **Australia**: *Philip Morris Asia Ltd. v Commonwealth of Australia* [2012] HCA 43, High Court of Australia, Order August 15, 2012, Reasons October 5, 2012.

57. **Australia**: *Philip Morris Asia Ltd. v. The Commonwealth of Australia*, Permanent Court of Arbitration, PCA Case No. 2012-12, decision Dec. 17, 2015, reasons May 16, 2016.

58. **United Kingdom**: *Children and Families Act 2014*, 2014 no. 6, section 94, adopted March 13, 2014; *The Standardised Packaging of Tobacco Products Regulations 2015*, approved by House of Commons March 11, 2015 and by House of Lords March 16, 2015.

59. **Welsh Government**, “Health Minister gives go-ahead for standardised packaging for cigarettes to be introduced in Wales” (news release) January 29, 2015.

60. **Northern Ireland** Department of Health, Social Services and Public Safety, “Standardised Packaging for Tobacco Products to be Introduced in Northern Ireland” (press release) February 2, 2015.

61. **Scottish** Government, “Plain tobacco packaging” (news release) January 22, 2015.

62. **United Kingdom**: *British American Tobacco & others v Department of Health*, [2016] EWHC 1169 (Admin), England and Wales High Court of Justice, Queen’s Bench Division, Administrative Court, May 19, 2016.

63. **France**: *Bill relating to health, no. 2302, approved by Parliament December 17, 2015; Decree no 2016-334 of 21 March 2016 relating to plain packaging of cigarettes and of certain tobacco products, NOR: AFSP1603141D; Decision of 21 March 2016 relating to conditions of plain and standardized packaging and cigarette paper and rolling tobacco, NOR: AFSP1607269A*.

64. **France**: Constitutional Council, *Law to modernize our health system*, Decision n° 2015-727 DC of 21 January 2016.

65. **Hungary**: *Decree 239/2016 of 16 August 2016, Amendment to Government Decree 39/2013 of 14 February 2013 on the manufacture, placement on the market and control of tobacco products, combined warnings and the detailed rules for the application of the health-protection fine*. The implementation date is May 20, 2018 at the manufacturer level, and May 20, 2019 at the retail level.

66. **New Zealand**: *Smoke-free Environments (Tobacco Standardised Packaging) Amendment Act 2016*, 2016 no 43, adopted September 14, 2016. New Zealand Ministry

of Health, “Standardised Tobacco Products and Packaging Draft Regulations. Consultation document” May 31, 2016.

67. **Ireland**: *Public Health (Standardised Packaging of Tobacco) Act 2015*, Number 4 of 2015, adopted March 10, 2015; amendments to plain packaging legislation included in *Health (Miscellaneous Provisions) Bill 2016* (Number 9 of 2016) presented in Dail Jan. 15, 2016, approved at second stage and referred to Committee, October 5, 2016; draft *Public Health (Standardised Packaging of Tobacco) Regulations 2016* notified to European Commission Nov. 20, 2015; Marie O’Halloran, “Plain packaging on cigarettes and tobacco due in May 2017” Irish Times, October 4, 2016

68. **Norway**: Bill 142L, *Amendments to the Tobacco Control Act (implementation of Directive 2014/40/EU and standardised tobacco packaging)*, introduced in Norwegian Parliament June 10, 2016.

69. **Canada**: In the campaign for the October 19, 2015 national election, the Liberal Party (which won a majority) included plain packaging in its electoral platform.

70. **Canada**: Prime Minister Justin Trudeau, letter to Dr. Jane Philpott, Minister of Health, November 13, 2015 (Minister of Health Mandate Letter).

71. **Canada**: Health Canada, “Minister Philpott Launches Public Consultations on Tobacco Plain Packaging” May 31, 2016 (news release); Health Canada, “Consultation on “Plain and Standardized Packaging” for Tobacco Products. Potential measures for regulating the appearance, shape and size of tobacco packages and of tobacco products. Document for consultation.” May 2016 (released May 31, 2016).

72. **Slovenia**: *Draft Act restricting the use of tobacco and related products*, notification provided to the European Commission, May 26, 2016.

73. **Chile**: Bill N° 162/SEC/15 approved by Senate July 9, 2015, and forwarded to House of Deputies. Implementing regulations would be needed following adoption of the bill.

74. **Uruguay**: “Vazquez announces more measures to combat smoking” *El Diario*, November 24, 2015; “Next stage in the anti-tobacco campaign: Plain packs” *El Pais*, July 10, 2016.

75. **Uruguay**: *Philip Morris Brands Sàrl, Philip Morris Products S.A. and Abal Hermanos S.A. v. Oriental Republic of Uruguay*, International Centre for Settlement of Investment Disputes, ICSID Case No. ARB/10/7, July 8, 2016. The Philip Morris claim was brought under a bilateral Switzerland-Uruguay trade and investment treaty. ICSID is an arbitration body affiliated with the World Bank.

76. **Thailand**: World Trade Organization, Trade Policy Review Body, “Trade Policy Review, Thailand, Minutes of the Meeting, Revision”, November 24 and 26, 2015, document WT/TPR/M/326/Add.1/Rev.1, dated April 8, 2016; World Trade Organization, Trade Policy Review Body, “Trade Policy Review, Report by the Secretariat, Thailand” Document WT/TPR/S/326, October 10, 2015; Achara Deboonme, “Thailand faces tough fight on plain packaging”, *The Nation*, August 16, 2016.

77. **Singapore** Health Promotion Board, “Public Consultation on Potential Measures to Enhance Singapore’s Tobacco Control Policies” December 29, 2015 (news release).

78. **Belgium**: Minister of Social Affairs and Public Health, “Anti-tobacco plan with smoking ban in vehicles with children and excise increases” April 9, 2016 (news release).

79. **Romania**: *Law regarding the conditions for manufacturing, presentation and selling of tobacco products and modifying the Law no. 349/2002 regarding prevention and counteracting the effects of tobacco consumption*, PLx 272/2016, approved by Senate June 7, 2016, forwarded to Chamber of Deputies.

80. **Finland**: Finland Ministry of Social Affairs and Health, “Roadmap to a Tobacco-Free Finland: Action Plan on Tobacco Control” 2014 (published June 27, 2014).

81. **Turkey**: Government of Turkey, Turkish National Tobacco Control Program and Plan of Action 2015-2018; “Youth smoking on rise as authorities mull measures” *Daily Sabah*, August 27, 2016.

82. **South Africa**: Wendell Roelf, “S.Africa plans plain cigarette packaging by 2015 – minister” *Reuters*, July 24, 2014; Minister of Health statement at the 16th World Conference on Tobacco or Health, Abu Dhabi, United Arab Emirates, March 18, 2015; “No branding, logos or colours - SA gets tough on cigarettes” *City Press*, May 31, 2016; Rahima Essop, “Health dept pushes for plain packaged tobacco products” *Eyewitness News*, May 31, 2016.

83. **EU**: *Philip Morris Brands and Others*, European Court of Justice, May 4, 2016, Case C-547-14.

Front Cover: Packages from the United Kingdom, France

Back Cover: Packages from Australia



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